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Council Building  
2 High Street  
Perth  
PH1 5PH

03/01/2024

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 10 January 2024** at **09:30**.

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

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Ian Massie (Convener)  
Councillor Grant Stewart (Vice-Convener)  
Councillor Keith Allan  
Councillor Bob Brawn  
Councillor Dave Cuthbert  
Councillor Ken Harvey  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Bailie Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Bailie Mike Williamson



**Planning and Placemaking Committee**

**Wednesday, 10 January 2024**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 13 DECEMBER 2023 FOR APPROVAL**  
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 22/02133/MWM - NORTHERN LATERAL EXTENSION TO QUARRY WITH FURTHER EXCAVATION WORKS (FOR A TEMPORARY PERIOD), COLLACE QUARRY, COLLACE, PH2 6JB** **7 - 28**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/5)
- 5(1)(ii) 23/00144/AMM - ERECTION OF 29 DWELLINGHOUSES, 11 DETACHED GARAGES, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 02/01482/IPM), LAND TO THE NORTH OF A912, OUDENARDE, BRIDGE OF EARN** **29 - 58**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/6)
- 5(1)(iii) 23/00145/AMM - ERECTION OF 20 DWELLINGHOUSES, 4 DETACHED GARAGES, LANDSCAPING AND ASSOCIATED** **59 - 88**

**INFRASTRUCTURE (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 02/01482/IPM), LAND TO THE NORTH OF A912, OUDENARDE, BRIDGE OF EARN**

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/7)

- 5(1)(iv) 23/00146/AMM - ERECTION OF 17 DWELLINGHOUSES, 7 DETACHED GARAGES, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 02/01482/IPM), LAND TO THE NORTH OF A912, OUDENARDE, BRIDGE OF EARN** **89 - 118**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/8)
- 5(1)(v) 23/00592/IPM - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS ROAD, LANDSCAPING, SUDS AND ASSOCIATED WORKS (MU27) (IN PRINCIPLE), LAND 170 METRES SOUTH WEST OF 8 TAYVIEW, LUNCARTY** **119 - 152**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/9)
- 5(1)(vi) 23/00610/AMM - ERECTION OF 60 DWELLINGHOUSES AND 34 GARAGES, FORMATION OF SUDS BASIN, A SERVICE/ACCESS ROAD, PARKING AREAS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (PHASES 4 TO 6) (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/01595/IPM), FORMER GLENISLA GOLF COURSE, ALYTH** **153 - 182**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/10)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 23/00826/FLL - ERECTION OF DWELLINGHOUSE AND GARAGE AND ASSOCIATED WORKS, LAND 25 METRES WEST OF DUNCRIEVIE HOUSE, DUNCRIEVIE, GLENFARG, PERTH** **183 - 206**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/11)
- 5(2)(ii) 23/01095/FLL - ERECTION OF A DWELLINGHOUSE, LAND 20 METRES NORTH OF THE ORCHARD LOCHTY, ALMONDBANK** **207 - 226**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/12)
- 5(2)(iii) 23/01532/FLL - ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AND ERECTION OF GARAGE WITH ANCILLARY ACCOMMODATION UNIT, GATESIDE FARM, MEIKLEOUR, PERTH, PH2 6EN** **227 - 242**

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/13)

- 5(2)(iv) 23/01094/FLL - CHANGE OF USE, ALTERATIONS AND EXTENSION TO AGRICULTURAL STEADING TO FORM 7 DWELLINGHOUSES, ERECTION OF A DWELLINGHOUSE AND ASSOCIATED ANCILLARY OUTBUILDINGS, FORMATION OF ACCESS ROAD, PARKING AREAS AND ASSOCIATED WORKS, KINVAID FARM, MONEYDIE, PERTH, PH1 3HZ** **243 - 270**

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/14)

**6 PROPOSAL OF APPLICATION NOTICES (PAN)**

- 6(i) 23/00018/PAN - DEVELOPMENT OF WIND FARM COMPROMISING INSTALLATION OF 8 TURBINES (UP TO 48 MW), FORMATION OF ACCESS ROAD WITH PASSING PLACES, ANCILLARY DEVELOPMENT INCLUDING CRANE HARD STANDINGS AT TURBINE BASES, SUBSTATION, STORAGE COMPOUND, FORMATION OF A TEMPORARY CONSTRUCTION COMPOUND, LAYDOWN AREA AND ASSOCIATED WORKS, LAND 1.5KM NORTH EAST OF EARNIESIDE FARMHOUSE, DUNNING GLEN, DOLLAR** **271 - 282**
- Pre-Application Report by Strategic Lead - Economy, Development and Planning (copy herewith 24/15)

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Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/5)

<b>PROPOSAL:</b>	Northern lateral extension to quarry with further excavation works (for a temporary period)
<b>LOCATION:</b>	Collace Quarry, Collace, Perth, PH2 6JB

Ref. No: [22/02133/MWM](#)  
 Ward No: P2- Strathmore

### Summary

This report recommends approval of the application for an extension the existing Collace Quarry, extending the period of operations to 2052. The development is considered to broadly comply with the relevant provisions of the Development Plan and there are no material considerations that outweigh this conclusion.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is an existing quarry, operating under Minerals Permission PK/91/1845/MW, which will expiry on 31 December 2032. This permission limits the depth of the quarry operations but includes no limitation on the rate of extraction.
- 2 The existing quarry is bounded to the north-east by Dunsinane Hill which is identified as a Scheduled Ancient Monument (Dunsinane Hill Fort) and which forms part of Sidlaw Hills Local Nature Reserve and Local Biodiversity Site. The existing quarry is also provisionally identified as local geodiversity site.
- 3 The proposed northern lateral extension to the quarry extends into an area of ancient woodland.
- 4 Core Path BURR/20 Collace to Dunsinane Hill and Macbeth's Castle (also recorded in the Register of Public Right of Way as 37/20) runs between Collace and Dunsinane Hill, to the immediate north and north-east of the proposed quarry extension.
- 5 The site is approximately 500m south of the southern edge of the village of Collace and is accessed via the unclassified road which links the A94 and the B953. There are few residential properties within the proximity of the site with the closest properties in excess of 300m away.

- 6 Collace Quarry is operated by Tayside Contracts, a single purpose company jointly funded by three local authorities - Angus, Dundee, and Perth & Kinross. The supply of rock products and asphalt from Collace Quarry is an important part of the construction activity undertaken by Tayside Contracts in particular in maintaining local authority roads within these council areas. The primary function of Collace Quarry is to provide asphalt materials at competitive rates to the local authorities. The quarry also produces a drystone fill material for general construction work as secondary product.
- 7 Current planning permission provides for hard rock mineral extraction at Collace down to a floor level of 202mOD. The consent includes no limitation on the rate of mineral extraction but does require closure by 2032.
- 8 During current operations a weaker “brown/red” rock which is not suitable for coated roadstone products has been exposed in the south-east of the site. Subsequent investigation has confirmed that this weaker rock represents as much as 60% of the currently consented reserve which has significant implications for the continued operation of the coating plant which is the primary recipient of extracted rock from the site and of prime importance to Tayside Contracts and the local authorities it serves. In this regard remaining reserves of rock suitable for coated roadstone production are less than 5 years.
- 9 As a result, the current proposal has been submitted comprising the following main elements:
- A lateral extension to the site area to the north increasing the existing 12.4ha site by circa 2.2ha to allow continued mineral extraction in a phased manner with progressive restoration, extending the period of operations to 2052.
  - Completion of working within the existing site to current maximum depth (202m AOD) with the existing quarry benches above this level worked to final position within the quarry extension.
  - Further extraction below 202m AOD over part of the existing and extended quarry floor to a maximum depth of 178m AOD.
  - The phased restoration of areas of the site as they become worked out and available for seeding and planting.

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

- 10 The impact of the wider development site was screened for EIA ([22/00391/SCRN](#)) and it was determined that the proposal does not constitute an EIA development.

### **Pre-Application Consultation**

- 11 Pre application Reference: [22/00017/PAN](#)



## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework 4**

- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 14 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 5: Soils
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 22: Flood Risk and Water Management
  - Policy 23: Health and Safety
  - Policy 26: Business and Industry
  - Policy 33: Minerals

### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 50: Controlling the Environmental Effects of Surface Mineral Workings
  - PAN 64: Reclamation of Surface Mineral Workings

## **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2**

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic,

attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

18 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 49A: Minerals and Other Activities - Supply: Extraction
- Policy 49B: Minerals and Other Activities - Supply: Restoration
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

#### **OTHER POLICIES**

- Financial Guarantees for Minerals Development Supplementary Guidance February 2021

#### **SITE HISTORY**

- 19 [90/01622/FUL](#) Full Planning Permission was refused on 18 December 1990 for extension to quarry boundary. This was subsequently allowed on appeal.
- 20 [05/02288/FUL](#) Full Planning Permission was approved on 13 December 2005 for the erection of an open sided storage building.
- 21 [09/01239/FLL](#) Full Planning Permission was approved on 9 September 2009 for Installation of a sludge filter press.

- 22 [11/00003/WMP](#) was Approved on 10 October 2011 for Extractive Waste Management Plan.
- 23 [22/00391/SCRN](#) was Approved on 28 March 2022 for proposed extension to operations.
- 24 [22/00017/PAN](#) On 7 July 2022 for northern lateral extension to quarry with further excavation works.

## **CONSULTATIONS**

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

### **External**

#### **Historic Environment Scotland**

- 26 No concerns in relation to physical impacts to Dunsinane Hill. The current proposals have pulled the quarry edge to the south of the ridge-line which will reduce the impact of the proposed extension on views to and from the monument from significant to moderate. No objections but would encourage consideration of further mitigation measures to limit dust and noise, such as the use of spray-damping during quarry works.

#### **Scottish Environment Protection Agency**

- 27 No objections. The quarry has a PPC Part B Permit (PPC/B/1004343) for a roadstone coating plant and a Paragraph 13 Waste Management Exemption (WML/XS/1031534) for the processing of waste material generated by the quarrying activities. Neither of these authorisations shall be affected by the proposed extension of the quarry.
- 28 The site also has a CAR Licence (CAR/L/1000938) in relation to a discharge from its surface water treatment lagoons. The proposal is not expected to have a negative impact on the efficiency of the surface water treatment lagoons.

#### **Health And Safety Executive**

- 29 No comments. The site is not within an HSE consultation zone.

#### **Dundee Airport Ltd**

- 30 No objections.

#### **RSPB**

- 31 No comments.

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

- 32 The submitted Cultural Heritage Assessment is a robust document that fully considers the historic environment. No archaeological mitigation is required.

### **Burrelton And District Community Council**

- 33 No comments.

### **Internal**

### **Transportation And Development**

- 34 No objections, subject to conditions on additional signage and road markings.

### **Structures And Flooding**

- 35 No objections.

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

- 36 No objections, subject to conditions to control external lighting, noise, vibration and dust.

### **Development Contributions Officer**

- 37 The site is located in the 'Reduced' Transport Infrastructure contributions zone. However, the quarry will continue to produce minerals in accordance with current extraction rates and will not alter current traffic generation or distribution patterns. Therefore, no contributions required.

### **Commercial Waste Team**

- 38 The existing bin store is sufficient for the site. No objections.

### **Biodiversity/Tree Officer**

- 39 No objections, subject to a condition requiring the submitted Ecological Impact Assessment to be strictly adhered to.

### **Community Greenspace**

- 40 No comments.

### **REPRESENTATIONS**

- 41 No representations were received.

## ADDITIONAL STATEMENTS

42

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Pre-Application Consultation Report Ecological Impact Assessment Vibration And Blasting Assessment Environmental Noise Assessment Air Quality Assessment Landscape And Visual Impact Assessment Cultural Heritage Assessment Hydrological And Hydrogeology Review Transport Statement Extractive Waste Management Plan Planning And Environmental Review Restoration Liability Assessment Report

## APPRAISAL

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

### Principle

44 NPF4 Policy 33: Minerals and LDP2 Policy 49: Minerals Extraction state that support will be given to proposals for minerals extraction where it would assist in maintaining, as a minimum, a ten-year landbank of construction aggregates within a recognised market area. The applicant estimates that there is an existing shortfall in the landbank for hard rock aggregates within the Perth market area, with existing quarries serving the market due to be worked out in the next 4-8 years. Whilst the proposal will not wholly fulfil the needs of the market beyond this time the proposal will assist in maintaining a supply of hard rock aggregates and asphalt close to Perth, fulfilling an existing and demonstrable need.

- 45 The application seeks to extend an existing quarry that has been in operation for 30 years. The existing impacts of the operations on local communities and the environment are understood and appropriate mitigation is in place to offset any adverse effects. Information has been submitted in support of the application assessing any additional impacts on communities and the environment arising as a result of the proposed extension. These matters are considered in further detail in the relevant headings below.
- 46 Overall, the proposal is acceptable in principle subject to compliance with relevant development plan policies.

### **Landscape and Visual Amenity**

- 47 NPF4 Policy 4: Natural Places advises that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. LDP2 Policy 39: Landscapes states that development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 48 The site is situated in the Sidlaw Hills Local Landscape Area (LLA). A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. Baseline desktop studies were conducted to determine the current features and character of the landscape within and surrounding the site, and sensitive visual receptors and important views present.
- 49 The quarry extension area essentially reflects the physical geology, location of material aggregate and engineering requirements for the extraction of material. Visual effects will vary during extraction and progressive restoration of the quarry. The lateral extension will generate a quarry void that appears larger from the summit of Dunsinane Hill. However, the progressive restoration of the southern part of the quarry, and the initial benches along the northern edge of the quarry will substantially moderate this.
- 50 Visual effects are experienced in two key contexts, within the wider lowland agricultural surroundings of Dunsinane Hill to the north, and then at the summit of Dunsinane Hill itself. In terms of locations to the north, effects are considered to be minor, relating primarily to small changes in vegetation context. From the summit of Dunsinane Hill, views into the quarry are possible, and the proposed lateral expansion and deepening would be noticeable in views of the quarry. Visual effects generated by the proposals would be no greater than moderate and, in the context of the proposal forming an extension to the existing quarry, the landscape and visual impact is considered to be acceptable.

## **Noise, Dust and Vibration**

### Noise

- 51 A Noise Impact Assessment (NIA) has been undertaken and submitted along with the application. Predictions were made for noise sensitive locations where existing noise levels were measured: New Farm (Collace Village), Hoolmyre, and Hoole, together with a fourth location, Woodburn Cottage (Bandirran). These locations were selected as they are the closest dwellings to the quarry.
- 52 Mitigation measures have been incorporated into the proposed working method of the development. The measures include ensuring that only a down-the-hole type rig is used for the upper 248m bench in the northernmost extent of the extension area which is the most exposed area to Collace village. Primary crushing at the 224m bench level is also to be kept at a distance of at least 50m east of the north western corner of the Phase 1 extraction area which will be the highest level where crushing will take place.
- 53 Environmental Health has considered the NIA and offer no objections subject to the proposed mitigation measures being incorporated into the working methods (Conditions 7-12).

### Vibration

- 54 An Assessment of the Environmental Effects of Vibration (AEEV) has been undertaken and submitted along with the application. Environmental Health has assessed the proposal and its compliance with PAN 50 Annex D: The Control of Blasting at Surface Mineral Workings. Environmental Health offer no objections subject to a condition requiring operations to comply with the recommendations of the AEEV (Condition 13).

### Dust

- 55 An Air Quality Assessment (AQIA) have been undertaken and submitted along with the application. The assessment undertaken predicted that dust effects from mineral extraction would be negligible at residential properties and any dust occurrence events will be limited and of short duration these can be further minimised by the implementation of the dust control recommendations.
- 56 Environmental Health has no objections subject to the implementation of the proposed dust mitigation measures being required by condition (Condition 14).

## **Roads and Access**

- 57 The quarry has two vehicle accesses to the site, with the most northern one being the primary access for HGVs and the southern access being for exiting only of HGVs. The northern access will have vehicles accessing and egressing from the site, particularly vehicles entering the offices.

- 58 The applicant has provided an estimate of the number of vehicles that enter and exit the site on a normal operational day, with 40 HGVs entering and exiting the site, along with staff car movements which are estimated to be approximately 10 vehicles per day. The estimated trips have approximately 60% heading to the south and 40% heading to the north on the C441.
- 59 The applicant has engaged with the Traffic & Network Team to agree the following improvements on the C441 within Collace:
- Making the temporary 20mph speed limit through Collace permanent.
  - Introducing permanent Vehicle Activated Signs at either end of the village showing the drivers their speed, similar to what is installed nearby in Burrelton. It is intended that these would be solar powered and include messaging.
  - Introducing an Edge of Carriageway road marking which will reduce the carriageway running width by 0.5m, encouraging slower speeds.
  - Introducing '20mph' and 'SLOW' road markings along with roadside advance warning signage.
- 60 Transport Planning has assessed the proposal and has no objections subject to the imposition of a condition (Condition 15) requiring the implementation of the above improvements on the C441.

### **Drainage and Flooding**

- 61 An existing water management system is in place at the site. Water from the quarry void is currently conveyed to two lagoons on the south-western site boundary where the water is settled before being discharged to an unnamed drainage ditch which subsequently joins a small watercourse running south-west.
- 62 SEPA has confirmed that the site has a CAR Licence in relation to a discharge from its surface water treatment lagoons. The discharge is regularly monitored and the results indicate that the lagoons work well and, therefore, given the size of the proposed extension to the quarry, it is not expected to have a negative impact on the efficiency of the surface water treatment lagoons.
- 63 SEPA and the Council's Structures and Flooding Team have been consulted and both have raised no objection in relation to the drainage and flooding issues associated with the site. The proposal is therefore considered to comply with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

### **Conservation Considerations**

- 64 A Cultural Heritage Assessment has been submitted in support of the application. Dunsinane Hill Fort is listed as Scheduled Ancient Monument (SM1595) by



Historic Environment Scotland. This hill fort is located approximately 135 metres to the east of the existing quarry but the scheduled area takes in the surrounding area and extends to approximately 50 metres of the quarry. It is not proposed to extend the quarry face closer to the existing hill fort.

- 65 Extensive pre-application discussions have been held with Historic Environment Scotland (HES). This has seen a reduction in the scale of the proposed extension to keep it to the south of the ridge-line which was identified as critical by HES. HES was consulted on the application and has welcomed the reduction in the scale of the proposed extension, noting that this reduced the impact of the development below the threshold of significant impact, but that the scheme retained a moderate impact upon the setting of Dunsinane Hill. They further note that the quarry face restoration scheme has been sensitively designed to consider views to and from the monument at Dunsinane Hill, and thus can expect that once quarry operations are finished the setting impact will be reduced from moderate to minor.
- 66 HES conclude that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, they would encourage consideration of further mitigation measures to limit dust, such as the use of spray-damping during quarry works (Condition 14).
- 67 PKHT has also been consulted on the proposal and has advised that they agree with the recommendations of the Cultural Heritage Assessment that no archaeological mitigation is required.
- 68 Overall, the proposal complies with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

### **Natural Heritage and Biodiversity**

- 69 An area of approximately 0.44ha of Ancient Woodland Inventory (AWI) will be directly impacted by the quarry extension. In terms of ancient woodland, as a long-established mixed conifer plantation (Class 2b) it is of lower importance. Management has resulted in the removal of any shrub layer and the establishment of a grassy field layer with no heath. Approximately 3.28ha of the ancient woodland lies outside the quarry footprint. Compensatory planting will be carried out in Phase 1 of operations on an area to the north of the extension covering an area of 2.22ha. Removal of woodland from the southern sector of the AWI will ensure that there is no fragmentation to further devalue the integrity of the site. Losses are therefore in the low range of magnitude.
- 70 The submitted Extractive Waste Management Plan and associated site plans show that soils and overburden will be retained on site and utilised for the site restoration. A condition is recommended to this effect (Condition 5). This is in compliance with NPF4 Policy 5: Soils and LDP2 Policy 51: Soils, which seek to protect and consider opportunities to re-use soils necessarily excavated from the site.

- 71 NPF4 Policy 3: Biodiversity and LDP2 Policies 41: Biodiversity, seek to protect and enhance wildlife and habitats. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 72 The submitted ecological survey information is in accordance with best practice and was undertaken at the correct time of year over two seasons to give more information. The submitted Ecological Impact Assessment is thorough and comprehensive. All recommendations made in the Report must be adhered to in full (Condition 16).
- 73 The proposed restoration plans are comprehensive and demonstrate biodiversity enhancement and include the provision of exact habitat types for a range of invertebrate species. A condition will ensure that the restoration plans are adhered to in full (Condition 4).

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

- 74 The applicant for this proposal is Tayside Contracts, which is a joint committee constituted by the 3 Councils of the former Tayside area of Dundee, Angus and Perth & Kinross. In view of this, the lease of the quarry was entered in to between the landowner and PKC, as the tenant, and not with Tayside Contracts. That is consistent with the Memorandum of Understanding between the 3 councils, which provides that the Council in which a site is located will acquire or lease the ground.
- 75 The normal approach for minerals applications, as required by LDP2 policy 49B and the Financial Guarantees for Minerals Development Supplementary Guidance, is for a bond to be obtained by the developer and for the maintenance of that bond for the duration of the consent. However, the situation as set out above would require the Council (as tenant) to contract with itself (as developer), which is not possible nor competent.
- 76 Legal advice has been sought on this matter. In these unusual circumstances the advice received is that, providing the planning assessment concludes that development plan policies and material considerations are complied with, the Council should be prepared to depart from its policy and established practice and be prepared to grant the application without either a s75 agreement or bond.
- 77 The purpose of a bond is to provide certainty to the Council that the site restoration costs will be met at the end of the consent if the developer defaults or becomes insolvent, but in most cases this safeguard will not be called upon. A valuation of the remediation costs has been provided and that valuation figure has been peer reviewed, as is required by the Guidance. The restoration guarantee amount as reviewed on behalf of PKC is £243,780.15.

- 78 There is a requirement for phased restoration over the life of the consent and therefore the restoration guarantee figure is the maximum cost, which can be expected to reduce as the phased restoration is completed. In addition, the Council, as tenant, has already contracted (on behalf of Tayside Contracts) with the landowner to comply with any planning obligations to restore/remediate the site.
- 79 As an alternative arrangement, a letter has been provided, signed by the Managing Director of Tayside Contracts, in which they acknowledge the situation set out above and that, ordinarily, a bond and related s75 agreement would be required to ensure that the applicant's restoration obligations are complied with. The letter acknowledges that the site will have to be remediated by Tayside Contracts in accordance with the approved restoration scheme, and that they undertake to comply with that requirement.
- 80 Planning permission 'runs with the land' and accordingly the justification for the policy departure would cease to apply in the event that Tayside Contracts assigned its interest in the site. Given that PKC is the tenant of the site, it will not be possible for a third party to take over from them without the Council's approval. Accordingly, appropriate security could be insisted upon at that point as part of any approval to be given by the Council.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 81 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**

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

#### **RECOMMENDATION**

**Approve the application**

## Conditions and Reasons for Recommendation

1. All extraction operations within the site shall be completed by 31 December 2052.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. Within one year of the termination of operations or the expiry of the term of approval specified in Condition 1, whichever is the earlier, all structures, plant and machinery associated with the quarry shall be removed in full from the site to the satisfaction of the Council as Planning Authority. Termination of operations shall be deemed to be on the cessation of extraction operations for a period of 6 consecutive months or longer.

Reason - In accordance with the terms of the application and for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

3. The extraction operations shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans and submitted documentation herewith approved. No deviations from the phasing plan shall be permitted. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

4. All works for the progressive restoration and landscaping of the site shall be implemented in line with the hereby approved restoration and landscaping plans and the Restoration Liability Assessment (RAL) and RAL Review.

Reason - In the interests of visual amenity.

5. All top soil and overburden removed in connection with the quarry extension shall be stored wholly within the working quarry boundary, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and ensuring appropriate restoration of the quarry.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity.

7. 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 - In the interests of residential amenity.

8. During the hours of 07:00 – 23:00, noise from quarry operations shall not exceed 45 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.

Reason - In the interests of residential amenity.

9. During the hours of 07:00 – 23:00, noise from operations including roadstone plant equipment shall not exceed 42 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.

Reason - In the interests of residential amenity.

10. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks.

Reason - In the interests of residential amenity.

11. All mitigation measures incorporated within working methods as described within Section 9.1.3 of the Noise Impact Assessment (NIA) shall be adhered to. The NIA was undertaken by Vibrock Ltd, Reference R22.10906/3/RK, dated 9 November 2022.

Reason - In the interests of residential amenity.

12. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with the relevant condition above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with the relevant condition(s) a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason - In the interests of residential amenity.

13. All recommendations within Section 11 of The Assessment of the Environmental Effects of Vibration, undertaken by Vibrock Ltd, Reference R22.10908/2/JH, dated 9 November 2022 shall be fully implemented to ensure a vibration limit of 6 mms-1 peak particle velocity for 95% of blasts can be met. In the event of a justified vibration complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a vibration assessment to verify compliance.

Reason - In the interests of residential amenity.

14. Prior to the commencement of development, a Dust Management Plan for the development shall be submitted to and agreed in writing by the council as Planning Authority and Environmental Health, the DMP shall include monitoring and complaints procedures and dust control mitigation measures as outlined in Sections 3 & 7 of Air Quality Assessment Report No. R22.10907/2/JH dated 9 November 2022. The agreed scheme shall thereafter be implemented throughout the operations of the development.

Reason - In the interests of residential amenity.

15. Within six months of this decision notice, the developer shall provide for the written agreement of the Planning Authority, the following mitigation measures, as noted on Drawing 22/02133/08:

- Vehicle Activated Signs at either end of the village showing the drivers their speed
- Edge of Carriageway road markings
- '20mph' and 'SLOW' road markings along with roadside advance warning signage.

The agreed mitigation measures shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

16. The conclusions and recommended action points within the supporting Ecological Impact Assessment undertaken by ECOS Countryside Services LLP, dated 9 November 2022, shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting biodiversity.

## **JUSTIFICATION**

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

## PROCEDURAL NOTES

None, refer to paragraphs 74 – 80 above.

## INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#) as it contains advice relevant to your development.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild

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

7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, 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.
9. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Background Papers: 0 letters of representation  
Contact Officer: Alex Gudgeon  
Date: 11 December 2023

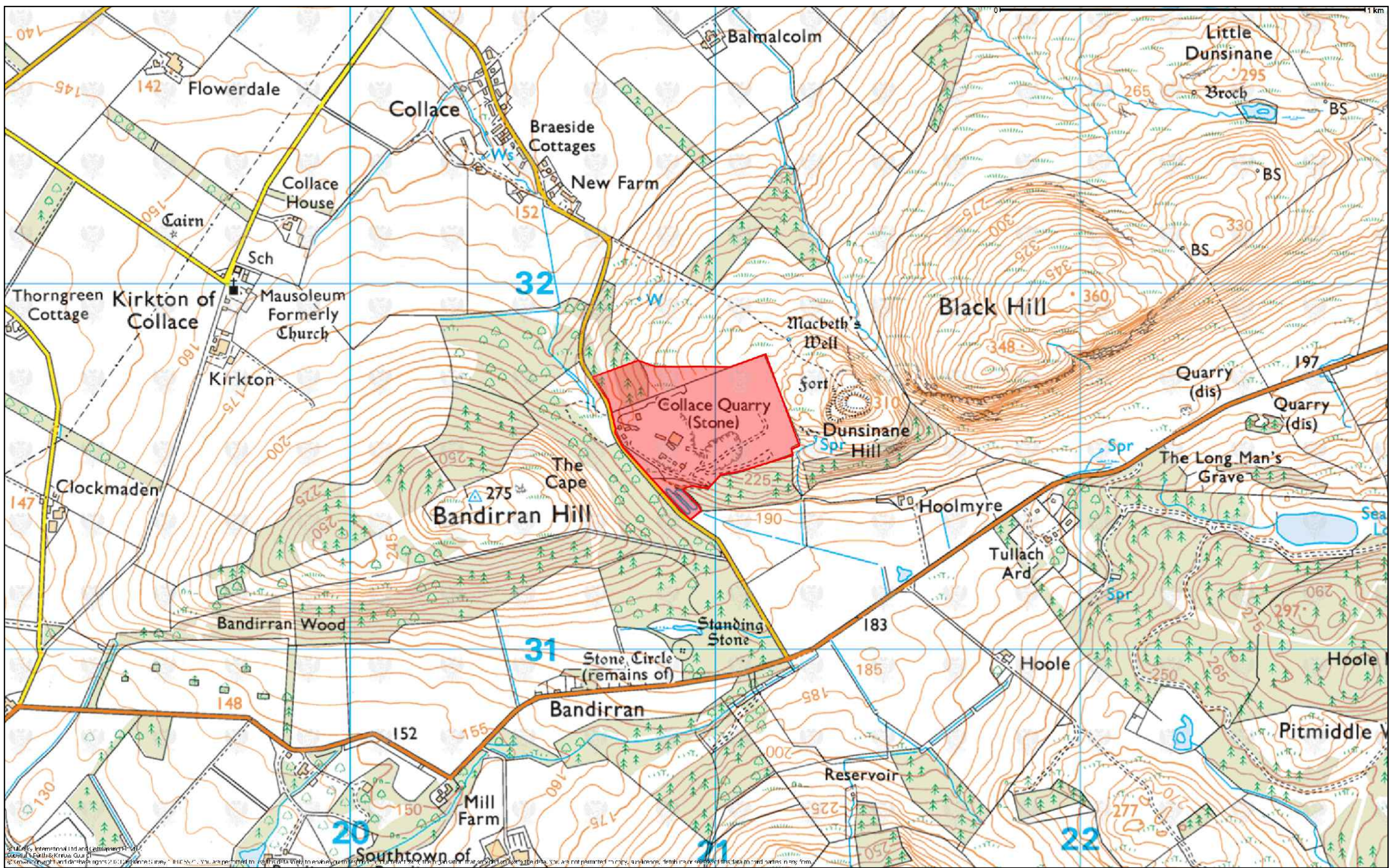
**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING**

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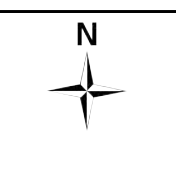
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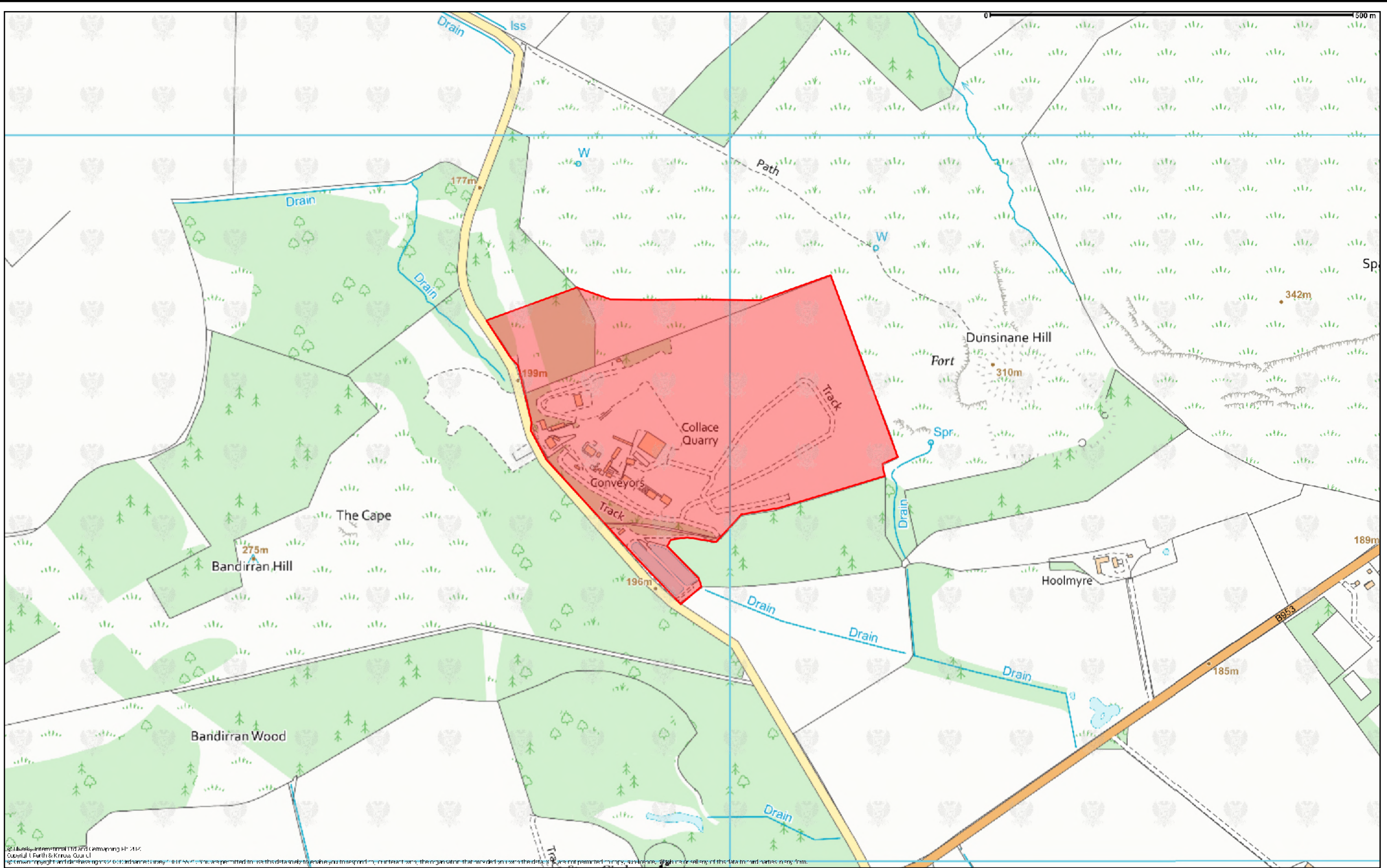
Planning and Placemaking Committee - 10 January 2024  
Scale 1:10000



22/02133/MWM  
Northern lateral extension to quarry with further excavation works (for a temporary period) at Collace Quarry, Collace







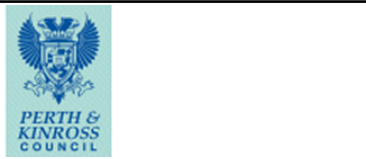
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Planning and Placemaking Committee - 10 January 2024  
Scale 1:5000



22/02133/MWM  
Northern lateral extension to quarry with further excavation works (for a temporary period) at Collace Quarry, Collace





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/6)

**PROPOSAL:** Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM)

**LOCATION:** Land to the North of A912 at Oudenarde, Bridge of Earn

Ref. No: [23/00144/AMM](#)

Ward No: P9- Almond And Earn

### Summary

This report recommends approval of the Approval of Matters Specified by Condition (AMSC) application for the erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM) at Oudenarde, Bridge of Earn.

Overall the proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning Permission in Principle (PPP) (02/01482/OUT) was granted in September 2016 for a residential, commercial, and industrial development with associated school provision, open space, and landscaping. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and 08/01458/FUL) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. Other permissions associated to roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. Planning permission for part of Phase 2A of 159 dwellings(16/02156/AMM) was approved in October 2020 following a call-in by Scottish Ministers. Development has recently commenced (October 2023). As part of the call-in a Modification Order of the PPP was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions. A detailed planning history is set out in the 'Site History' section below.

2. The application site comprises an area of relatively level ground between the A912 to the south, the Edinburgh-Perth railway line to the north, the M90 to the west with Bridge of Earn beyond, whilst immediately east is undeveloped land that has permission for 159 dwellings (16/02156/AMM). Beyond that is undeveloped land. The A912 road has been upgraded to facilitate the development of land and includes a roundabout to provide access to areas to both its north and south.
3. Oudenarde (including the proposed site) is allocated in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 (H15) for mixed use development, with an indicative residential capacity of 1,600 dwellings.
4. More recently, planning permission for 66 bungalow style dwellinghouses, ranging from 2-3 bedroom in size, and for associated landscaping and infrastructure immediately north-west of the A912 roundabout was the second AMSC permission approve under the amended PPP. Planning application reference 21/00615/AMM refers.
5. This application, alongside planning applications 23/00145/AMM and 23/00146/AMM, currently pending consideration, represent 'Phase 2a' which relate to the same site as that previously approved under 21/00615/AMM and the overall number of dwellings remain the same. All three AMSC applications have been submitted due to changes across the site which were deemed to be material and therefore could not benefit from a non-material variation under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).
6. This application relates to plots 1-29. The number of properties has not increased, the position in general terms of housing plots has not been revised, however there have been changes to house types, finishing materials, finished floor levels, boundary treatments, garage positions and road layout.
7. The proposal includes a landscape buffer along the southern edge, adjacent to the A912 and along the western boundary with the M90 southbound slip road. Cycling and walking routes would run through these landscaped buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. A central landscape strip is proposed within planning application reference 23/00145/AMM and recycling area is proposed in the northeast corner of the site, within planning application reference 23/00146/AMM, near the access to the future park and ride site.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

8. During the Scottish Government call-in of the Phase 2 application, the DPEA screened the overall site and found that an EIA was not required. This position continues to be accepted by the Council.

## **Pre-Application Consultation**

9. The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

## **DEVELOPMENT PLAN**

10. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

11. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
12. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
13. The Council's assessment of this application has considered the following policies of NPF4:
14. The principal relevant policies are, in summary;
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 6: Forestry, Woodland and Trees
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 18: Infrastructure First
  - Policy 19: Heating and Cooling
  - Policy 20: Blue and Green Infrastructure
  - Policy 22: Flood Risk and Water Management
  - Policy 23: Health and Safety

## **Perth and Kinross Local Development Plan 2**

15. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
16. The principal relevant policies are, in summary:
  - Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 1D: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 14A: Open Space Retention and Provision: Existing Areas
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 23: Delivery of Development Sites
  - Policy 24: Maintaining an Effective Housing Land Supply
  - Policy 25: Housing Mix
  - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 39: Landscape
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 54: Health and Safety Consultation Zones
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 58A: Contaminated and Unstable Land: Contaminated Land
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

17. [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)



[Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)

[Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)

[Supplementary Guidance - Placemaking](#) (adopted in 2020)

## **OTHER POLICIES**

### **Non-Statutory Guidance**

18. [Planning Guidance - Delivery of Development Sites](#)  
[Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)  
[Planning Guidance - Planning & Biodiversity](#)

### **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

20. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Creating Places 2013**

21. Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes

that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

- 22 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **SITE HISTORY**

24. The following planning history is relevant:
25. **00/00573/OUT** Proposed new settlement development including residential, commercial, and industrial development with associated roads, school provision, open space, and landscaping. Application Withdrawn December 2001.
26. **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space, and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
27. **[02/01482/IPM](#)** Formation of residential, commercial, and industrial development with associated school provision, open space, and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions.
28. **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
29. **[06/01881/FUL](#)** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.

30. [07/00401/FUL](#) Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
31. [07/01791/FUL](#) Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
32. [08/00582/FUL](#) Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
33. [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.
34. [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
35. [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
36. [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
37. [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
38. [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.
39. [16/02156/AMM](#) Erection of 159 dwellinghouses with associated roads, drainage, and landscaping. Approved following a call-in by Scottish Ministers October 2020.
40. [21/00615/AMM](#) Erection of 66 dwellinghouses, 16 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) Approved by Planning and Placemaking Committee on 20 January 2022.
41. [23/00145/AMM](#) Erection of 20 dwellinghouses, 4 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/1482/IPM) (pending consideration).

42. [23/00146/AMM](#) Erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM) (pending consideration).

## **CONSULTATIONS**

43. As part of the planning application process the following bodies were consulted:

### **External**

44. **Scottish Water** - No objection as there is capacity for water and wastewater in the area.
45. **Transport Scotland** - No objection, subject to recommended condition regarding trigger for M90 slip road junction works which accords with the PPP (as modified).
46. **Perth And Kinross Heritage Trust** - No objection but advise that the site may have some archaeological potential and development will require monitoring.
47. **Scottish Environment Protection Agency** - No objection on the grounds of flood risk.
48. **Earn Community Council** - Concerned about impact on primary education and health care provision, road safety, flood risk, landscaping and play park provision.
49. **National Health Service** – No objection, it is recognised this is an allocated site and that no comments were provided from NHST or the HSCP on the LDP2 at the consultation stage.

### **Internal**

50. **Transportation And Development** - No objection subject to standard conditions including one for bus stop provision on the A912.
51. **Environmental Health (Noise Odour)** An Air Quality Assessment was requested (see paragraph 93 below).
52. **Development Contributions Officer** – Notes planning permission 02/01482/IPM. A Section 75 Agreement is in place for this site which requires payment of developer contributions linked with development thresholds and occupation of units. The application site boundary represents the development parcel “R21” identified on the Phasing Arrangement Plan approved with 16/02156/AMM. In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in “phase 1” (R21) and 37no units in “phase 2” (R22). The proposed application represents a change in

housetype/ design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.

- 53. **Community Waste Advisor** – No Objection.
- 54. **Structures And Flooding** - No objection provided a drainage condition is applied with any permission.
- 55. **Environmental Health (Contaminated Land)** - No objection as no records of contamination within proposed site.
- 56. **Biodiversity/Tree Officer** – An Ecological Impact Assessment (EclA) was requested by the Biodiversity Officer, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied, other than those conditions applied to 21/00615/AMM which will be reapplied here (Conditions 12-18).
- 57. **Strategy and Policy** – No response, however, the same condition will be applied as previously recommended through 21/00615/AMM in regards to low and zero carbon technologies (Condition 20).
- 58. **Community Greenspace** – No response.

**REPRESENTATIONS**

- 59. One representation was received from Earn Community Council. The main issues raised within the representation are:
  - Impact on primary education and health care provision;
  - Road safety;
  - Flood risk;
  - Landscaping and play park provision.
- 60. These issues are addressed in the Appraisal section of the report.

**ADDITIONAL STATEMENTS**

61.

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Supporting Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## **APPRAISAL**

62. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Since the application was presented to the October 2017 Planning and Development Management Committee there has been a Development Plan change, with the adoption of NPF4 (February 2023) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

### **Principle**

63. The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards providing high quality, affordable and sustainable homes (Policy 20, 24 and 25 of the LDP2 and Policy 16 of the NPF4), liveable places (design, quality and place) (Policies 1, 2, 55-58 of the LDP2 and Policy 14 of the NPF4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policy 17 of LDP2 and Policy 15 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4) and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
64. The principle of residential development is well established through the allocation of Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented to the northwest, 108 of which have been completed. A further 159 dwellings (16/02156/AMM) were consented for the south of the site in October 2020, and development has recently commenced.
65. The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

### **Transport and Access**

66. During the 16/02156/AMM application that was called in, the PPP was modified to include triggers for required and approved works to be carried out on the adjacent M90 trunk road. Condition 6 of Modified PPP requires the approved slip road junction interchanges to be constructed by the time the 348<sup>th</sup> dwelling is constructed. Based on the approvals to date, it is possible that the dwellinghouse number in this proposal will trigger this requirement during its implementation.
67. In the event that this trigger could be reached, it is pragmatic that the applicant is reminded of the requirement and what is expected to be delivered by them.

Proposed Condition 7 is therefore recommended to be applied to this approval, to reflect the requirements of Condition 6 of the modified PPP. Therefore, the proposal is not considered to have any adverse impact on the Trunk Road network and is in compliance with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

#### Local Road Network

68. Transportation and Development have reviewed the proposal and they are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. The laybys on the A912 near the site entrance have been designed and constructed to accommodate the provision of bus stops. Condition 4 will ensure this is provided by the start of the proposed second phase of this proposal. Conditions 2, 3, 5 and 6 will ensure all transport related works are completed to the required standards.

#### Internal Road and Parking

69. The internal road layout was previously approved and has been implemented on site. In terms of car parking, the developers have provided in-curtilage parking down the sides of houses at the key access points to the site to help reduce the visual dominance of cars. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
70. A Construction Traffic Management Scheme (CTMS) will be required prior to the commencement of development, and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 6).
71. Overall, the proposal complies with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60 Transport Standards and Accessibility Requirements. as the trunk road and local transport network can accommodate the proposed level of traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

#### **Phasing and Delivery**

72. As advised by both Transport Scotland and PKC Transportation and Development, the current proposal, if constructed after or in tandem with the 16/02156/AMM approval, could reach or exceed the 348-dwelling trigger in Condition 6 of the modified PPP for the delivery of the M90 slip road junctions. As already mentioned, Condition 7 recommended within this application is worded to remind the applicant of their obligation for these works to be carried out should this phase trigger the number of dwellings specified.

73. There are other infrastructure and phasing matters that are provided for within the Section 75 Legal Agreement secured as part of the PPP application. Also, in conjunction with this, the approved Phasing Plan submitted under 16/02156/AMM, several clauses and triggers for the approval of detailed matters were included. The current proposal requires the following to be met:
- Clause 8.2: Structural Planting for each development parcel. This is proposed to be delivered in conjunction with this application.
  - Clause 10.3.2: Construct and practically completion or procure the construction and practical completion of the bridge over the rail line linking it with the identified area for the primary school. It makes sense to start providing the required bridge in tandem with approval of this site incorporating 23/00145/AMM and 23/00146/AMM as construction activity will be in the same area. Once the bridge is complete this will in turn trigger the construction of the first phase of the required primary school (Clause 10.3.4).
  - Clause 11: Education Contributions. The first education contribution will be required to be paid before any open market dwelling can be occupied.
74. Delivery of the bridge must be provided no later than the completion of this phase, incorporating planning applications 23/00145/AMM and 23/00146/AMM and will need permission in its own right plus other technical approvals. The bridge over the rail line will be a significant milestone for the development of Oudenarde, as it will open up the site for further development proposal, including the primary school, village centre, sports pitches etc. It will also provide the residents of the existing affordable housing development with improved and quicker access to the M90 and beyond.

### **Density, Design and Layout**

75. Through Creating Places 2013, the Scottish Government signaled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, with it being important at all scales of development.
76. Further Designing Streets, published in 2010 by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
77. In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case, the 3 combined



applications (23/00144/AMM, 23/00145/AMM and 23/00146/AMM) include two vehicular and four pedestrian/cyclist access points. It is considered to be a highly permeable and well-connected site, within the approved Oudenarde Masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014, NPF4 Policy 20 – Blue and Green Infrastructure, LDP2 Policy 42 – Green Infrastructure, NPF4 Policy 13 Sustainable Transport and Policy 60 - Transport Standards and Accessibility Requirements.

78. When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible, i.e., doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn. The proposal is in line with PAN 77 – Designing Safer Places, NPF4 Policy 14 – Design, Quality and Place and LDP2 Policy 1 – Placemaking.
79. The proposal consists of 29 single storey bungalow style dwellings. In isolation the proposal for just bungalows does not comply with LDP2 Policy 25 – Housing Mix, however, when assessed cumulatively with the extant approvals for Phase 1 and 2 developments, which are mainly 2 storey dwellings ranging from 2–5-bedroom dwellings, together with the mix for the wider masterplan site likely to come forward, the provision of 29 bungalows adds to the housing mix and provides added choice for house purchasers. In addition, the closest residential development at Brontonfield is all bungalow style dwellings. It is therefore considered to comply with LDP2 Policy 25 – Housing Mix.
80. In terms of materials, an acceptable palette of materials is proposed. The Applicant proposes finishes of white roughcast render, buff facing brick and base course, and smooth grey roof tiles. This will deliver a reasonably consistent design approach with Phase 1 and the first approval of Phase 2A (16/02156/AMM) and will help integrate the development into the locale.
81. The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.

82. Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a mix of open market housing within the overall site that complies with NPF4 Policy 14 – Design, Quality and Place, NPF4 Policy 16 – Quality Homes, LDP2 Policy 1 – Placemaking, Policy 25 – Housing Mix and Placemaking Guidance 2020.

### **Drainage and Flooding**

83. The site is located within an area of very low risk of fluvial flooding from the River Earn (less than 0.1% chance of flooding each year). The Community Council have raised concerns about flooding in the area. However, as the site topography is flat and predominantly clay, a Drainage Assessment has been submitted, and has been assessed by the Council's Structures and Flooding Team.
84. The SEPA surface water flood mapping shows that small areas within the development site have a medium risk of surface water flooding (0.5% chance of flooding each year). There is an area of high surface water flood risk to the south, however, this appears to drain away from the site.
85. The Structures and Flooding team have advised further drainage details are required, however, this can be controlled through condition. A condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19).
86. The Scottish Environmental Protection Agency (SEPA) also confirmed through the previous approval (21/00615/AMM) that there will be no adverse impact on flooding or drainage capacity in the area, however, a condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19). The proposal therefore complies with NPF4 Policy 22 – Flood risk and water management, LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage.

### **Open Space and Recreation Provision**

87. The approved PPP masterplan looks to provide a wide range of open space play area and sports pitches to meet the needs of the existing and future residents.
88. Landscape buffers are proposed to the southern boundary and western boundaries. The play area approved under 16/02156/AMM within the central landscaped strip to the north of the red line site boundaries (located within planning application reference 23/00145/AMM) has been removed. There is no requirement to provide a play park within this phase of the development. Within the approved PPP masterplan there is a LEAP shown in Phase 2A (R1) and in Phase 5 (R16), as well as a NEAP in Phase 4.
89. It is considered that the location of proposed open space and landscape buffers is acceptable. The proposal, therefore, complies with NPF4 Policy 21: Play

Recreation, and Sport and LDP2 Policy 14 – Open Space Retention and Provision.

## **Residential Amenity**

### Overlooking

90. All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings. In addition, all the dwellings are bungalows on a flat site so there will be no elevated house plots that will cause any overlooking issues.

### Overshadowing, loss of sunlight and daylight

91. The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
92. Taking cognisance of this BRE document, the distances between new and existing properties and site levels, it is considered an acceptable level of daylight and sunlight will be provided to each property. Overall, in terms of residential amenity the proposal complies with NPF4 - Policy 14: Design, Quality and Place and LDP2 Policy 1 – Placemaking and the Placemaking Guidance 2020.

### Air Quality

93. An Air Quality Assessment was requested, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.

## **Ecology**

94. The Council's Biodiversity Officer requested an Ecological Impact Assessment (EclA) be submitted, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.
95. Acceptable levels of landscape buffers of 10 metres around the perimeter of the site and through the centre will provide a high number of native trees and will result in a biodiversity enhancement to what is currently on site. Subject to a number of biodiversity conditions (12 to 18), the proposal complies with NPF4 Policy 3 and LDP2 Policy 41 – Biodiversity.

## **Archaeology**

96. PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate

stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 5).

### **Waste**

97. The Council's Waste Services team have provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. A recycling centre is proposed in the north-eastern corner (planning application reference 23/00146/AMM). An informative will ensure the collection of waste will address the bin requirements (Informative 17).

### **Developer Contributions including Affordable Housing**

98. The site has PPP under 02/01482/IPM. The associated S75 Legal Agreement established the developer contribution requirements and payment time scales.
99. The application site boundary represents the development parcel "R21" identified on the Phasing Arrangement Plan approved with 16/02156/AMM. In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in "phase 1" (R21) and 37no units in "phase 2" (R22).
100. The proposed application represents a change in housetype/design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.
101. As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses (planning approvals 05/00410/FUL and 08/01458/FUL), of which 108 dwellinghouses have been constructed with 42 still to be built under the 08/01458/FUL application. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. It is accepted that affordable housing is not therefore required within this proposed phase.

### **Health Care**

102. The site is allocated in LDP2 for 1,600 dwellings and NHST (National Health Service Trust) were formally consulted during the plan-making process. However, neither NHST nor the HSCP (Health and Social Care Partnership) provided feedback at the time of the site being allocated within LDP2. In any

case, as this is an application for 29 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved PPP masterplan provides a local centre, which could include health and social care facilities (doctors and dentist) at a later phase. In the longer term it is anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.

103. For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.

### **Economic Impact**

104. The development of 29 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

### **LEGAL AGREEMENTS**

105. The site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

### **DIRECTION BY SCOTTISH MINISTERS**

106. 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**

107. Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The proposal seeks detailed permission for development on an allocated site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.
108. Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

109. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). It will lead to the creation of new homes to meet predicted population growth, which will assist in meeting local and national targets in a sustainable and measured fashion. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.
110. Accordingly the proposal is recommended for approval subject to the following conditions/

## **RECOMMENDATION**

**Approve the application.**

### **Conditions and Reasons for Recommendation**

#### **General**

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

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

#### **Roads and Transport**

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

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

3. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction)

two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

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

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer 's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland.

The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP 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 (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of the ability to maintain services.



## **Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

11. 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 Development Plan.

## **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by the Council as Planning Authority.

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

14. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

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

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 10 of 23/00144/AMM, prior to the occupation of the relevant residential unit.

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

17. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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

18. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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

### **Drainage**

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 22 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the environment and sustainability.

### **JUSTIFICATION**

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

### **PROCEDURAL NOTES**

None.

### **INFORMATIVES**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8 September 2016.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
5. The developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. The applicant is advised that the granting of planning permission 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 proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
10. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is

reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months (or four months in the case of a major application) to consider the information. You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
14. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
15. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
16. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas, including the access road onto the A912, and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.

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

Perth and Kinross Council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team - [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk).

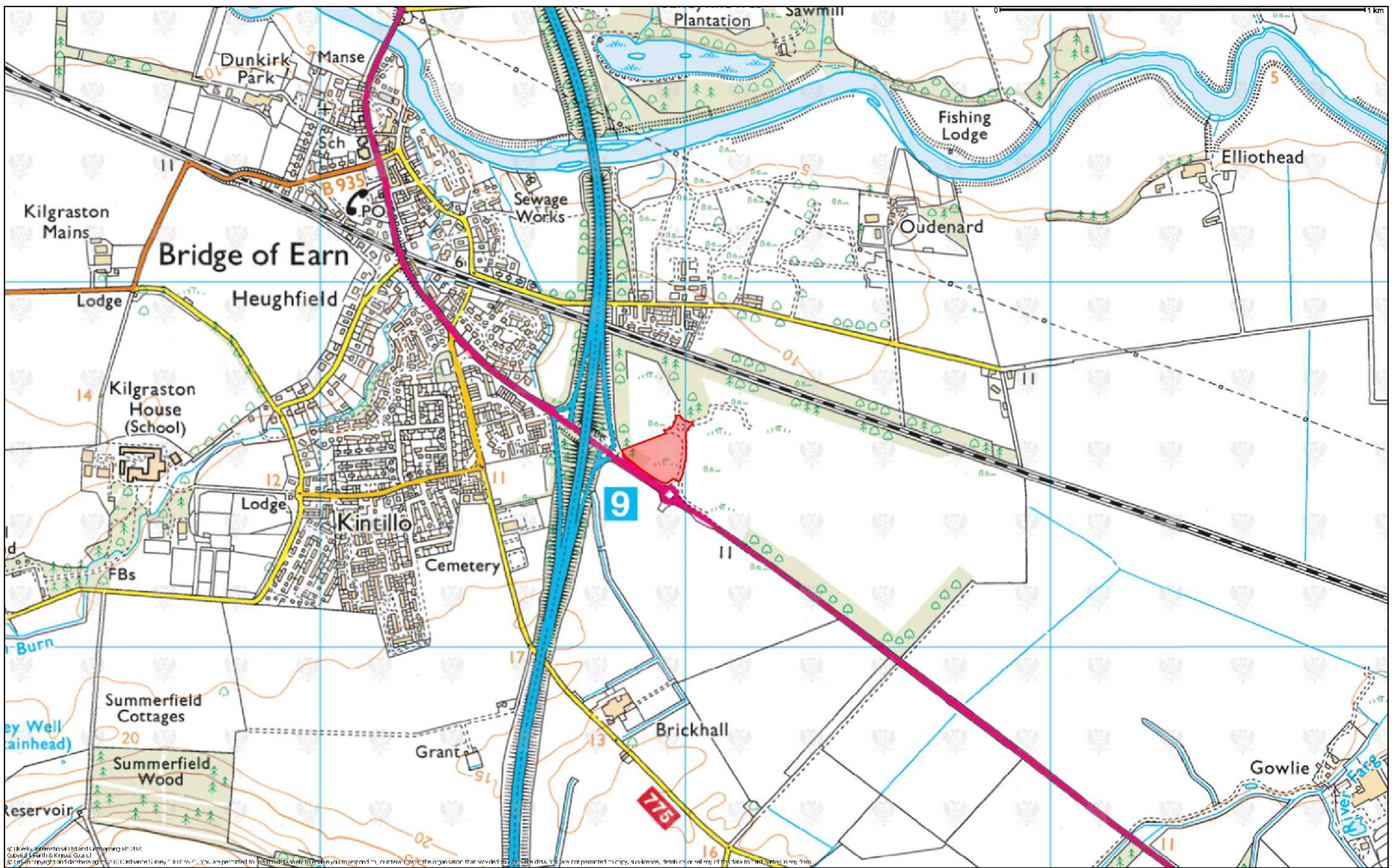
Background Papers: One letter of representation  
Contact Officer: Gillian Peebles  
Date: 21 December 2023

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

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Planning and Placemaking Committee - 10 January 2024  
Scale 1:10000



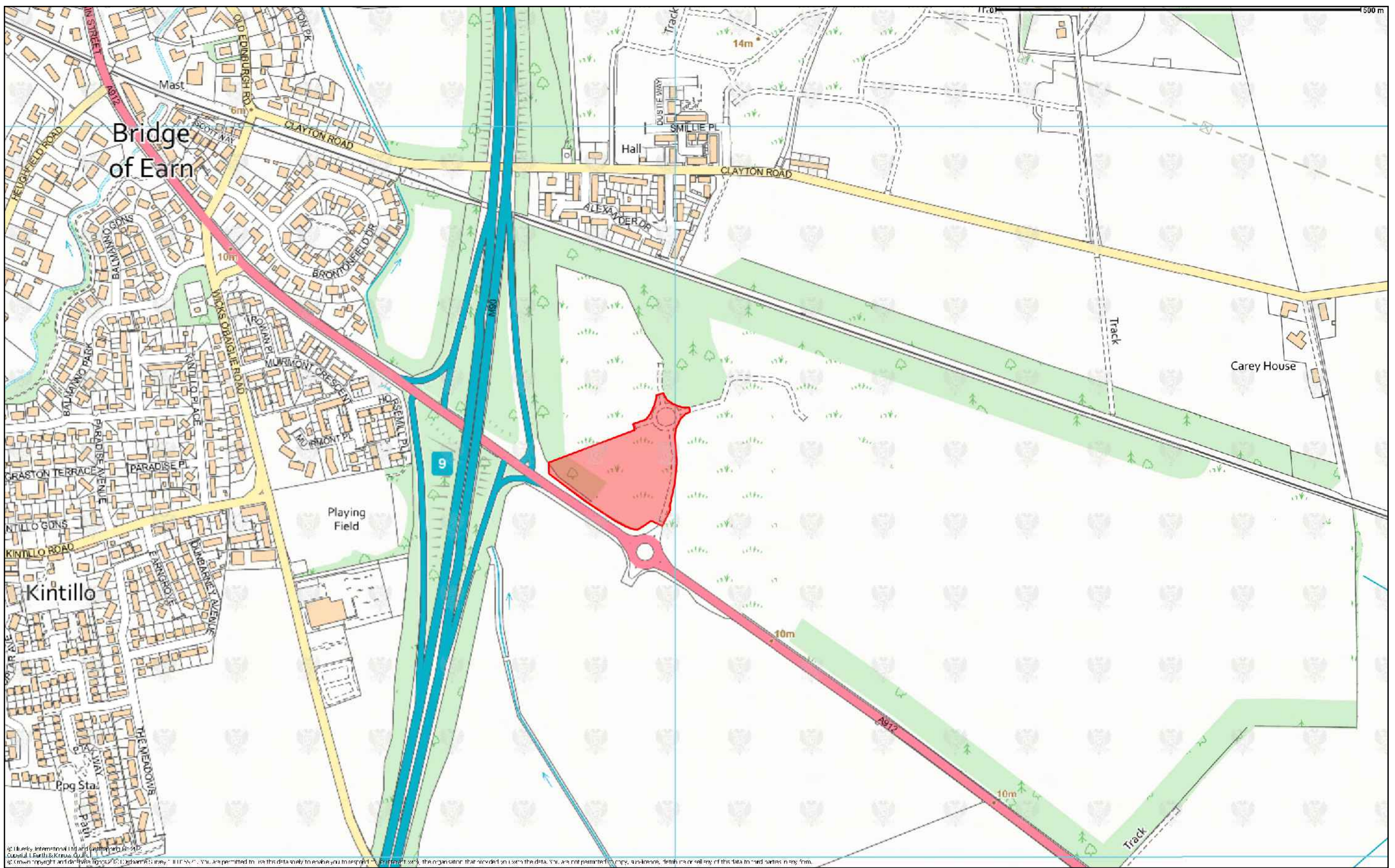
23/00144/AMM

Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM) on land to the North of A912 at Oudenarde, Bridge of Earn



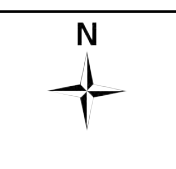






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Planning and Placemaking Committee - 10 January 2024  
Scale 1:5000



23/00144/AMM  
Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM) on land to the North of A912 at Oudenarde, Bridge of Earn





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/7)

<b>PROPOSAL:</b>	Erection of 20 dwellinghouses, 4 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/1482/IPM)
<b>LOCATION:</b>	Land to the North of A912 at Oudenarde, Bridge of Earn

Ref. No: [23/00145/AMM](#)  
 Ward No: P9- Almond And Earn

### Summary

This report recommends approval of the Approval of Matters Specified by Condition (AMSC) application for the erection of 20 dwellinghouses, 4 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/1482/IPM) at Oudenarde, Bridge of Earn.

Overall the proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning Permission in Principle (PPP) (02/01482/OUT) was granted in September 2016 for a residential, commercial, and industrial development with associated school provision, open space, and landscaping. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and 08/01458/FUL) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. Other permissions associated to roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. Planning permission for part of Phase 2A of 159 dwellings(16/02156/AMM) was approved in October 2020 following a call-in by Scottish Ministers. Development has recently commenced (October 2023). As part of the call-in a Modification Order of the PPP was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions. A detailed planning history is set out in the 'Site History' section below.

- 2 The application site comprises an area of relatively level ground between the A912 to the south, the Edinburgh-Perth railway line to the north, the M90 to the west with Bridge of Earn beyond, whilst immediately east is undeveloped land that has permission for 159 dwellings (16/02156/AMM). Beyond that is undeveloped land. The A912 road has been upgraded to facilitate the development of land and includes a roundabout to provide access to areas to both its north and south.
- 3 Oudenarde (including the proposed site) is allocated in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 (H15) for mixed use development, with an indicative residential capacity of 1,600 dwellings.
- 4 More recently, planning permission for 66 bungalow style dwellinghouses, ranging from 2-3 bedroom in size, and for associated landscaping and infrastructure immediately north-west of the A912 roundabout was the second AMSC permission approve under the amended PPP. Planning application reference 21/00615/AMM refers.
- 5 This application, alongside planning applications 23/00144/AMM and 23/00146/AMM, currently pending consideration, represent 'Phase 2a' which relate to the same site as that previously approved under 21/00615/AMM and the overall number of dwellings remain the same. All three AMSC applications have been submitted due to changes across the site which were deemed to be material and therefore could not benefit from a non-material variation under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 6 This application relates to plots 30-43 and 58-63. The number of properties has not increased, the position in general terms of housing plots has not been revised, however there have been changes to house types, finishing materials, finished floor levels, boundary treatments, garage positions and road layout.
- 7 The proposal includes a landscape buffer along the southern edge between this application site and 23/00144/AMM and along the western boundary with the M90 southbound slip road. Cycling and walking routes would run through these landscaped buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. A recycling area is proposed in the northeast corner of the site, within planning application reference 23/00146/AMM, near the access to the future park and ride site.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8 During the Scottish Government call-in of the Phase 2 application, the DPEA screened the overall site and found that an EIA was not required. This position continues to be accepted by the Council.

## **Pre-Application Consultation**

- 9 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:
- 14 The principal relevant policies are, in summary;
- Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 6: Forestry, Woodland and Trees
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 18: Infrastructure First
  - Policy 19: Heating and Cooling
  - Policy 20: Blue and Green Infrastructure
  - Policy 22: Flood Risk and Water Management
  - Policy 23: Health and Safety

## **Perth and Kinross Local Development Plan 2**

- 15 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 1D: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 14A: Open Space Retention and Provision: Existing Areas
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 23: Delivery of Development Sites
  - Policy 24: Maintaining an Effective Housing Land Supply
  - Policy 25: Housing Mix
  - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 39: Landscape
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 54: Health and Safety Consultation Zones
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 58A: Contaminated and Unstable Land: Contaminated Land
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- 17 [Supplementary Guidance - Developer Contributions & Affordable Housing](#)  
(adopted in 2020)

[Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)

[Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)

[Supplementary Guidance - Placemaking](#) (adopted in 2020)

## **OTHER POLICIES**

### **Non-Statutory Guidance**

- 18 [Planning Guidance - Delivery of Development Sites](#)  
[Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)  
[Planning Guidance - Planning & Biodiversity](#)

## **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

- 20 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Creating Places 2013**

- 21 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes

that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

- 22 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **SITE HISTORY**

- 24 The following planning history is relevant:
- 25 **00/00573/OUT** Proposed new settlement development including residential, commercial, and industrial development with associated roads, school provision, open space, and landscaping. Application Withdrawn December 2001.
- 26 **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space, and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- 27 **[02/01482/IPM](#)** Formation of residential, commercial, and industrial development with associated school provision, open space, and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions.
- 28 **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.



- 29 [06/01881/FUL](#) Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- 30 [07/00401/FUL](#) Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- 31 [07/01791/FUL](#) Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
- 32 [08/00582/FUL](#) Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- 33 [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.
- 34 [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- 35 [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- 36 [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- 37 [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- 38 [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.
- 39 [16/02156/AMM](#) Erection of 159 dwellinghouses with associated roads, drainage, and landscaping. Approved following a call-in by Scottish Ministers October 2020.
- 40 [21/00615/AMM](#) Erection of 66 dwellinghouses, 16 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) Approved by Planning and Placemaking Committee on 20 January 2022.

- 41 [23/00144/AMM](#) Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) (pending consideration).
- 42 [23/00146/AMM](#) Erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM) (pending consideration).

## CONSULTATIONS

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

### External

- 44 **Scottish Water** - No objection as there is capacity for water and wastewater in the area.
- 45 **Transport Scotland** - No objection, subject to recommended condition regarding trigger for M90 slip road junction works which accords with the PPP (as modified).
- 46 **Perth And Kinross Heritage Trust** - No objection but advise that the site may have some archaeological potential and development will require monitoring.
- 47 **Scottish Environment Protection Agency** - No objection on the grounds of flood risk.
- 48 **Earn Community Council** - Concerned about impact on primary education and health care provision, road safety, flood risk, landscaping and play park provision.
- 49 **National Health Service** – No objection, it is recognised this is an allocated site and that no comments were provided from NHST or the HSCP on the LDP2 at the consultation stage.

### Internal

- 50 **Transportation And Development** - No objection subject to standard conditions including one for bus stop provision on the A912.
- 51 **Environmental Health (Noise Odour)** An Air Quality Assessment was requested (see paragraph 93 below).
- 52 **Development Contributions Officer** – Notes planning permission 02/01482/IPM. A Section 75 Agreement is in place for this site which requires payment of developer contributions linked with development thresholds and occupation of units. The application site boundary represents the development parcel “R21” identified on the Phasing Arrangement Plan approved with

16/02156/AMM. In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in “phase 1” (R21) and 37no units in “phase 2” (R22). The proposed application represents a change in housetype/ design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.

53 **Community Waste Advisor** – No Objection.

54 **Structures And Flooding** - No objection provided a drainage condition is applied with any permission.

55 **Environmental Health (Contaminated Land)** - No objection as no records of contamination within proposed site.

56 **Biodiversity/Tree Officer** – An Ecological Impact Assessment (EclA) was requested by the Biodiversity Officer, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied, other than those conditions applied to 21/00615/AMM which will be reapplied here (Conditions 12-18).

57 **Strategy and Policy** – No response, however, the same condition will be applied as previously recommended through 21/00615/AMM in regards to low and zero carbon technologies (Condition 20).

58 **Community Greenspace** – No response.

**REPRESENTATIONS**

59 One representation was received from Earn Community Council. The main issues raised within the representation are:

- Impact on primary education and health care provision;
- Road safety;
- Flood risk;
- Landscaping and play park provision.

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

**ADDITIONAL STATEMENTS**

61

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Supporting Statement Submitted

Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted
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## APPRAISAL

- 62 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Since the application was presented to the October 2017 Planning and Development Management Committee there has been a Development Plan change, with the adoption of NPF4 (February 2023) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

### Principle

- 63 The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards providing high quality, affordable and sustainable homes (Policy 20, 24 and 25 of the LDP2 and Policy 16 of the NPF4), liveable places (design, quality and place) (Policies 1, 2, 55-58 of the LDP2 and Policy 14 of the NPF4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policy 17 of LDP2 and Policy 15 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4) and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
- 64 The principle of residential development is well established through the allocation of Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented to the northwest, 108 of which have been completed. A further 159 dwellings (16/02156/AMM) were consented for the south of the site in October 2020, and development has recently commenced.
- 65 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

### Transport and Access

- 66 During the 16/02156/AMM application that was called in, the PPP was modified to include triggers for required and approved works to be carried out on the adjacent M90 trunk road. Condition 6 of Modified PPP requires the approved slip road junction interchanges to be constructed by the time the 348<sup>th</sup> dwelling is

constructed. Based on the approvals to date, it is possible that the dwellinghouse number in this proposal will trigger this requirement during its implementation.

- 67 In the event that this trigger could be reached, it is pragmatic that the applicant is reminded of the requirement and what is expected to be delivered by them. Proposed Condition 7 is therefore recommended to be applied to this approval, to reflect the requirements of Condition 6 of the modified PPP. Therefore, the proposal is not considered to have any adverse impact on the Trunk Road network and is in compliance with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

#### Local Road Network

- 68 Transportation and Development have reviewed the proposal and they are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. The laybys on the A912 near the site entrance have been designed and constructed to accommodate the provision of bus stops. Condition 4 will ensure this is provided by the start of the proposed second phase of this proposal. Conditions 2, 3, 5 and 6 will ensure all transport related works are completed to the required standards.

#### Internal Road and Parking

- 69 The internal road layout was previously approved and is largely completed on site. In terms of car parking, the developers have provided in-curtilage parking, some of which is to the front and some down the sides of houses. Where car parking is proposed to the front, proposed landscaping will help reduce the visual dominance of cars. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
- 70 A Construction Traffic Management Scheme (CTMS) will be required prior to the commencement of development, and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 6).
- 71 Overall, the proposal complies with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60 Transport Standards and Accessibility Requirements. as the trunk road and local transport network can accommodate the proposed level of traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

#### **Phasing and Delivery**

- 72 As advised by both Transport Scotland and PKC Transportation and Development, the current proposal, if constructed after or in tandem with the

16/02156/AMM approval, could reach or exceed the 348-dwelling trigger in Condition 6 of the modified PPP for the delivery of the M90 slip road junctions. As already mentioned, Condition 7 recommended within this application is worded to remind the applicant of their obligation for these works to be carried out should this phase trigger the number of dwellings specified.

73 There are other infrastructure and phasing matters that are provided for within the Section 75 Legal Agreement secured as part of the PPP application. Also, in conjunction with this, the approved Phasing Plan submitted under 16/02156/AMM, several clauses and triggers for the approval of detailed matters were included. The current proposal requires the following to be met:

- Clause 8.2: Structural Planting for each development parcel. This is proposed to be delivered in conjunction with this application.
- Clause 10.3.2: Construct and practically completion or procure the construction and practical completion of the bridge over the rail line linking it with the identified area for the primary school. It makes sense to start providing the required bridge in tandem with approval of this site incorporating 23/00145/AMM and 23/00146/AMM as construction activity will be in the same area. Once the bridge is complete this will in turn trigger the construction of the first phase of the required primary school (Clause 10.3.4).
- Clause 11: Education Contributions. The first education contribution will be required to be paid before any open market dwelling can be occupied.

74 Delivery of the bridge must be provided no later than the completion of this phase, incorporating planning applications 23/00144/AMM and 23/00146/AMM and will need permission in its own right plus other technical approvals. The bridge over the rail line will be a significant milestone for the development of Oudenarde, as it will open up the site for further development proposal, including the primary school, village centre, sports pitches etc. It will also provide the residents of the existing affordable housing development with improved and quicker access to the M90 and beyond.

### **Density, Design and Layout**

75 Through Creating Places 2013, the Scottish Government signaled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, with it being important at all scales of development.

76 Further Designing Streets, published in 2010 by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.

- 77 In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case, the 3 combined applications (23/00144/AMM, 23/00145/AMM and 23/00146/AMM) include two vehicular and four pedestrian/cyclist access points. It is considered to be a highly permeable and well-connected site, within the approved Oudenarde Masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014, NPF4 Policy 20 – Blue and Green Infrastructure, LDP2 Policy 42 – Green Infrastructure, NPF4 Policy 13 Sustainable Transport and Policy 60 - Transport Standards and Accessibility Requirements.
- 78 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible, i.e., doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn. The proposal is in line with PAN 77 – Designing Safer Places, NPF4 Policy 14 – Design, Quality and Place and LDP2 Policy 1 – Placemaking.
- 79 The proposal consists of 20 single storey bungalow style dwellings. In isolation the proposal for just bungalows does not comply with LDP2 Policy 25 – Housing Mix, however, when assessed cumulatively with the extant approvals for Phase 1 and 2 developments, which are mainly 2 storey dwellings ranging from 2–5-bedroom dwellings, together with the mix for the wider masterplan site likely to come forward, the provision of 20 bungalows adds to the housing mix and provides added choice for house purchasers. In addition, the closest residential development at Brontonfield is all bungalow style dwellings. It is therefore considered to comply with LDP2 Policy 25 – Housing Mix.
- 80 In terms of materials, an acceptable palette of materials is proposed. The Applicant proposes finishes of white roughcast render, buff facing brick and base course, and smooth grey roof tiles. This will deliver a reasonably consistent design approach with Phase 1 and the first approval of Phase 2A (16/02156/AMM) and will help integrate the development into the locale.
- 81 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the

site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.

- 82 Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a mix of open market housing within the overall site that complies with NPF4 Policy 14 – Design, Quality and Place, NPF4 Policy 16 – Quality Homes, LDP2 Policy 1 – Placemaking, Policy 25 – Housing Mix and Placemaking Guidance 2020.

### **Drainage and Flooding**

- 83 The site is located within an area of very low risk of fluvial flooding from the River Earn (less than 0.1% chance of flooding each year). The Community Council have raised concerns about flooding in the area. However, as the site topography is flat and predominantly clay, a Drainage Assessment has been submitted, and has been assessed by the Council's Structures and Flooding Team.
- 84 The SEPA surface water flood mapping shows that small areas within the development site have a medium risk of surface water flooding (0.5% chance of flooding each year). There is an area of high surface water flood risk to the south, however, this appears to drain away from the site.
- 85 The Structures and Flooding team have advised further drainage details are required, however, this can be controlled through condition. A condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19).
- 86 The Scottish Environment Protection Agency (SEPA) also confirmed through the previous approval (21/00615/AMM) that there will be no adverse impact on flooding or drainage capacity in the area, however, a condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19). The proposal therefore complies with NPF4 Policy 22 – Flood risk and water management, LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage.

### **Open Space and Recreation Provision**

- 87 The approved PPP masterplan looks to provide a wide range of open space play area and sports pitches to meet the needs of the existing and future residents.
- 88 Landscape buffers are proposed to the southern boundary (central within the wider site (planning application 23/00144/AMM, 23/00145/AMM and 23/00146/AMM) and western boundaries. The play area approved under 16/02156/AMM within the central landscaped strip has been removed in this current application, however, there is no requirement to provide a play park within this phase of the development. Within the approved PPP masterplan there



is a LEAP shown in Phase 2A (R1) and in Phase 5 (R16), as well as a NEAP in Phase 4.

- 89 It is considered that the location of proposed open space and landscape buffers is acceptable. The proposal, therefore, complies with NPF4 Policy 21: Play Recreation, and Sport and LDP2 Policy 14 – Open Space Retention and Provision.

## **Residential Amenity**

### Overlooking

- 90 All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings. In addition, all the dwellings are bungalows on a flat site so there will be no elevated house plots that will cause any overlooking issues.

### Overshadowing, loss of sunlight and daylight

- 91 The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 92 Taking cognisance of this BRE document, the distances between new and existing properties and site levels, it is considered an acceptable level of daylight and sunlight will be provided to each property. Overall, in terms of residential amenity the proposal complies with NPF4 - Policy 14: Design, Quality and Place and LDP2 Policy 1 – Placemaking and the Placemaking Guidance 2020.

### Air Quality

- 93 An Air Quality Assessment was requested, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.

## **Ecology**

- 94 The Council's Biodiversity Officer requested an Ecological Impact Assessment (EclA) be submitted, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.
- 95 Acceptable levels of landscape buffers of 10 metres around the perimeter of the site and through the centre will provide a high number of native trees and will result in a biodiversity enhancement to what is currently on site. Subject to number of biodiversity conditions (12 to 18), the proposal complies with NPF4 Policy 3 and LDP2 Policy 41 – Biodiversity.

## **Archaeology**

- 96 PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 5).

## **Waste**

- 97 The Council's Waste Services team have provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. A recycling centre is proposed in the north-eastern corner (planning application reference 23/00146/AMM). An informative will ensure the collection of waste will address the bin requirements (Informative 17).

## **Developer Contributions including Affordable Housing**

- 98 The site has PPP under 02/01482/IPM. The associated S75 Legal Agreement established the developer contribution requirements and payment time scales.
- 99 The application site boundary represents the development parcel "R22" identified on the Phasing Arrangement Plan approved with 16/02156/AMM.  
In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in "phase 1" (R21) and 37no units in "phase 2" (R22).
- 100 The proposed application represents a change in housetype/design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.
- 101 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses (planning approvals 05/00410/FUL and 08/01458/FUL), of which 108 dwellinghouses have been constructed with 42 still to be built under the 08/01458/FUL application. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. It is accepted that affordable housing is not therefore required within this proposed phase.

## **Health Care**

- 102 The site is allocated in LDP2 for 1,600 dwellings and NHST (National Health Service Trust) were formally consulted during the plan-making process. However, neither NHST nor the HSCP (Health and Social Care Partnership) provided feedback at the time of the site being allocated within LDP2. In any case, as this is an application for 29 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved PPP masterplan provides a local centre, which could include health and social care facilities (doctors and dentist) at a later phase. In the longer term it is anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.
- 103 For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.

## **Economic Impact**

- 104 The development of 20 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

## **LEGAL AGREEMENTS**

- 105 The site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

## **DIRECTION BY SCOTTISH MINISTERS**

- 106 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**

- 107 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The proposal seeks detailed permission for development on an allocated site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.

- 108 Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 109 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). It will lead to the creation of new homes to meet predicted population growth, which will assist in meeting local and national targets in a sustainable and measured fashion. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 110 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application.**

### **Conditions and Reasons for Recommendation**

#### **General**

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

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

#### **Roads and Transport**

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

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

3. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in

accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:
  - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer 's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland.

The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP 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 (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of maintaining services.

### **Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

11. 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 Development Plan.

### **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in

the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by the Council as Planning Authority.

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

14. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

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

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 11 of 23/00145/AMM, prior to the occupation of the relevant residential unit.

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

17. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.



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

18. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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

### **Drainage**

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 23 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the environment and sustainability.

### **Justification**

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

### **Procedural Notes**

None.

### **Informatives**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8th September 2016.

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
5. The developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain, from the Council as Roads Authority, Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. The applicant is advised that the granting of planning permission 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 proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued

by NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.

10. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months (or four months in the case of a major application) to consider the information. You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
14. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

15. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
16. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas, including the access road onto the A912, and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.
17. Refuse collection vehicle will only enter the site during development where there is clear access, adequate turning and a suitable road surface with no raised ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collection as the site progresses.

Perth and Kinross Council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team - [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk).

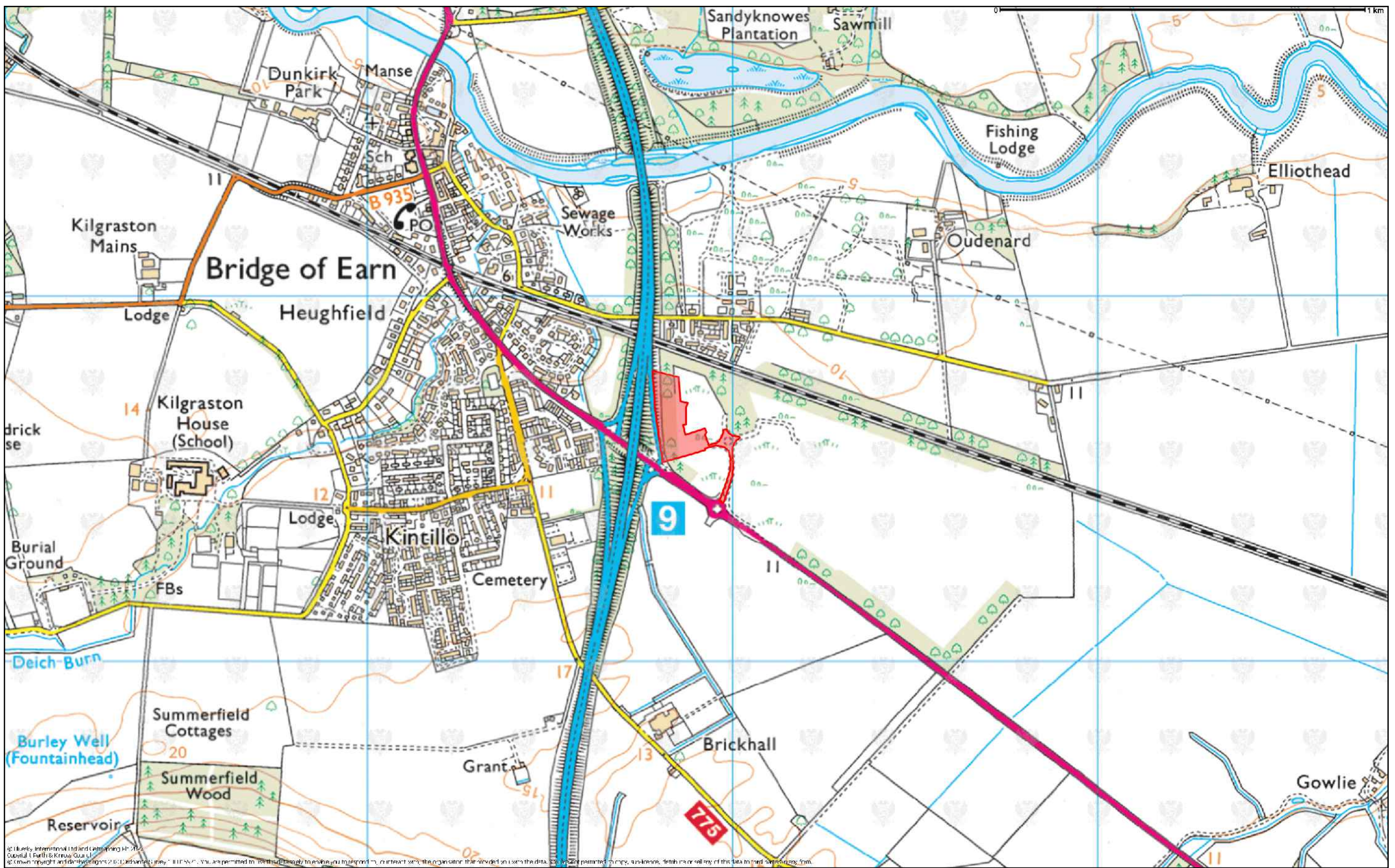
Background Papers: One letter of representation  
Contact Officer: Gillian Peebles  
Date: 21 December 2023

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

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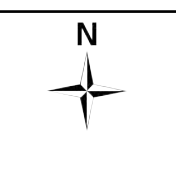
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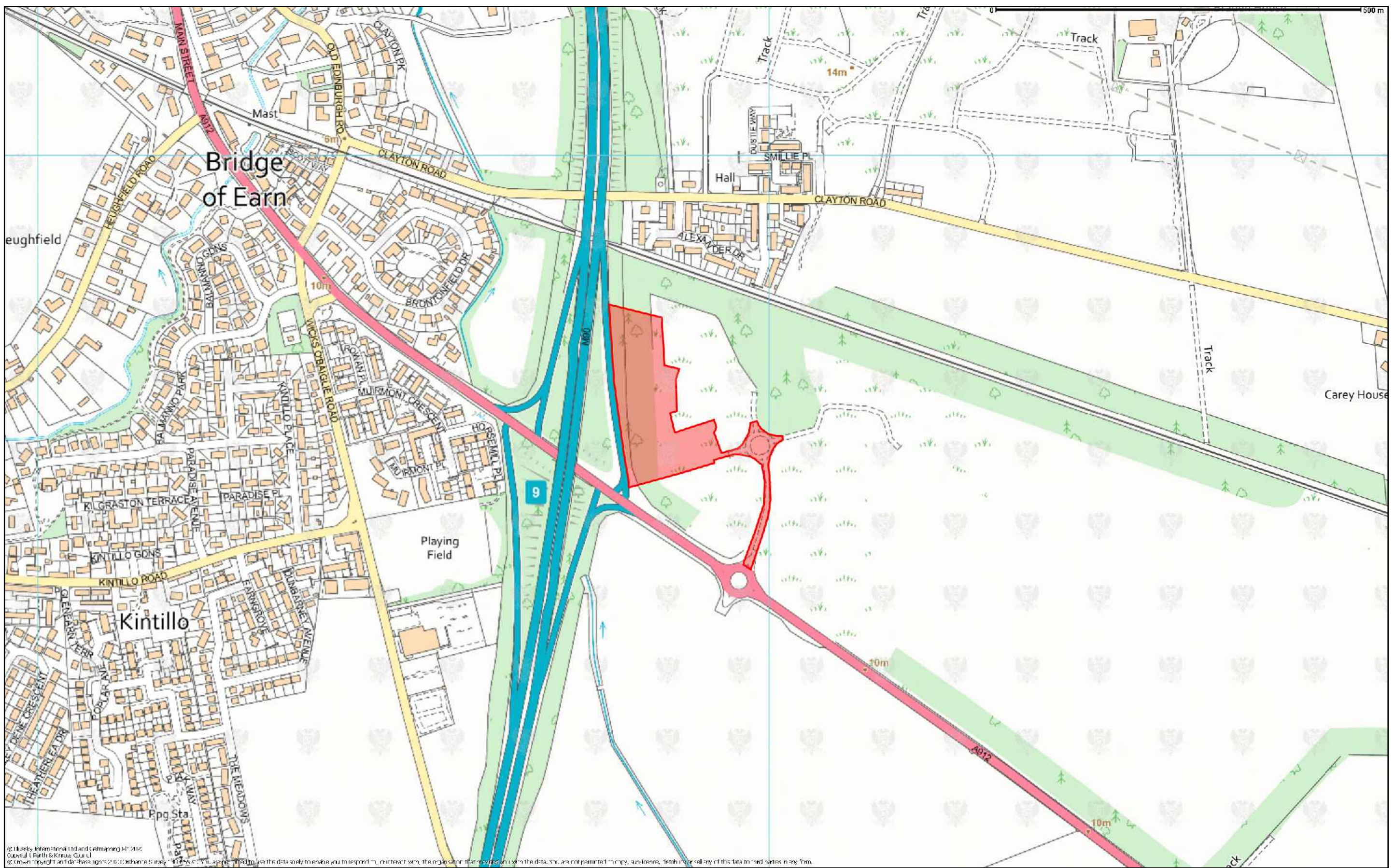
Planning and Placemaking Committee - 10 January 2024  
Scale 1:10000



23/00145/AMM  
Erection of 29 dwellings, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM) on land to the North Of A912 at Oudenarde, Bridge of Earn







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Planning and Placemaking  
Committee - 10 January 2024  
Scale 1:5000



23/00145/AMM  
Erection of 29 dwellings, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions of 02/01482/IPM) on land to the North Of A912 at Oudenarde, Bridge of Earn







Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/8)

<b>PROPOSAL:</b>	Erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM)
<b>LOCATION:</b>	Land to the North of A912 at Oudenarde, Bridge of Earn

Ref. No: [23/00146/AMM](#)  
 Ward No: P9- Almond And Earn

### Summary

This report recommends approval of the Approval of Matters Specified by Condition (AMSC) application for the erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/1482/IPM) at Oudenarde, Bridge of Earn.

Overall the proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning Permission in Principle (PPP) (02/01482/OUT) was granted in September 2016 for a residential, commercial, and industrial development with associated school provision, open space, and landscaping. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and 08/01458/FUL) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. Other permissions associated to roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. Planning permission for part of Phase 2A of 159 dwellings(16/02156/AMM) was approved in October 2020 following a call-in by Scottish Ministers. Development has recently commenced (October 2023). As part of the call-in a Modification Order of the PPP was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions. A detailed planning history is set out in the 'Site History' section below.

2. The application site comprises an area of relatively level ground between the A912 to the south, the Edinburgh-Perth railway line to the north, the M90 to the west with Bridge of Earn beyond, whilst immediately east is undeveloped land that has permission for 159 dwellings (16/02156/AMM). Beyond that is undeveloped land. The A912 road has been upgraded to facilitate the development of land and includes a roundabout to provide access to areas to both its north and south.
3. Oudenarde (including the proposed site) is allocated in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 (H15) for mixed use development, with an indicative residential capacity of 1,600 dwellings.
4. More recently, planning permission for 66 bungalow style dwellinghouses, ranging from 2-3 bedroom in size, and for associated landscaping and infrastructure immediately north-west of the A912 roundabout was the second AMSC permission approved under the amended PPP. Planning application reference 21/00615/AMM refers.
5. This application, alongside planning applications 23/00144/AMM and 23/00145/AMM, currently pending consideration, represent 'Phase 2a' which relate to the same site as that previously approved under 21/00615/AMM and the overall number of dwellings remain the same. All three AMSC applications have been submitted due to changes across the site which were deemed to be material and therefore could not benefit from a non-material variation under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).
6. This application relates to plots 44-47 and 64-66. The number of properties has not increased, the position in general terms of housing plots has not been revised, however there have been changes to house types, finishing materials, finished floor levels, boundary treatments, garage positions and road layout.
7. The proposal includes a landscape buffer along the northern edge. Cycling and walking routes would run through this landscaped buffer, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. A central landscape strip is proposed within planning application reference 23/00145/AMM and recycling area is proposed in the northeast corner of this site, near the access to the future park and ride site.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

8. During the Scottish Government call-in of the Phase 2 application, the DPEA screened the overall site and found that an EIA was not required. This position continues to be accepted by the Council.

### **Pre-Application Consultation**

9. The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland)

Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

## **DEVELOPMENT PLAN**

10. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

11. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
12. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
13. The Council's assessment of this application has considered the following policies of NPF4:
14. The principal relevant policies are, in summary;
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 6: Forestry, Woodland and Trees
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 18: Infrastructure First
  - Policy 19: Heating and Cooling
  - Policy 20: Blue and Green Infrastructure
  - Policy 22: Flood Risk and Water Management
  - Policy 23: Health and Safety

### **Perth and Kinross Local Development Plan 2**

15. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

16. The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1D: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 54: Health and Safety Consultation Zones
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

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

## **OTHER POLICIES**

### **Non-Statutory Guidance**

18. [Planning Guidance - Delivery of Development Sites](#)  
[Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)  
[Planning Guidance - Planning & Biodiversity](#)

### **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

20. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Creating Places 2013**

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

## **Designing Streets 2010**

22. Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## **National Roads Development Guide 2014**

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

## **SITE HISTORY**

24. The following planning history is relevant:
25. **00/00573/OUT** Proposed new settlement development including residential, commercial, and industrial development with associated roads, school provision, open space, and landscaping. Application Withdrawn December 2001.
26. **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space, and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
27. **[02/01482/IPM](#)** Formation of residential, commercial, and industrial development with associated school provision, open space, and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions.
28. **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
29. **[06/01881/FUL](#)** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
30. **[07/00401/FUL](#)** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.

31. [07/01791/FUL](#) Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
32. [08/00582/FUL](#) Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
33. [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.
34. [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
35. [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
36. [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
37. [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
38. [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.
39. [16/02156/AMM](#) Erection of 159 dwellinghouses with associated roads, drainage, and landscaping. Approved following a call-in by Scottish Ministers October 2020.
40. [21/00615/AMM](#) Erection of 66 dwellinghouses, 16 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) Approved by Planning and Placemaking Committee on 20 January 2022.
41. [23/00144/AMM](#) Erection of 29 dwellinghouses, 11 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) (pending consideration).

42. [23/00145/AMM](#) Erection of 20 dwellinghouses, 4 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/1482/IPM) (pending consideration).

## **CONSULTATIONS**

43. As part of the planning application process the following bodies were consulted:

### **External**

44. **Scottish Water** - No objection as there is capacity for water and wastewater in the area.
45. **Transport Scotland** - No objection, subject to recommended condition regarding trigger for M90 slip road junction works which accords with the PPP (as modified).
46. **Perth And Kinross Heritage Trust** - No objection but advise that the site may have some archaeological potential and development will require monitoring.
47. **Scottish Environment Protection Agency** - No objection on the grounds of flood risk.
48. **Earn Community Council** - Concerned about impact on primary education and health care provision, road safety, flood risk, landscaping and play park provision.
49. **National Health Service** – No objection, it is recognised this is an allocated site and that no comments were provided from NHST or the HSCP on the LDP2 at the consultation stage.

### **Internal**

50. **Transportation And Development** - No objection subject to standard conditions including one for bus stop provision on the A912.
51. **Environmental Health (Noise Odour)** An Air Quality Assessment was requested (see paragraph 93 below).
52. **Development Contributions Officer** – Notes planning permission 02/01482/IPM. A Section 75 Agreement is in place for this site which requires payment of developer contributions linked with development thresholds and occupation of units. The application site boundary represents the development parcel “R21” identified on the Phasing Arrangement Plan approved with 16/02156/AMM. In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in “phase 1” (R21) and 37no units in “phase 2” (R22). The proposed application represents a change in



housetype/ design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.

- 53. **Community Waste Advisor** – No Objection.
- 54. **Structures And Flooding** - No objection provided a drainage condition is applied with any permission.
- 55. **Environmental Health (Contaminated Land)** - No objection as no records of contamination within proposed site.
- 56. **Biodiversity/Tree Officer** – An Ecological Impact Assessment (EclA) was requested by the Biodiversity Officer, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied, other than those conditions applied to 21/00615/AMM which will be reapplied here (Conditions 12-18).
- 57. **Strategy and Policy** – No response, however, the same condition will be applied as previously recommended through 21/00615/AMM in regards to low and zero carbon technologies (Condition 20).
- 58. **Community Greenspace** – No response.

**REPRESENTATIONS**

- 59. One representation was received from Earn Community Council. The main issues raised within the representation are:
  - Impact on primary education and health care provision;
  - Road safety;
  - Flood risk;
  - Landscaping and play park provision.
- 60. These issues are addressed in the Appraisal section of the report.

**ADDITIONAL STATEMENTS**

61.

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Supporting Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## **APPRAISAL**

62. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Since the application was presented to the October 2017 Planning and Development Management Committee there has been a Development Plan change, with the adoption of NPF4 (February 2023) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

### **Principle**

63. The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards providing high quality, affordable and sustainable homes (Policy 20, 24 and 25 of the LDP2 and Policy 16 of the NPF4), liveable places (design, quality and place) (Policies 1, 2, 55-58 of the LDP2 and Policy 14 of the NPF4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policy 17 of LDP2 and Policy 15 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4) and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
64. The principle of residential development is well established through the allocation of Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented to the northwest, 108 of which have been completed. A further 159 dwellings (16/02156/AMM) were consented for the south of the site in October 2020, and development has recently commenced.
65. The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

### **Transport and Access**

66. During the 16/02156/AMM application that was called in, the PPP was modified to include triggers for required and approved works to be carried out on the adjacent M90 trunk road. Condition 6 of Modified PPP requires the approved slip road junction interchanges to be constructed by the time the 348<sup>th</sup> dwelling is constructed. Based on the approvals to date, it is possible that the dwellinghouse number in this proposal will trigger this requirement during its implementation.

67. In the event that this trigger could be reached, it is pragmatic that the applicant is reminded of the requirement and what is expected to be delivered by them. Proposed Condition 7 is therefore recommended to be applied to this approval, to reflect the requirements of Condition 6 of the modified PPP. Therefore, the proposal is not considered to have any adverse impact on the Trunk Road network and is in compliance with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

#### Local Road Network

68. Transportation and Development have reviewed the proposal and they are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. The laybys on the A912 near the site entrance have been designed and constructed to accommodate the provision of bus stops. Condition 4 will ensure this is provided by the start of the proposed second phase of this proposal. Conditions 2, 3, 5 and 6 will ensure all transport related works are completed to the required standards.

#### Internal Road and Parking

69. The internal road layout was previously approved and is largely completed on site. In terms of car parking, the developers have provided in-curtilage parking, some of which is to the front and some down the sides of houses. Where car parking is proposed to the front, proposed landscaping will help reduce the visual dominance of cars. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
70. A Construction Traffic Management Scheme (CTMS) will be required prior to the commencement of development, and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 6).
71. Overall, the proposal complies with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60 Transport Standards and Accessibility Requirements. as the trunk road and local transport network can accommodate the proposed level of traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

#### **Phasing and Delivery**

72. As advised by both Transport Scotland and PKC Transportation and Development, the current proposal, if constructed after or in tandem with the 16/02156/AMM approval, could reach or exceed the 348-dwelling trigger in Condition 6 of the modified PPP for the delivery of the M90 slip road junctions. As already mentioned, Condition 7 recommended within this application is

worded to remind the applicant of their obligation for these works to be carried out should this phase trigger the number of dwellings specified.

73. There are other infrastructure and phasing matters that are provided for within the Section 75 Legal Agreement secured as part of the PPP application. Also, in conjunction with this, the approved Phasing Plan submitted under 16/02156/AMM, several clauses and triggers for the approval of detailed matters were included. The current proposal requires the following to be met:
- Clause 8.2: Structural Planting for each development parcel. This is proposed to be delivered in conjunction with this application.
  - Clause 10.3.2: Construct and practically completion or procure the construction and practical completion of the bridge over the rail line linking it with the identified area for the primary school. It makes sense to start providing the required bridge in tandem with approval of this site incorporating 23/00145/AMM and 23/00146/AMM as construction activity will be in the same area. Once the bridge is complete this will in turn trigger the construction of the first phase of the required primary school (Clause 10.3.4).
  - Clause 11: Education Contributions. The first education contribution will be required to be paid before any open market dwelling can be occupied.
74. Delivery of the bridge must be provided no later than the completion of this phase, incorporating planning applications 23/00144/AMM and 23/00145/AMM and will need permission in its own right plus other technical approvals. The bridge over the rail line will be a significant milestone for the development of Oudenarde, as it will open up the site for further development proposal, including the primary school, village centre, sports pitches etc. It will also provide the residents of the existing affordable housing development with improved and quicker access to the M90 and beyond.

### **Density, Design and Layout**

75. Through Creating Places 2013, the Scottish Government signaled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, with it being important at all scales of development.
76. Further Designing Streets, published in 2010 by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
77. In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should

also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case, the 3 combined applications (23/00144/AMM, 23/00145/AMM and 23/00146/AMM) include two vehicular and four pedestrian/cyclist access points. It is considered to be a highly permeable and well-connected site, within the approved Oudenarde Masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014, NPF4 Policy 20 – Blue and Green Infrastructure, LDP2 Policy 42 – Green Infrastructure, NPF4 Policy 13 Sustainable Transport and Policy 60 - Transport Standards and Accessibility Requirements.

78. When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible, i.e., doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn. The proposal is in line with PAN 77 – Designing Safer Places, NPF4 Policy 14 – Design, Quality and Place and LDP2 Policy 1 – Placemaking.
79. The proposal consists of 17 single storey bungalow style dwellings. In isolation the proposal for just bungalows does not comply with LDP2 Policy 25 – Housing Mix, however, when assessed cumulatively with the extant approvals for Phase 1 and 2 developments, which are mainly 2 storey dwellings ranging from 2–5-bedroom dwellings, together with the mix for the wider masterplan site likely to come forward, the provision of 29 bungalows adds to the housing mix and provides added choice for house purchasers. In addition, the closest residential development at Brontonfield is all bungalow style dwellings. It is therefore considered to comply with LDP2 Policy 25 – Housing Mix.
80. In terms of materials, an acceptable palette of materials is proposed. The Applicant proposes finishes of white roughcast render, buff facing brick and base course, and smooth grey roof tiles. This will deliver a reasonably consistent design approach with Phase 1 and the first approval of Phase 2A (16/02156/AMM) and will help integrate the development into the locale.
81. The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.

82. Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a mix of open market housing within the overall site that complies with NPF4 Policy 14 – Design, Quality and Place, NPF4 Policy 16 – Quality Homes, LDP2 Policy 1 – Placemaking, Policy 25 – Housing Mix and Placemaking Guidance 2020.

### **Drainage and Flooding**

83. The site is located within an area of very low risk of fluvial flooding from the River Earn (less than 0.1% chance of flooding each year). The Community Council have raised concerns about flooding in the area. However, as the site topography is flat and predominantly clay, a Drainage Assessment has been submitted, and has been assessed by the Council's Structures and Flooding Team.
84. The SEPA surface water flood mapping shows that small areas within the development site have a medium risk of surface water flooding (0.5% chance of flooding each year). There is an area of high surface water flood risk to the south, however, this appears to drain away from the site.
85. The Structures and Flooding team have advised further drainage details are required, however, this can be controlled through condition. A condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19).
86. The Scottish Environment Protection Agency (SEPA) also confirmed through the previous approval (21/00615/AMM) that there will be no adverse impact on flooding or drainage capacity in the area, however, a condition is required for the submission and approval of a detailed sustainable urban drainage system (SUDS) prior to the commencement of works (Condition 19). The proposal therefore complies with NPF4 Policy 22 – Flood risk and water management, LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage.

### **Open Space and Recreation Provision**

87. The approved PPP masterplan looks to provide a wide range of open space play area and sports pitches to meet the needs of the existing and future residents.
88. Landscape buffers are proposed to the northern boundary. The play area approved under 16/02156/AMM within the central landscaped strip has been removed from within planning application 23/00145/AMM, however, there is no requirement to provide a play park within this phase of the development. Within the approved PPP masterplan there is a LEAP shown in Phase 2A (R1) and in Phase 5 (R16), as well as a NEAP in Phase 4.
89. It is considered that the location of proposed open space and landscape buffers is acceptable. The proposal, therefore, complies with NPF4 Policy 21: Play

Recreation, and Sport and LDP2 Policy 14 – Open Space Retention and Provision.

## **Residential Amenity**

### Overlooking

90. All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings. In addition, all the dwellings are bungalows on a flat site so there will be no elevated house plots that will cause any overlooking issues.

### Overshadowing, loss of sunlight and daylight

91. The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
92. Taking cognisance of this BRE document, the distances between new and existing properties and site levels, it is considered an acceptable level of daylight and sunlight will be provided to each property. Overall, in terms of residential amenity the proposal complies with NPF4 - Policy 14: Design, Quality and Place and LDP2 Policy 1 – Placemaking and the Placemaking Guidance 2020.

### Air Quality

93. An Air Quality Assessment was requested, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.

## **Ecology**

94. The Council's Biodiversity Officer requested an Ecological Impact Assessment (EclA) be submitted, however, as this is an AMSC application it is not an appropriate stage of the planning process to request new assessments or conditions to be applied.
95. Acceptable levels of landscape buffers of 10 metres around the perimeter of the site and through the centre will provide a high number of native trees and will result in a biodiversity enhancement to what is currently on site. Subject to number of biodiversity conditions (12 to 18), the proposal complies with NPF4 Policy 3 and LDP2 Policy 41 – Biodiversity.

## **Archaeology**

96. PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate

stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 5).

### **Waste**

97. The Council's Waste Services team have provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. A recycling centre is proposed in the north-eastern corner (planning application reference 23/00146/AMM). An informative will ensure the collection of waste will address the bin requirements (Informative 17).

### **Developer Contributions including Affordable Housing**

98. The site has PPP under 02/01482/IPM. The associated S75 Legal Agreement established the developer contribution requirements and payment time scales.
99. The application site boundary represents the development parcel "R21" identified on the Phasing Arrangement Plan approved with 16/02156/AMM.  
In January 2022, Parcels R21 and R22 were approved for 66no dwelling houses (21/00615/AMM) which shows 29no units in "phase 1" (R21) and 37no units in "phase 2" (R22).
100. The proposed application represents a change in housetype/design/layout with no overall change in unit numbers. There are no additional developer contribution requirements.
101. As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses (planning approvals 05/00410/FUL and 08/01458/FUL), of which 108 dwellinghouses have been constructed with 42 still to be built under the 08/01458/FUL application . GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. It is accepted that affordable housing is not therefore required within this proposed phase.

### **Health Care**

102. The site is allocated in LDP2 for 1,600 dwellings and NHST (National Health Service Trust) were formally consulted during the plan-making process. However, neither NHST nor the HSCP (Health and Social Care Partnership) provided feedback at the time of the site being allocated within LDP2. In any



case, as this is an application for 29 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved PPP masterplan provides a local centre, which could include health and social care facilities (doctors and dentist) at a later phase. In the longer term it is anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.

103. For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.

### **Economic Impact**

104. The development of 29 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

### **LEGAL AGREEMENTS**

105. The site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

### **DIRECTION BY SCOTTISH MINISTERS**

106. 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**

107. Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The proposal seeks detailed permission for development on an allocated site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.
108. Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

- 109. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). It will lead to the creation of new homes to meet predicted population growth, which will assist in meeting local and national targets in a sustainable and measured fashion. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 110. Accordingly the proposal is recommended for approval subject to the following conditions.

**RECOMMENDATION**

**Approve the application.**

**Conditions and Reasons for Recommendation**

**General**

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

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

**Roads and Transport**

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

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

- 3. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 10th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

- 4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction)

two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

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

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer 's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland.

The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

8. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP 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 (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: To promote sustainable transport options and to meet advice within PAN 75 Planning for Transport.

9. No obstruction of any kind shall be placed, including fencing or vegetation, within adoptable service strips.

Reason: In the interests of maintaining services.

## **Landscape/Open Space**

10. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

11. 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 Development Plan.

## **Biodiversity**

12. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location as shown in the Tree Protection Fencing Plan, approved under planning reference 21/00615/AMM, drawing number 30, must be installed prior to the commencement of development. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

13. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by the Council as Planning Authority.

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

14. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

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

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

16. Bat and bird nesting boxes shall be installed in accordance with the approved detail, shown on drawing number 10 of 23/00146/AMM, prior to the occupation of the relevant residential unit.

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

17. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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

18. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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

### **Drainage**

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

### **Low Carbon**

20. The Sustainability Design Statement hereby approved (document 22 relates), shall be implemented in full prior to the occupation of each dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason: In the interest of protecting the environment and sustainability.

### **Justification**

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

### **Procedural Notes**

None.

### **Informatives**

1. Applicants are advised that the development granted under this Approval of Matters Specified in Conditions must be commenced not later than 25 years from the date on which Planning Permission in Principle (02/01482/IPM) was granted which was in this case 8 September 2016.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
5. The developer is advised to contact Perth and Kinross Heritage Trust (tel 01738 477027), to discuss terms of reference for work required.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. The applicant is advised that the granting of planning permission 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 proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
10. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is



reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months (or four months in the case of a major application) to consider the information. You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
14. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

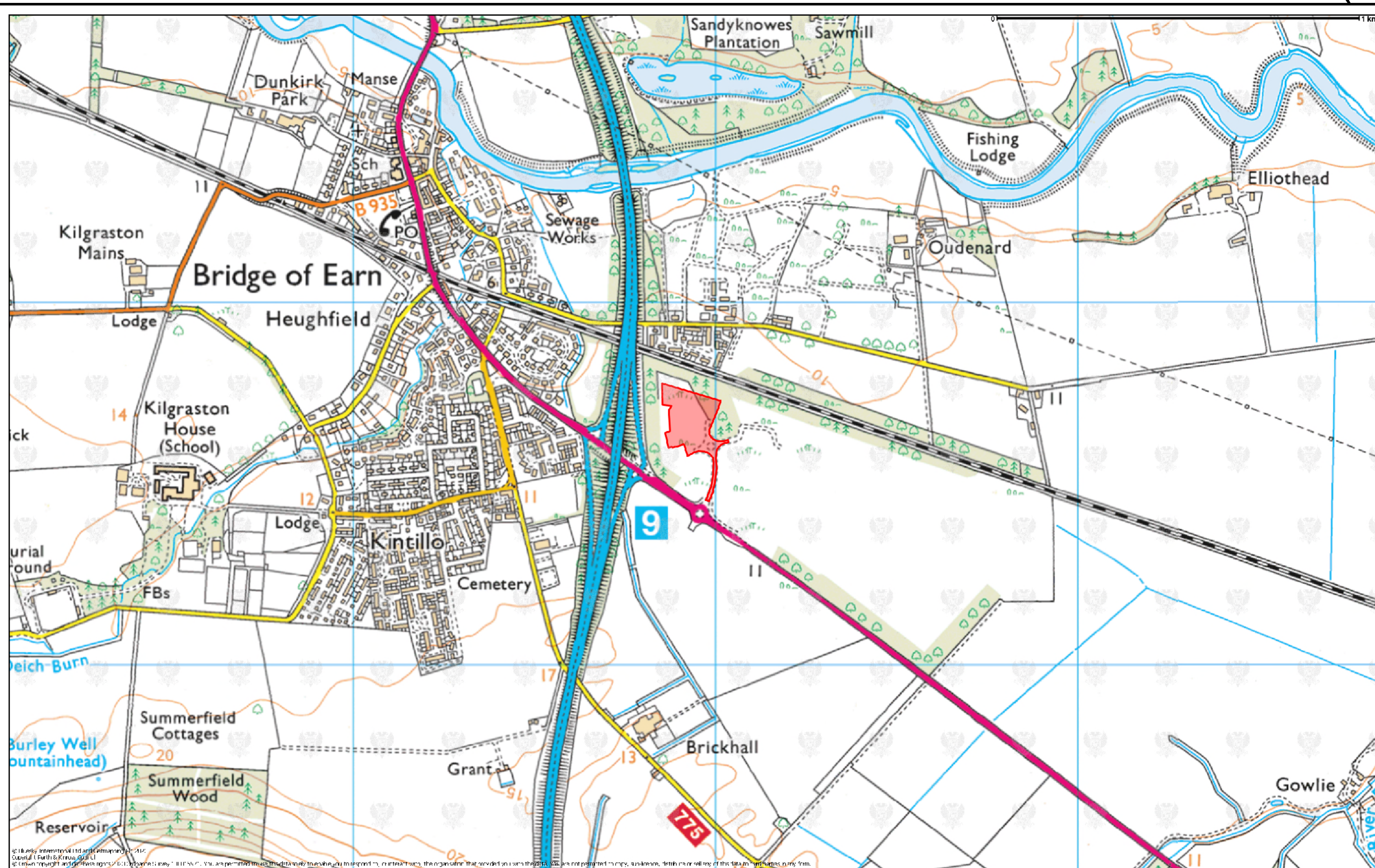
Background Papers: One letter of representation  
Contact Officer: Gillian Peebles  
Date: 21 December 2023

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

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Planning and Placemaking Committee - 10 January 2024

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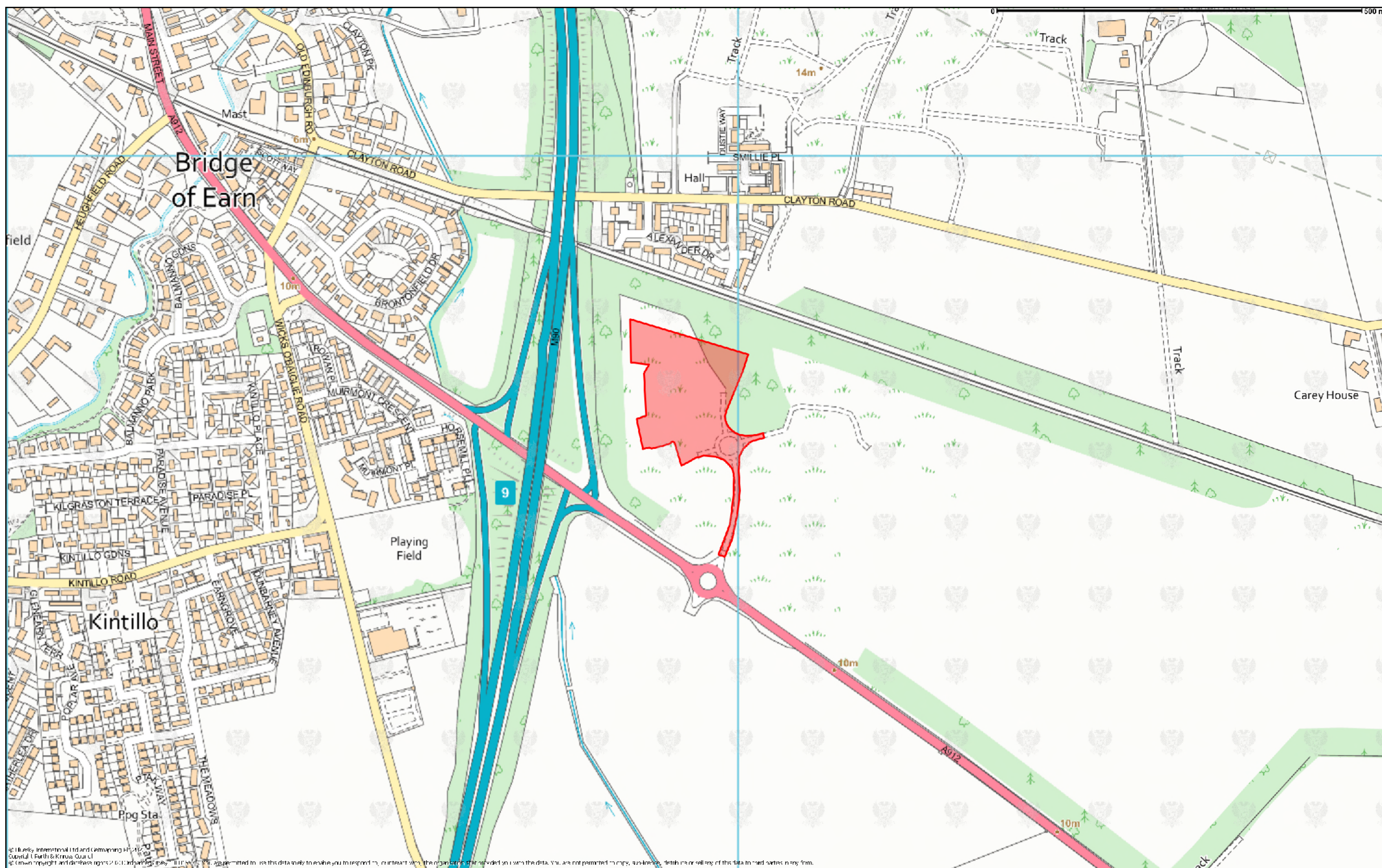


23/00146/AMM

Erection of 17 dwellinghouses, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM) on land to the North of A912 at Oudenarde, Bridge of Earn







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Planning and Placemaking Committee - 10 January 2024

Scale 1:5000



23/00146/AMM

Erection of 17 dwellings, 7 detached garages, landscaping and associated works (approval of matters specified in conditions 02/01482/IPM) on land to the North of A912 at Oudenarde, Bridge of Earn





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/9)

<b>PROPOSAL:</b>	Residential development with associated access road, landscaping, SUDS, and associated works (MU27) (in principle)
<b>LOCATION:</b>	Land 170 Metres South-West of 8 Tayview, Luncarty

Ref. No: [23/00592/IPM](#)  
 Ward No: P5- Strathtay

### Summary

This report recommends approval of the application, subject to conditions (which include for a S75 legal agreement or other suitable mechanism to control developer contributions and infrastructure), as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

The proposal seeks Planning Permission in Principle (PPIP) for a residential development of 110 dwellinghouses and associated access, landscaping, SUDS, and other works. An indicative masterplan supporting the application indicates that vehicular access to the site would pass through the adjacent land, also allocated for residential development and which has already seen PPIP granted.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site extends to 14.37 hectares and is part of the wider 'MU27: Luncarty South' site, which is allocated for residential and commercial development with the Perth and Kinross Local Development Plan 2 (2019).
2. The proposed development area currently comprises arable farmland, with scattered field trees and riverside woodland, all to the immediate south of Luncarty and within a landscape area characterised by NatureScot as 'Lowland River Valley'. The river Tay is a short distance beyond the eastern extent of the site. To the south and west is further low-lying agricultural land, also within MU27, whilst further west is the A9(T). The proposed development would result in the development of the farmland, but thereafter include new native woodland, tree planting, and meadow and wetland areas.
3. The proposed site is currently contained by three surrounding development areas (identified as Phases 3, 4 and 6 on an approved 'phasing plan' associated to

planning permission Ref:17/00847/IPM). This further application proposes that the development proposed therein be brought forward one phase, from the current Phase 5 to Phase 4. The existing Phase 4 would in turn move back and become Phase 5, allowing development north of the public road, which intersects the overall MU27 allocation (subject to the masterplan), to be developed first and then move south of it.

4. The Pre-Application Consultation (PAC) Report, submitted in support of the application, provides an overview of the steps taken by the applicant in undertaking pre-application consultation between them, the local community, and other interested parties. The submission of this PPIP follows on from that 12-week pre-application consultation period, which ran until 24th June 2022. As part of the consultation two in person public consultation events were held in Luncarty, at the Luncarty Church Hall; the first on the 28 April 2022, and the second on 31 May 2022. Both ran between 2:30pm and 6:30pm.
5. The application is also supported by an Environmental Impact Assessment Report (EIAR). The proposed properties are a mix of detached and semi-detached units ranging one-to-5-bedroom properties.

#### **Pre-Application Advice**

6. Pre application Reference: 21/00586/PREAPP. His advised that overall, the principle of residential development is supported, as it is located on an allocated site for residential use within LDP2.

#### **NATIONAL POLICY AND GUIDANCE**

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

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

8. The National planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. The most relevant policies to the application are as follows:
  - Policy 1: Tackling the Climate and Nature Crisis.
  - Policy 2: Climate Mitigation and Adaptation.
  - Policy 3: Biodiversity.
  - Policy 4: Natural Places.
  - Policy 5: Soils.



- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places.
- Policy 12: Zero Waste.
- Policy 13: Sustainable Travel.
- Policy 14: Design, Quality and Place.
- Policy 15: Local Living and 20 Minute Neighbourhoods.
- Policy 16: Quality Homes.
- Policy 18: Infrastructure First.
- Policy 19: Heating and Cooling.
- Policy 20: Blue and Green Infrastructure.
- Policy 21: Play, Recreation and Sport.
- Policy 22: Flood Risk and Management.

### **Planning Advice Notes**

10. The following Scottish Government planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

12. Designing Streets is the policy statement in Scotland for street design and changes. The emphasis of guidance on street design towards place-making and away from a System focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

## DEVELOPMENT PLAN

14. The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019)

### **Perth and Kinross Local Development Plan 2**

15. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.*” It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The application site is allocated in LDP2 under MU 27. The Luncarty Settlement Summary states the site-specific developer requirements for the application site as being:

- A comprehensive Masterplan submitted at the time of any planning application.
- The open space/landscape buffer which abuts the river Tay must be defined by a Flood Risk Assessment and protected from built development.
- An updated full Transport Assessment.
- Enhancement of biodiversity and protection of riverbank habitats enhancing connectivity into the Green Network.
- Developer requirements for the enhancement of core paths and pedestrian connections into Luncarty and the wider network.
- Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.
- Construction Method Statement to be provided for all aspects of the development to protect the watercourse; and
- A desk-based archaeological assessment of the site

16. The principal relevant policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 36A: Waste Management
- Policy 36B Waste Management
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland, and Trees: Forest and Woodland Strategy
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

17. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

#### **18. SITE HISTORY**

- **14/00009/PAN** The content of a Proposal of Application Notice (PAN) related to a residential development was agreed by PKC on 5 November 2014.
- **15/00419/SCRN** An EIA Screening Opinion for a mixed-use development was issued by PKC on 24 March 2015, indicating that an EIA was required.
- **15/00511/SCOP** An EIA Scoping Request for a residential development was agreed by PKC on 30 April 2015.
- **17/00847/IPM** Planning Permission in Principle was approved on 30 August 2019 for a mixed-use development comprising residential and employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works.
- **21/01908/SCRN** An EIA Screening Opinion for a proposed residential development was issued by PKC on 29 November 2021, indicating that an EIA was required.

- **22/00009/PAN** The content of a further PAN was agreed on 10 March 2022, relating to a residential development, access, landscaping, SUDS and associated works (allocated site MU27).
- **22/00727/SCOP** An EIA Scoping Request for a residential development was agreed by PKC on 26 May 2022
- **22/00869/IPM** A S42 application to modify condition 3 (occupation of dwellings) of permission 17/00847/IPM was approved on 22 February 2023. The MU27 allocation and associated site-specific requirements, as well as condition 3 of application 17/00847/IPM, recognise there is a need for an appropriate trigger to consider potential additional transport infrastructure requirements for the site.

## CONSULTATIONS

19. As part of the planning application process the following bodies were consulted:

### External

20. **SEPA** - No objection: a revised Flood Risk Assessment acknowledges that housing development is proposed above 20mAOD and is thus free from flood risk from the river Tay. Other comment sees SEPA welcome green buffers along the river Tay. Advice is also provided on SuDS and it is noted that foul drainage is to be connected to the public sewerage system. It is further noted that there may be dewatering during construction and advise on this provided.
21. **Historic Environment Scotland (HES)** - No objection: HES welcome the assessment of cultural heritage impact in the EIAR and are content that significant impacts are unlikely, with the mitigation proposed. However, more detailed analysis would be welcomed, such relating to the detail of landscaping works.
22. **Transport Scotland** - No comments. However, in response to a consultation on an earlier PPIP (17/00847/IPM) no objections were raised subject to the inclusion of conditions relating to the masterplan, site layout plan, new roads infrastructure requirements and proposed phasing plans.
23. **Luncarty, Redgorton and Moneydie Community Council** - No comments.
24. **Scottish Water** - No objection: Advise of current sufficient capacity in the Perth Water Treatment Works, but insufficient capacity at Perth Waste Water Treatment Works and that contact should be made with Scottish Water's Development Operations department to discuss phasing and delivery timescales to mitigate this. Also advise that records indicate that the proposed development falls within a drinking water abstraction catchment. However, the proposals are a sufficient distance from the intake, and thus there is low to medium risk to water quality. However, water quality protection measures must be implemented. Further advice is provided to the applicant on engagement with Scottish Water.

25. **NatureScot** - No objection. Conditions are recommended to mitigate impact on internationally important natural heritage interests. This reflects the location adjacent to The River Tay, which is part of the River Tay Special Area of Conservation (SAC), designated for its populations of: Atlantic salmon; otter; brook, river, and sea lamprey; and clearwater lochs. It is noted that Fresh Water Pearl Mussels (FWPM) are not currently a River Tay SAC qualifier; however, they are a protected species. It is an offence to intentionally or recklessly kill, injure take or disturb mussels, or to damage their habitat and a Species Protection Plan (SPP) should be produced to address impacts from any outfall to the mussel population.
26. **Perth and Kinross Heritage Trust (PKHT)** - No objection: PKHT confirm that there is archaeological potential, with a number of sites recorded nearby, as well as designated heritage assets (Scheduled Monuments, Listed Buildings, Gardens and Designed Landscapes) in the vicinity. A condition for a programme of archaeological work is recommended and will inform a mitigation strategy. The details of this should be agreed in a Written Scheme of Investigation (WSI) approved via condition.

#### **Internal**

27. **Environmental Health (Contaminated Land)** - No objection: reiterate the requirement for a contaminated land condition.
28. **Environmental Health (Noise, Odour)** - No objection: Advise there will be no significant noise or vibration impacts subject to a condition requiring a Noise Management Plan within the Construction Environmental Management Plan (CEMP) and an additional condition relating to fixed plant. Further advise that Air Quality can be protected via a condition requiring a Dust Management Plan within the CEMP. No significant post completion impacts on the Peth AQMA are anticipated.
29. **Transportation And Development** - No objection. However, advise that Condition 3 of 22/00869/IPM states that no more than 350 dwellinghouses 2029 and no more than 520 dwellings and 5 hectare of employment land must be constructed, and occupied, in advance of a scheme for new road infrastructure solutions. In this instance, it is recommended that a similar condition is included in any consent issued.
30. Access to the site will be from routes via areas already consented under applications 17/00847/IPM and 22/00869/IPM. The Transport Assessment advises of core paths to the north, east and south and it is proposed to connect with these paths. Indicative details have been provided, but as part of any MSC submissions the connections shall be clearly detailed, along with any enhancements to the core path. A planning condition is recommended to secure details regarding any obstruction, dissecting and re-routing of any core paths.

31. The phased implementation of a Public Transport Plan (PTP) should be carried out prior to the occupation of the 1<sup>st</sup>/50<sup>th</sup>/100<sup>th</sup> dwellings, in line with other similar developments. Furthermore, the location and standard of bus stops must be confirmed and delivered, including the incorporation of real-time bus information.
32. In line with application 17/00847/IPM, further assessment is required to identify a new road infrastructure solution to distribute traffic from the development via transport networks. Thus, a similar condition is recommended. Further advice on parking and cycle parking; and waste collection vehicle access, to be included in conditions is provided.
33. **Development Contributions Officer** - No objections. Advise of the Section 75 Agreement in place relating to the adjacent land (Ref: 17/00847/IPM) and that these obligations should be reflected in any consent.
34. Issues to address include compliance with the Affordable Housing Policy (25% of 110 units would be 27.5 units); and that Luncarty Primary School sees predicted capacity rate issues associated to the development and thus contributions towards education infrastructure are required.
35. The Transport Infrastructure Developer Contributions Supplementary Guidance also sees a requirement for a financial contribution towards the cost of delivering transport infrastructure improvements. The site falls within the identified Transport Infrastructure Supplementary Guidance boundary. Condition(s) to reflect this should be attached to any grant of planning permission.
36. **Community Waste Advisor - Environment Services** - No objections. Advise that the developer must contact the Community Waste Team to discuss waste collection requirements (access for vehicles and bin storage arrangements) as the site progresses. Advice on during construction arrangements are also provided.
37. **Biodiversity/Tree Officer** - No objections. Provides advice on the required information related to the SAC, Protected Species and Habitats Regulations Appraisal (HRA).
38. Further advise that more information is required in relation to trees: map plotting and an impact assessment associated to the development. A bat survey is also requested, along with a detailed landscaping plan and planting schedule.
39. Conclusions from the EIAR and requirements detailed in the LDP2, and PKCs Planning for Nature Supplementary Guidance should be used to create a Site Biodiversity Action Plan, required by condition.
40. **Community Greenspace** - No objections. Advise although a play area would not be required, a financial contribution towards the upkeep and future upgrade of existing play areas in Luncarty should be secured (110 units would see a

payment of £13,231.50 (uplifted with RPI) associated to the upkeep of the nearby NEAP).

41. Otherwise, a detailed layout plan including elevations, tree planting plan, and maintenance plan would be required before a figure can be estimated for the adoption of any open space by PKC. Advice on open space adoption and costs is also provided.
42. Finally advise that access along the core paths LUNC/100, LUNC/116, LUNC/117, LUNC/2 and rights of way 36/2 should not be obstructed or deterred.
43. **Development Plan Team** - No objections. Advise the principle of residential development is supported via the MU27 allocation in LDP2, subject to assessment against the site-specific developer requirements, and policies of the Development Plan.
44. It is noted that the indicative layout shows four connections to the other phases, two to the south and two to the east. A revised masterplan strategy layout is sought to include this link, and also to include more east west linkages from the developable area to the river core path (LUNC/2). It is recommended that a condition is included to this effect.
45. An updated District Heating Feasibility Study for the whole site is also required to be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site.
46. The accompanying Design and Access Statement, or other document as agreed by the Council, should demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal. As a phase of the overall masterplan for MU27, many of the conditions of the 17/00847/IPM should also be added to this permission.
47. **Structures and Flooding** - No objections. Advise that there are no known watercourses running through the site. The river Tay runs to the east flowing from north to south. A Drainage Impact Assessment and a Masterplan Strategy show the existing site contours, the proposed development areas and two potential locations for SuDS features.
48. The indicated SuDS areas appear inadequate to attenuate anticipated volumes, without significant basin depths and should be addressed at the detailed design stage, controlled via a suitably worded condition.
49. There are two watercourses close by; the River Tay and the Schochie Burn to the north. As such the detailed design stage should see buildings suitably set back and landscaping or groundworks within the flood extent designed to ensure no loss of storage or impact on flood risk.

## REPRESENTATIONS

50. Four objections and one submission in support of the application were received. The main issues raised within the representations are:
- Adverse effect on visual amenity.
  - Inappropriate housing density.
  - Inappropriate land use.
  - Loss of trees.
  - Out of character with the surrounding area.
  - Over development.
  - Issues of overlooking / loss of privacy.
  - Road safety issues.
  - Traffic congestion.
  - Loss of open space.
  - Impact on wildlife.
  - Impact on local footpath network.
51. The main point of support was that there is a need for new homes in the area.
52. These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

53.

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Submitted

## APPRAISAL

54. Sections 25 and 37(2) of the Town & Country planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

### Principle

55. The principle of residential development at the site and adjacent land is supported by the Development Plan through allocation in the LDP2 (MU27) for residential and commercial use. Furthermore, the remainder of MU27 saw PPIp



approved (17/00847/IPM) on 30 August 2019, with an implementation period of 20 years.

56. MU27 is contained within the defined Luncarty settlement boundary and is a planned urban expansion. The proposal is thus compliant with Policy 6: Settlement Boundaries and the principle of residential development is aligned with the Development Plan, subject to the site-specific developer requirements being met. Concerns have been raised in an objection over the use of the land for housing. However, given the LDP2 allocation and subsequent approved consents, the development of housing is accepted. In addition, the overall size of the application site and likely densities, as indicated in supporting information, will not result in the over development.

### **Design and Layout**

57. As a PPIp, the proposals seek to establish the acceptability of the principle of residential development. However, precise details such as siting, layout, scale, height, design of buildings are not yet sought to be confirmed and would require to be controlled via conditions.
58. The information submitted, whilst illustrative, indicates a broadly acceptable development in planning terms. It provides information including where the residential areas will be located and how they would be accessed. An indicative masterplan shows that nearly 32% of the units with either 1 or 2 bedrooms, with a mix of both houses and flats. This is higher than the 10% required by Policy 25 of LDP2 and is welcomed. In addition, the requirement of LDP2 Policy 20, to have 25% of all dwellings to be 'affordable housing' is also identified. An objection considers the proposed density inappropriate. However, the proposals reflect densities in the residential areas of Luncarty and other similar contexts. There will be 5 different house sizes, providing a good mix and choice.
59. The development principles set out are considered acceptable, taking into cognisance required landscape mitigation while still allowing retention of control over further detailed design matters. An updated District Heating Feasibility Study for the whole site can be controlled via condition to assess the technical feasibility and financial viability of heat network/district heating for this site (Condition 24). The submitted Planning Policy, Design and Access Statement, accords with LDP2 Policy 2: Design Statements. Overall, the proposal is considered to demonstrate the ability to comply with LDP 2 Policy 1: Placemaking, subject to detailed design work, and NPF4 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes.
60. Detailed design issues would be confirmed through subsequent applications for the Approval of Matters Specified in Conditions (AMSC), via recommended conditions.

## **Landscape**

61. LDP 2 Policy 39 states that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. In this respect the proposal would see the development of arable farmland through the introduction of new buildings, associated access, and services, as well as proposed areas of new native woodland, tree planting, meadow, and wetland. Although development will result in the loss of agricultural land this has been accepted via the allocation in LDP2, it is also proposed to provide open space in the northern and eastern areas. Furthermore, tree planting is proposed along the spine road and residential streets. Therefore, given the level of agricultural land adjacent to the application site and wider context of landscape features, the proposed developments the impact on the landscape character is accepted and mitigations are to be undertaken.
62. New tree planting will focus on native species, especially those that will thrive in the local conditions. There will be an emphasis on broad-leaved species that would contribute to biodiversity enhancement as well as local landscape character and visual amenity. All trees would be planted, and wildflower meadows seeded, at the first available opportunity in accordance with seasonal restrictions. Where possible, advanced planting would be undertaken to ensure the early establishment of new woodland areas. This will be covered by the inclusion of recommended Conditions 2, and 18. As such, it is considered that the proposed development is in accordance with LDP2 Policy 39: Landscape; LDP2 Policy 51: Soils, NPF4 Policies 3: Biodiversity, 4: Natural Places, 5: Soils, 6: Forestry, Woodland and Trees and 20: Blue and Green Infrastructure.

## **Residential Amenity**

63. LDP2 Policy 17: Residential Areas, highlights that areas of residential and compatible uses inside settlement boundaries will see existing residential amenity protected and, where possible, improved. The proposed buildings would be of a scale consistent with that of existing built form within Luncarty and the isolated dwellings in the surrounding area. Also accounting for the fact that the site is allocated for residential land use in LDP2. The built form will vary to create a residential development which will enhance the residential amenity of Luncarty. Any potential for loss of privacy / overlooking as well as occupier and wider amenity can be addressed at the detailed planning application stages.
64. LDP2 Policy 56: Noise Pollution states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation. Noise impact issues has been assessed, particularly focusing on areas to the west of the site which are in close proximity to the A9 trunk road and the Perth to Inverness rail line.

65. It is anticipated that there will be some impact on residential amenity from noise but focused during the construction phase. This noise need not be excessive and will be no more than can be expected from development works common to this nature and size of proposal. However, given that the use of fixed plant is anticipated, and in order to protect residential amenity, condition 8 is recommended to require a Noise Impact Assessment. Restrictions on working hours are also to be controlled via condition 10.
66. LDP2 Policy 57: Air Quality states that the Council has a responsibility of improving air quality by seeking to prevent the creation of new pollution hotspots, and to prevent introduction of new human exposure where there could be existing poor air quality. Any proposed development that could be adverse, through exacerbation of existing air quality issues or introduction of new sources of pollution (including dust and/or odour), must provide appropriate mitigation measures. These will be included in a Construction Environment Management Plan (CEMP), which is covered by recommended condition 9.
67. A Dust Risk Assessment has been submitted concluding that, as a result of the proposed development, there is a medium risk of adverse impacts from dust. This being the case, any consent issued should include a condition that a Dust Management Plan must be included in the CEMP. Subject to such a CEMP, the development is not expected to have an adverse effect on local air quality or any of Perth's Air Quality Monitoring Areas (AQMA). The proposed development is, therefore, considered in accordance with LDP2 Policies 56: Noise Pollution and 57: Air Quality.

### **Visual Amenity**

68. Matters relating from the detailed design/layout and resultant visual impact will be fully assessed via subsequent MSC applications. However, the principle of the proposal is considered to comply with LDP2 Policy 39. Concerns have been raised in representations that the proposed development will lead to a loss of visual amenity. However, recommended condition 2 will address the site-specific requirements for landscape framework provision, enhancement of biodiversity and compensatory planting for any felled trees – all to ensure appropriate visual amenity.

### **Roads and Access**

69. LDP2 Policy 15: Public Access states that development proposals that would have an adverse impact upon the integrity of any (including proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. Although, it is recognised that the proposed development may lead to an increase in traffic congestion, this would be no more than could be expected from a development of this size, and it is anticipated that this will be accommodated by the existing roads network and able to be mitigated by sustainable transport options for various journeys.

70. In this instance, the site is currently accessed off the B9099, via Scarth Road and a minor private road. The proposals have been designed not to impact the core path which runs adjacent. As part of any detailed application all accesses shall be clearly detailed, along with any enhancements to the core path. It is noted that vehicular access, will involve dissecting the core path network, the detail of which shall also be provided with any planning submission. Condition 5 is recommended to ensure that core paths are not adversely affected.
71. A path network for active travel, within the site, for walking, cycling, and wheeling has yet to be fully defined but will be required at MSC stage. This will ensure that there is no adverse impact on the local footpath network, but likely enhancement. The application highlights that parts of Fairview have footways but that sections of Scarth Road, which do not. The junction improvement works identified in application 17/00847/IPM, will provide connectivity to the site from the B9099.
72. LDP2 Policy 60A: Existing Infrastructure, sees existing transport infrastructure identified and encouragement given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.
73. LDP2 Policy 60B: New Development Proposals, states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular, sustainable modes: walking, cycling and public transport should be considered, prior to private car journeys.
74. In this instance, the submitted Transport Statement highlights the need for local bus services to connect to the development, as a result a Public Transport Plan is required. Developer Contributions are also required to provide transport infrastructure improvements. Routes to and from the development will also need to be bus/coach suitable, confirmed via swept path analysis, and areas are to be identified for the uplift/set down of passengers/school pupils and where bus stops/shelter infrastructure can be provided. Implementation of the Public Transport Plan (PTP) will be carried out prior to the occupation of dwellings (1st house, 50th house, 100th house) and covered by recommended Condition 17.
75. In line with permission 17/00847/IPM, a further assessment shall take place to identify a road infrastructure solution to distribute traffic from the development via transport networks. Condition 20 is recommended on a similar format pro rata. Travel Plan Framework information is acceptable and sets out means of delivery. This will be developed further as part of any detailed planning application submission.
76. Overall, the proposed development does not raise any insurmountable issues, subject to conditions relating to the masterplan, site layout, scale, access, core paths, and a Construction Traffic Management Plan. On this basis and subject to the recommended conditions, the proposed development can comply with LDP2 Policies 15, 60A and 60B; and NPF4 Policies 13: Sustainable Travel, 14: Design Quality and Place, 18: Infrastructure First, and 21: Play, Recreation and Sport.

## **Drainage and Flooding**

77. LDP2 Policy 52: New Development and Flooding, states that the Council supports the actions and objectives to avoid increased, reduce overall, and more generally manage flood risk in alignment with SEPA Strategies and Plans.
78. LDP2 Policy 53A: Water Environment, requires that any development should protect and where practical improve the water environment (ground and surface water).
79. LDP2 Policy 53B: Foul Drainage, asks that foul drainage from all developments within and close to settlements should connect to the public sewer.
80. LDP2 Policy 53C: Surface Water Drainage, requires Sustainable Urban Drainage Systems (SUDS), including relevant temporary measures at the construction phase. Matters relating to SUDS are covered in recommended Conditions 12 and 27.
81. In this instance, the proposed development sits above a level at threat of river flooding. The mitigation measures identified in the Environmental Impact Assessment Report (EIAR) will ensure that water quality standards are met and comply with SEPA's requirements. This has been covered by Condition 14.
82. In terms of construction phase surface water, a Construction Environment Management Plan (CEMP) should be submitted at the detailed application stage. This should include a Pollution Prevention Plan and further information regarding the flood history of the river Tay. In addition, final layouts should see buildings set back sufficiently from the Schochie Burn. In light of the above, the proposed development is considered to accord with LDP2 policies 52, 53A, 53B, 53C; and NPF4 policies 14: Design, Quality and Place, 16: Quality Homes, 18: Infrastructure First, and 22: Flood Risk Management.

## **Waste Collection**

83. The Council's Community Waste Advisor is satisfied with the proposed waste management arrangements but asks that further discussions on detail should take place. Informative notes are recommended to this effect. Subject to these issues the proposed development is in accordance with LDP2 Policies 36A, 36B: Waste Management, and NPF4 Policy 12: Zero Waste.

## **Natural Heritage and Biodiversity**

84. LDP2 Policy 40: Forestry, Woodland, and Trees states that Tree Surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where their sites contain trees and that there is a presumption in favour of protecting woodland resources.

85. A Tree Survey has been submitted, but no impact assessment on the potential adverse impact on trees. Concerns have been raised in representations that the proposed development will result in an unacceptable loss of trees. However, whilst there are likely to be trees felled, mitigation, in the form of tree and shrub planting, will ensure that the overall tree loss is appropriate.
86. Therefore, any consent issued will include a condition that such an Impact Assessment is submitted (Condition 18). Further conditions will require a detailed landscape plan and planting schedule (Condition 2). This future landscaping should see a predominance towards native Scottish trees and hedgerows and also include fruit bearing trees for biodiversity purposes. Furthermore, any existing mature trees located within 30m of the site should be surveyed for bats. (Condition 19). Subject to these detailed matters the proposed development is likely to be in accordance with LDP2 Policy 40: Forestry, Woodland, and Tress, and NPF4 Policy 6: Forestry, Woodland, and Tress.
87. LDP2 Policy 41: Biodiversity states that The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not. All whilst taking into account the ecosystems and natural processes in the area. Issues relating to the impact on, and protection of wildlife and habitats are controlled via recommended Conditions 2,13,14,15,16 and 19.
88. A bat survey must be submitted with any detailed planning application, in line with Condition 19. Furthermore, an environmental impact assessment report is required with any detailed planning application, to include all the relevant impact assessments for habitats, species, and existing trees on site. The conclusions of the Ecological Conservation Impact Assessment ( EclA), in addition to PKC Planning for Nature Supplementary Guidance, will provide guidance to form the basis of a Site Biodiversity Action Plan. Subject to the addition of suitable worded conditions, the proposed development is considered in accordance with LDP2 Policy 41: Biodiversity, and NPF4 Policy 3: Biodiversity.
89. LDP2 Policy 42: Green Infrastructure, states that The Council will require all new development to contribute to green infrastructure by:
- (a) creating new multifunctional green infrastructure,
  - (b) incorporating high standards of environmental design,
  - (c) ensuring that development does not lead to the fragmentation of existing green and blue networks, and
  - (d) the protection, enhancement, and management of existing green infrastructure.
90. In this instance, the proposed development indicates open space within central parts of the site, incorporating formal avenue-style tree planting and more natural copses of trees. This would contribute towards the extension of green infrastructure through the and site enhance the character / setting of the proposed dwellings. Mitigation, in relation to the operational period, primarily relates to the gradual establishment of the proposed native tree planting and

habitat creation. To ensure that appropriate planting is delivered, Condition 2(vi) is recommended.

91. These embedded landscape design / biodiversity enhancements would provide new green infrastructure, which would also benefit the surrounding area. Therefore, the proposed development principles are considered to be in accordance with LDP2 Policy 42: Green Infrastructure.
92. LDP2 Policy 47: River Tay Catchment Area, states that The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment Area.
93. In this respect surface water drainage systems will be designed to provide treatment to maintain water quality. Given otters were surveyed during the EIA process, appropriate mitigation is required as recommended in the EIAR – with protected species surveys recommended via Conditions 13 and 14. Any consent should include a condition that a Construction Environmental Management Plan (CEMP) is submitted, to avoid risk of adverse impact on the river Tay SAC (Condition 9). Subject to this the proposed development is considered in accordance with LDP2 Policy 47: River Tay Catchment Area, and NPF4 Policy 3: Biodiversity and Policy 4: Natural Places.
94. LDP2 Policy 51: Soils states that The Council seeks to protect soils from damage such as erosion or compaction.
95. In this instance, the application site is currently largely agricultural land which is allocated for housing in the adopted LDP. During construction subsoil and topsoil would be separated and retained in order to maximise the quality of subsequent reinstatement works. The soils would be appropriately stored, to avoid mixing and preserve their structure.
96. Soils would subsequently be re-graded to blend with the surrounding landform. The re-spreading of stored subsoils would be focused across areas of proposed wildflower meadow, where lower fertility soils would prevent grasses from outcompeting the slower establishing wildflowers. The re-spreading of higher fertility topsoil would be focused across areas of tree planting and garden areas (Condition 6). Subject to this, the proposed development would be in accordance with Policy 51: Soils, and NPF Policy 5: Soils.

### **Developer Contributions**

97. PKCs Developer Obligations Officer advises of requirements in relation to affordable housing (25% of overall dwellings); primary education infrastructure; open space, play area upkeep and maintenance; and maintenance of core path connections. A Section 75 legal agreement will be required at the detailed application stage, to secure these obligations and infrastructure delivery. Conditions are recommended to ensure compliance with LDP2 Policy 5 – Infrastructure Contributions, and the associated Supplementary Guidance. Recommended conditions 28, 29 and 30 will cover the required contributions to

affordable housing, primary education infrastructure and transport infrastructure respectively.

### **Economic Impact**

98. The development of dwellinghouses at this location will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on goods and services in the local economy and beyond.

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

99. A Section 75 legal agreement will be required at the detailed stage of the planning process, to secure the relevant obligations and infrastructure delivery.

### **DIRECTION BY SCOTTISH MINISTERS**

100. 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**

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

### **RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

##### **General**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:



- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a detailed phasing plan, commensurate with the phasing plan agreed as part of the wider MU27 allocation
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
- (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) details of car charging points to be provided within the development; and
- (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of The Planning etc. (Scotland) Act 2006.

3. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 2(i), a phasing strategy for the overall allocation (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in this phase shall not exceed 110 dwellinghouses/units, and how their delivery relates to the development of housing numbers associated to the overall MU27 allocation;
- (ii) The timing of delivery of infrastructure (including roads/footways and other access requirements associated to the overall MU27 allocation), open space and landscaping.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions

### **Public Access**

4. Any existing right of way or core path within or adjacent to the proposed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

5. Prior to the commencement of development, a revised Masterplan Strategy Layout shall be submitted to and approved by Perth and Kinross as Planning Authority, showing a link to the non-core path at the cul de sac 25-35 Hatton Road which would improve connectivity and provide a key linkage to nursery and the primary school, and also to include more east west linkages from the developable area to the river core path (LUNC/2).

Reason: To ensure that this applicant's masterplan strategy is fully in line with the masterplan strategy for application 17/00847/IPM, in accordance with LDP2 allocation MU27.

### **Soils**

6. Prior to works commencing on site, a soil re-use and management plan shall be submitted to and approved in writing by Perth and Kinross Council as Planning Authority, this Plan will include details of the storage of all soils and their appropriate re-use in future phases.

Reason: To protect soils from damage such as erosion or compaction, in accordance with LDP2 Policy 51: Soils and NPF4 Policy 5.

### **Archaeology**

7. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the

programme of archaeological works is fully implemented during each phase including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In the interest of protecting archaeological interest within the site.

### **Residential Amenity**

8. A noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.

Reason: In the interests of residential amenity.

9. Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

10. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

### **Rail Safety**

11. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

12. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme

shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

### **Trees and Biodiversity**

13. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition, submitted for approval under Condition 18 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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

14. The conclusions and recommended action points within the hereby approved supporting Environmental Impact Assessment (EIA) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species.

15. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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

16. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be submitted for the written approval of the Planning Authority. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

Reason: In order to prevent animals from being trapped within any open excavations.

17. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP 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 (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: to be consistent with PAN 75 Planning for Transport.

18. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

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

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

## **Roads and Access**

20. The maximum number of dwellings permitted via this application to be occupied by 2029 is 59 dwellings. Furthermore, no more than 88 dwellings, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new transport infrastructure solutions to distribute and/or reduce traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. The solution may be a vehicular connection to the Cross Tay Link Road (CTLR) or an alternative measure. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units across the wider MU27 site and include the timing for the delivery for the infrastructure improvements.

Reason: In compliance with the allocation MU27 of the Perth and Kinross Local Development Plan 2 (2019); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking

21. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) the details of all roads, footpaths, cycleways, core path connections throughout the development and connecting to existing infrastructure
  - (ii) the lighting of all streets and footpaths
  - (iii) full details of the proposed means of disposal of foul, surface, and roads water from the development; and
  - (iv) details of car charging points to be provided within the development.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

22. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the development shall be completed in accordance with the approved scheme.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

23. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

24. An updated District Heating Feasibility Study for the whole site shall be submitted to, and for the written approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

25. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

26. Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation.

Reason: In the interests of road safety and residential amenity.

## **Drainage and Flooding**

27. As part of an application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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

## **Contributions**

28. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

29. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

30. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.

Reason: To ensure that the development approved makes a contribution towards improvements of transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

## **Justification**

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

## **Procedural Notes**

The existing Section 75 tied to planning permission 17/00847/IPM is required to be updated and/or modified as the agreement does not have a "future proofing" clause to accommodate for subsequent changes to the development, covering



Section 42 applications or renewal of permission and other related planning changes.

Consent shall not be issued until the Section 75 Agreement has been modified, signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
4. 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, Perth.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that 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](http://www.sepa.org.uk)

7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
8. 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.
9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
11. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
13. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
14. Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
15. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

16. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
17. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477027.
18. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
19. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
20. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
21. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
22. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
23. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

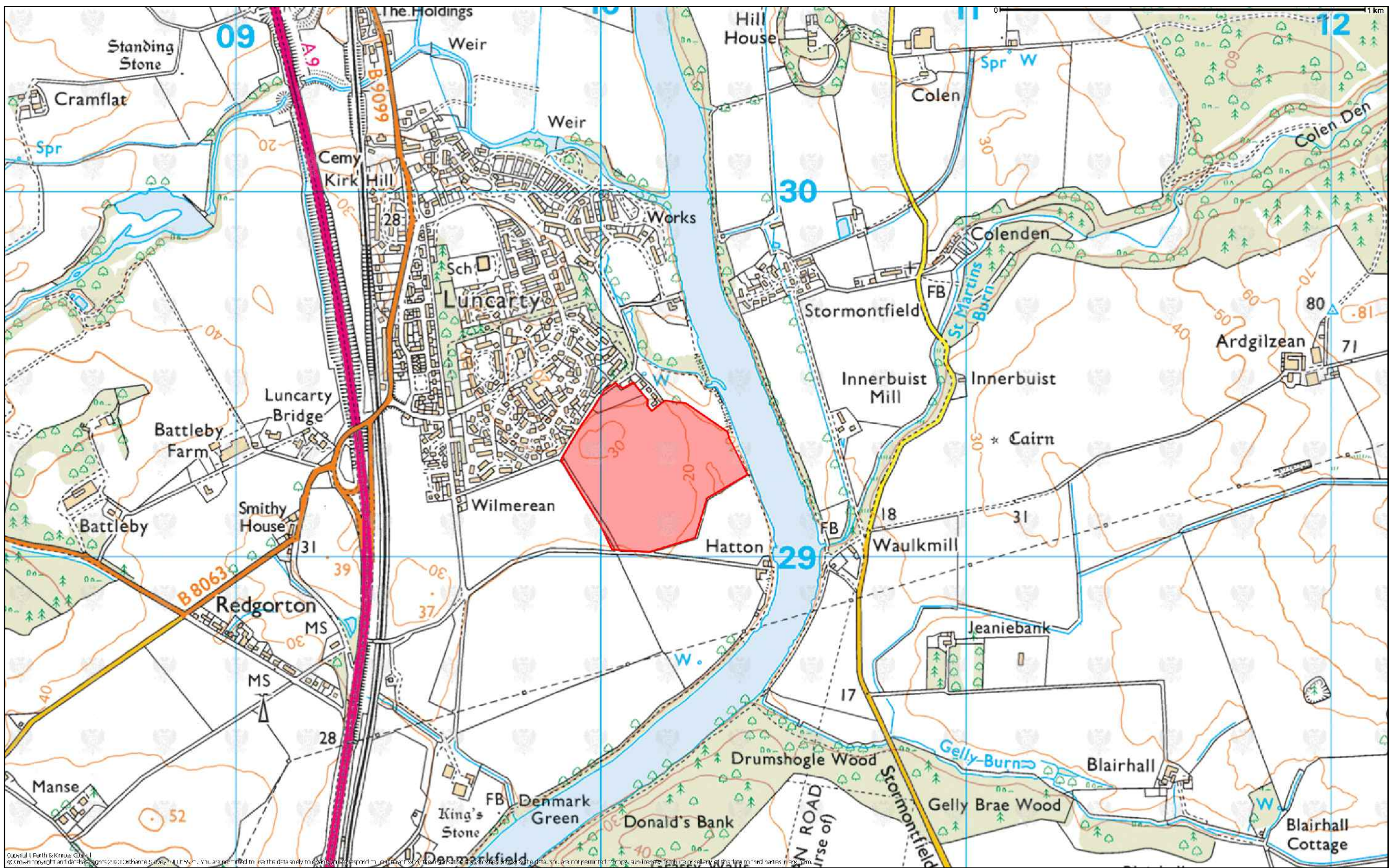
Background Papers: 4 letters of representation  
Contact Officer: Alan Atkins  
Date: 29.11.23

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

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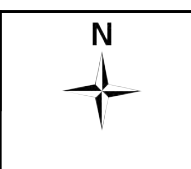
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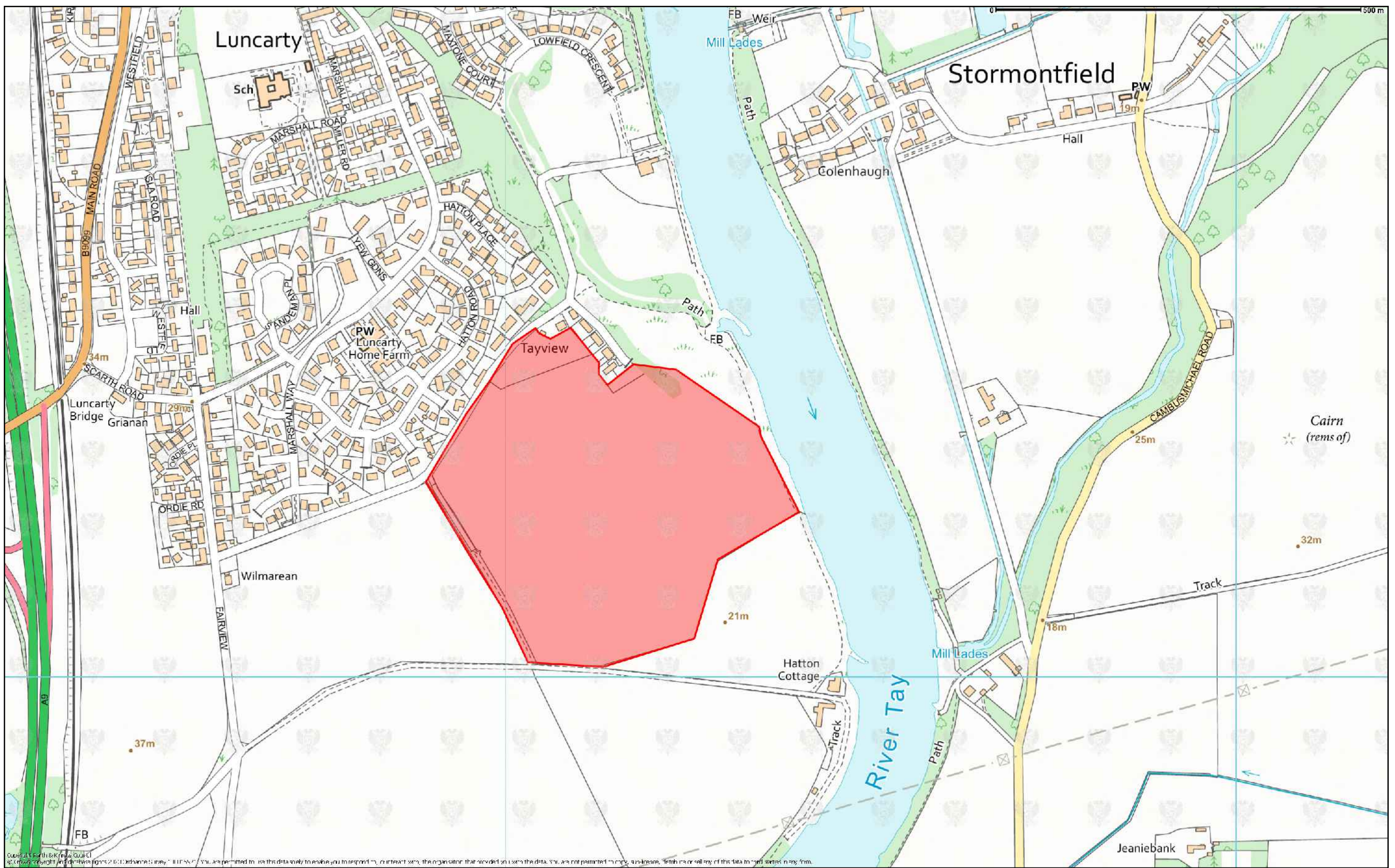
Planning and Placemaking Committee - 15 November 2023  
 Scale 1:10000



23/00592/IPM  
 Residential development with associated access road, landscaping, SUDS and associated works (MU27) (in principle) on land 170 metres South West of 8 Tayview, Luncarty

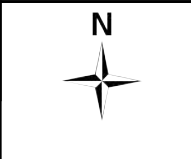






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Planning and Placemaking Committee - 15 November 2023  
Scale 1:5000



23/00592/IPM  
Residential development with associated access road, landscaping, SUDS and associated works (MU27) (in principle) on land 170 metres South West of 8 Tayview, Luncarty







Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/10)

**PROPOSAL:** Erection of 60 dwellinghouses and 34 garages, formation of SUDS basin, a service/access road, parking areas, landscaping, and associated infrastructure (Phases 4 to 6) (approval of matters specified in conditions 16/01595/IPM)

**LOCATION:** Former Glenisla Golf Course, Alyth

Ref. No: [23/00610/AMM](#)

Ward No: P2- Strathmore

### Summary

The application is the latest phase of a mixed-use development for which Planning Permission in Principle was first granted in 2010, the mix of approved uses including: works to the Golf Course, development of business units, a hotel, nursing home, and residential dwellings.

This application proposes details of part of the residential component, specifically 60 mainstream houses and associated development.

It is recommended that planning permission is granted, subject to the Legal Agreement or other suitable arrangement to secure affordable housing contributions.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The overall site covered by the Planning Permission in Principle (PPiP) extends to approx. c.51.29 hectares (ha) and covers what was the Glenisla golf course. This application relates to Phases 4, 5 and 6 of the associated masterplan and occupies 4.7ha, on a slope down north to south. The northern part of the red line site is the route of the access road off the B952, whilst to the northwest of the main body of the site is the recently developed care home building; then an open space, to the east of which is housing within Phase 3 and then two associated SuDs ponds. To the east is the existing golf course and to the south an area to be landscaped as a planted as a recreational buffer to open agricultural land. The site formally comprised largely of areas which formed part of the golf course.
2. In June 2010, the Council granted planning permission in principle (PPiP) for improvements to the existing golf club/course, the erection of 9 business units, the erection of a hotel, the erection of a nursing home and residential units

(09/01345/IPM). A further planning permission (Ref: 13/01114/IPM) was granted in 2013 extending the timescale for the submission of the required reserved matters.

3. Subsequently further PPIP and associated Matters Specified in Conditions permissions (including 16/01595/IPM) have been approved, seeing the first phases of development approved and in part subsequently developed (18/01214/AMM, 20/00020/AMM and 20/00511/AMM). The planning history is set out below.
4. The present application proposes 60 residential units and related works within phases 4 to 6, via the approval of matters specified in conditions of permission 16/01595/IPM.

### **Pre-Application Consultation**

5. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after the 3 February 2013. However, as the proposal is an Approval of Matters Specified in Conditions (AMSC) application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for the in-principle (PPP) application.

### **Environment Assessment**

6. Deciding whether or not an Environmental Statement should be re-submitted as a result of a change or modification to an approved development is a decision which is made by the relevant competent, determining authority, which in this case is the Council. As there are no statutory provisions or procedures on this subject, it is reasonable that the Council should make the decision on whether or not a new environmental statement is required for this application after consideration of the following two questions.
  - a) *Is the development proposed significantly different that the original environmental statement needs to be revised or added too?*
  - b) *Are the environmental effects of the development so significantly different as to invalidate the original environmental statement and consultee responses?*
7. As the answers to both questions, is considered to be 'no', it is the view of the Council (as the component Authority) that a new or updated Environmental Statement is not required.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework 4**

9. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
10. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. The following policies are considered to be the most relevant in relation to this application:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 17: Rural Homes
  - Policy 18: Infrastructure First
  - Policy 22: Flood Risk and Water Management
  - Policy 29: Rural Development

### **Planning Advice Notes**

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

13. Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **DEVELOPMENT PLAN**

15. The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2**

16. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
17. The principal relevant policies are:
  - Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 1C: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 14A: Open Space Retention and Provision: Existing Areas
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 19: Housing in the Countryside
  - Policy 20: Affordable Housing

- Policy 25: Housing Mix
- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 36A: Waste Management Infrastructure: Existing Waste Management Infrastructure
- Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER MATTERS**

18. At the time of the PPIP a legal agreement was drafted setting out the requirements for developer contributions. As such the current Developer Contributions and Affordable Housing Supplementary Guidance is not relevant to this application.

## **PLANNING HISTORY**

19. [04/00862/OUT](#) Outline planning permission was refused on 4 June 2004 for the proposed development of residential plots.
20. **09/00002/PAN** A Proposal of Application Notice was submitted and subsequently withdrawn for a proposed development for the erection approximately 200 private houses, a nursing home and affordable units, a hotel and business starter units with associated servicing, access and landscaping. This withdrawal was due to the associated regulations not yet having come into force at the point the subsequent application (09/01345/IPM) was validated (29 July 2009) and as such no formal Pre-Application Consultation (PAC) was required.
21. [09/01345/IPM](#) Planning Permission in Principle was approved on 27 September 2010 for improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units.
22. [13/00660/FLL](#) An application for full planning permission for erection of 18 dwellinghouses with garages was withdrawn on 25 October 2013.

23. [13/01114/IPM](#) Planning Permission in Principle was approved on 13 September 2013, for a variation of condition 1 (implementation period) of 09/01345/IPM.
24. [14/00282/AMM](#) An application seeking Approval of Matters Specified in Conditions (AMSC) associated to 09/01345/IPM was refused on 16 January 2015 for erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1).
25. [16/01595/IPM](#) An AMSC application was approved on 15 February 2017 for variation of condition 5 (roads and access) of permission 09/01345/IPM
26. [18/01214/AMM](#) An AMSC application was approved on 9 April 2019 for a site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM)
27. [20/00020/AMM](#) An AMSC application was approved on 11 June 2020 for site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM)
28. [20/00511/AMM](#) An AMSC application was approved on 6 September 2021 for erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping and associated works (Phase 2 and 3) (approval of matters specified in conditions of 16/01595/IPM)
29. [20/01540/AMM](#) An AMSC application was approved on 9 March 2021 for S42 application to modify condition 13 (water crossings) of permission 18/01214/AMM

## CONSULTATIONS

30. As part of the planning application process the following bodies were consulted:

### External

31. **Scottish Water** - No objection. Advise that this does not confirm that the proposed development can currently be serviced. Note the proposed development will connect to the Lintrathen Water Treatment Works but that confirmation of capacity will require the applicant to submit a Pre-Development Enquiry (PDE) Form to Scottish Water.

32. **Historic Environment Scotland (HES)** - No objection. HES have previously been consulted on the Masterplan (Ref:18/01214/AMM) and accept the proposed measures to safeguard the Pitcrocknie Standing Stone and its setting.
33. **Perth and Kinross Heritage Trust** - No objection. Advise that the proposed development site lies within an area of archaeological potential. Conditions are recommended that: a programme of archaeological works is undertaken prior to works commencing; and that protective fencing is erected around the scheduled monument.
34. **National Health Service (NHS)** - No objection. Note that there are no site-specific developer obligations in place which relate to the provision of Health and Social Care buildings, or infrastructure and that consideration should be given to the need for additional Health and Social Care facilities. It is indicated that developer obligations should be considered.
35. **Alyth Community Council** - No comments.

#### **Internal**

36. **Development Plan Team** - No objection. Note the site is not allocated in the LDP and is out with the settlement boundary, but already has permission in principle.
37. **Environmental Health – Contaminated Land** - No objection. A search of the historic records did not raise any concerns regarding ground contamination.
38. **Environmental Health – Noise / Odour** - No objection, subject to the inclusion of standard conditions relating to plant equipment noise and construction working hours.
39. Advise that, in terms of air quality, there are insignificant impacts from traffic, and, given the removal of the proposed biomass installations within previous applications, there are no adverse comments to make in relation to air quality. However, a further condition is recommended requiring a Dust Management Plan is included in the Construction Environment Management Plan (CEMP)
40. **Community Greenspace (CGS)** - No objection. Advise the developer should engage with CGS regarding the possibility of using part of the open space within the overall development as a community growing space/community allotment site.
41. Advise that several core paths and rights of way are within the boundaries of the overall development. Access along these paths should not be obstructed or deterred during construction or on completion of the building works. Suitably worded conditions (Condition 16 and 18) are recommended, as well as an Informative Note to ensure that if there is any proposal to alter a route of an existing core path or right of way, a further legal procedure is required.

42. **Community Waste** - No objection. However, the developer should ensure that all roads are suitable for access by refuse collection vehicle travelling in a forward motion. The developer must contact the Community Waste Team to discuss bin collection arrangements as the site progresses. It is recommended that an informative is included to this effect.
43. **Biodiversity** - No objection. However, an Ecological survey is required in the form of an Ecological Impact Assessment (EclA) to assess habitats, species, and existing trees on site including the impact of new artificial lighting.
44. The submitted landscape masterplan states that there will be an ecological enhancement of the re-aligned Back Burn corridor. More information is requested on this, and details of any community involvement / engagement should be provided.
45. **Developer Contributions** - No objection, subject to a commuted sum secured through the Section 75 Legal Agreement (£11,500 x 15 = £172,500, which reflects 25% of the 60 units).
46. **Roads and Access** - No objection. Advise that given the applicant is promoting the use of Core Path ALTH/100, a route to that Core Path shall be provided prior the occupancy of the first dwellinghouse, to ensure appropriate connection to the wider external footway networks. A condition (Condition 18) is recommended to this effect.
47. Also note that the Transport Statement provides no details of the required shuttle vehicle service linking with Alyth village, nor does it provide details of the proposed service linked to this phasing of the development.
48. Neither has the applicant provided a copy of a residential travel plan for the development. Therefore, a condition is recommended. It is further noted that a Construction Traffic Management Plan will be provided by the applicant, providing details of how contaminated soils and materials will be removed for site, as well as for general construction activity. A further related condition is also recommended.
49. **Floods and Drainage** - No objection. PKC's Flood Team removed an initial objection to the proposals, following the submission of additional information to clarify the matters raised.

## **REPRESENTATIONS**

50. No representations have been received.



## ADDITIONAL STATEMENTS

51.

Screening Opinion	No update to EIA Required
Environmental Impact Assessment (EIA): Environmental Report	EIA submitted for PPIp
Appropriate Assessment under Habitats Regulations	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Submitted

## APPRAISAL

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

### Principle

53. Since the approval in detail of Phase 1 (18/01214/AMM) in April 2019 there has been a Development Plan change, with the Perth and Kinross LDP 2014 superseded through the adoption of LDP2, and NPF4. Notwithstanding, the principle of the development proposed is maintained via the extant PPP (16/01595/IPM). The proposed development must however be assessed to ascertain if it aligns with the relevant PPP conditions and masterplan.

### Design and Layout

54. The proposed development will have a street layout that will follow the contours of the site's topography. Priority will be given to pedestrians over vehicles and permeability of movement to and from adjacent sites. In order to reinforce a sense of identity and place, the layout is arranged into well defined, interconnecting neighbourhoods. The proposed network of roads and paths are punctuated by landscaped public open spaces to further create a sense of place. A Planning Policy, Design and Access Statement has been submitted, which is in accordance with LDP2 Policy 2: Design Statements, and NPF Policies 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods, Policy 16: Quality Homes and Policy 17: Rural Homes.
55. The proposed development reflects the scale and proportions of housing in the local context and Alyth, by building predominantly one and two storey buildings

using traditional materials. Artificial stone will be used sensitively in locations where its use will create focal points and features, with drystone walling used in landscaped areas. Traditional architectural features, found locally, will also be incorporated into the house designs in a contemporary fashion. These will include for example: timber lean-to canopies, porches, conservatories, dormers and timber gable features.

56. The exterior design of the proposed homes will result in a low-impact and modern development. They will incorporate level disabled access, low energy use and a reduced carbon footprint.
57. LDP 2 Policy 39 states that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. In this instance, it is accepted that the principle of residential development at the site is well established and that the landscape effects of this proposal will not be significant within the wider established context. The site was part of a golf course with limited landscape amenity and agricultural quality, therefore its loss is of low significance.

### **Residential Amenity**

58. LDP2 Policy 17: Residential Areas, highlights that areas of residential and compatible uses inside settlement boundaries will see existing residential amenity protected and, where possible improved.
59. In terms of the potential for direct impact on existing residential amenity, such as overlooking or loss of privacy, it is not considered that the proposed development will unacceptably compromise existing residential amenity, particularly the residents of Phase 1 or between properties within the proposed development itself. Each dwelling will see acceptable rear garden areas in terms of depth and area, which comply with the Councils Placemaking Supplementary Guidance 2020.
60. LDP2 Policy 56: Noise Pollution states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation. From the plans submitted there are no provisions for air or ground source heat pumps and, as such, it is highly unlikely that noise will affect residential amenity. Should the design of the proposed dwellings change, the developer should be mindful of noise from air/ground source heat pumps. As such, the standard plant equipment noise condition will be attached to any given consent. A further condition relating to construction working hours will also be included. (Condition 5).
61. LDP2 Policy 57: Air Quality states that the Council has a responsibility to improve air quality by seeking to prevent the creation of new pollution hotspots, and to prevent introduction of new human exposure where there could be existing poor air quality. Any proposed development that could have a detrimental effect on air

quality, through exacerbation of existing air quality issues or introduction of new sources of pollution (including dust and/or odour), must provide appropriate mitigation measures. An updated Air Quality Assessment has been submitted and notes that since the original assessment in 2018, the number of residential and commercial units has decreased and that a hotel is no longer proposed for the site, subsequently reducing the projected daily traffic trips. It is also no longer proposed that the energy centre will provide power for this phase of the development, with it being used only in relation to the care home. This effectively reduces the gas boilers by 13 and biomass boilers by 3, which was anticipated for Phases 4, 5 and 6. Domestic biomass systems are no longer proposed for the individual dwellings. In terms of noise in relation to traffic, the expected increase in noise as a result of the proposed development will not have a significant effect. Therefore, the proposed development is in accordance with LDP2 Policies 56 and 57 and NPF4 Policies 14,15.

### **Visual Amenity**

62. This predominantly landscaped, and largely undeveloped/rural area will see varying degrees of visual impact, such as to neighbouring residential properties and adjacent road and core path users. It is accepted that the principle of residential development at the site is well- established and that the landscape effects of this proposal will not be significant within the wider established context.
63. The setting of the Alyth Golf Course and its clubhouse will not be significantly impacted by the proposal, with impacts largely mitigated through the remaining 9-hole Glenisla Golf Course, which provides a substantial separating buffer. There will be no unacceptable adverse effect perceived by users of the golf course.
64. Users of the section of the Core Path (ALTH/100 and ALTH/4), which runs through the southern section of the overall site from Losset Road to Alyth Burn, will see a moderate change in visual character due to the creation of built form and infrastructure to the north. However, other sections of the Core Path will not see significant visual impacts by users due to factors such as: distance, orientation, and intervening landscape screening.
65. In terms of residential properties on the B952/Meethill Rd (Stoneybrae and Sidlaw View), both residences sit at the junction of Losset Road and Meethill Road near the proposed development. Stoneybrae is afforded screening by the trees which line Losset Road. Whilst Sidlaw View is screened in part by the semi-mature woodland planting within the golf course. Sidlaw View sits in a Prominent position which affords long- distance views over Strathmore to the Sidlaw Hills in the south, although the siting of the proposed single storey dwellings are not considered to significantly impact these views.
66. Residences in Eastern Alyth (Springbank Road) facing towards the development are separated by approximately 300 metres of intervening arable land and the

dense semi-mature woodland buffer of the Glenisla golf course. This landscape screen mitigates views to the proposed development.

### **Roads and Access**

67. LDP2 Policy 15: Public Access states that development proposals that would have an adverse impact upon the integrity of any (including proposed) core paths, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. In this instance, all vehicular access to the public road network for the proposed housing will be from Jameson Way, which will take the number of dwellinghouses using this vehicle access to 135. A Construction Traffic Management Scheme will be provided by the applicant and provide details of how contaminated soils and materials will be removed for site, as well as for the general construction of the site. This has been covered by Condition 14. The proposal will integrate with and improve on the existing core path network, allowing routes between the development and Alyth away from the vehicular routes. Landscape plans will require to clearly show the location and extent of public open space (POS) using colour coding.
68. LDP2 Policy 60A: Existing Infrastructure, states that the Plan identifies existing transport infrastructure and encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses. In this instance, the applicant has included details of public transport within the Transport Statement, where it is advised that the nearest bus stop is 1.3kms away, considerably further than the 400 metres recommended in PAN75.
69. To provide connectivity from the village to Alyth the Section 75 requires that details of a shuttle vehicle service (type and frequency) to link with Alyth Village is submitted for approval of the Council. This clause restricted commencement of construction works on or of any buildings within each phase of the Development until the details of the relevant reviewed shuttle vehicle service have been approved by the Council. However, the Transport Statement provides no details of such a shuttle service, nor does it provide details of the proposed service linked to this phasing of the development. A condition has been recommended (Condition 15) to secure this information prior to works commencing. Furthermore, the applicant has not provided a copy of the residential travel plan for the development, this has been covered by recommended Condition 17.
70. LDP2 Policy 60B: New Development Proposals states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular the sustainable modes of: walking, cycling and public transport should be considered, prior to private car journeys. In this instance, the Transport Statement advises that Losset Road, a core path ALTH/100 on the western boundary of the site provides a direct route from the existing site to Alyth, but as it currently stands there is no access from the site (existing phases) to this route. Given the applicant is promoting the use

of the Core Path ALTH/100, a suitable route to the path is required to be provided prior to the occupancy of the first dwellinghouse. Without this, the development does not connect into the wider external path networks. This is covered by recommended Conditions 16 and 18. A further condition (Condition 19) is recommended to ensure that the public road is kept free from mud and debris at all times. Subject to these conditions the proposed development is considered in accordance with LDP2 polices and NPF Policies 18: Infrastructure First, and 13: Sustainable Transport.

### **Drainage and Flooding**

71. LDP2 Policy 52: New Development and Flooding states that, within the parameters of the policy, the Council supports the delivery of the actions and objectives to avoid an overall increase, reduce overall, and manage flood risk as set out within the relevant SEPA Flood Risk Management Strategies and the Local Flood Risk Management Plans. In these regards a topographic survey for the development shows the land generally falls from the northwest corner towards the southeast corner. In this instance, no water courses run through the site, with the Black Burn running north to south is more than 40m from the northeast boundary. The Alyth Burn runs in a north easterly direction 95m to the east. A Flood Risk Assessment has been submitted which confirms the site is not at a high risk of flooding. Therefore, the proposed development is in accordance with LDP2 Policy 52: New Development and Flooding and NPF4 Policy 22: Flood Risk and Water Management.
72. LDP2 Policy 53A: Water Environment states that development at any location and of any scale should protect and where practical improve the water environment (ground and surface water). All matters regarding surface water are covered by the inclusion of Condition 2.
73. LDP2 Policy 53B: Foul Drainage requires all developments within and close to settlements that have public sewerage systems. In this instance, the proposed development will be served by Lintrathen Water Treatment Works, although Scottish Water is unable to confirm capacity outwith their own application processes.
74. LDP2 Policy 53C: Surface Water Drainage states that all new development will be required to employ Sustainable Urban Drainage Systems (SuDS), including relevant temporary measures at the construction phase. The proposed drainage layout plan shows a foul and surface water network. There are two existing SuDS ponds adjacent to the north boundary. The majority of the site will drain to a surface water network that runs west to east. This then discharges to the proposed SuDS basin which then discharges into the Back Burn. The proposed development is, therefore, in accordance with LDP2 Polices and NPF4 Policy 22: Flood Risk and Water Management.

## **Waste Collection**

75. No issues have been identified by the Council's Waste Services team and roads will be designed to PKC standards. A standard informative is recommended regarding kerbside bin collections (Informative 13).

## **Conservation Considerations**

76. HES consider that the proposed layout will not adversely impact the setting of the nearby Pitcrocknie Stone Scheduled Monument, as the proposed dwellinghouses are set back an acceptable distance and their scale and massing (bungalows) is appropriate to the context. Together this allows numerous views to and from the stone to be retained from various approaches and be viewed from the south-east against the backdrop of the hills to the north and north-west.
77. The development would still change the character of the monument's setting from a rural setting to suburban. HES considers that the impact is not of national significance and do not object to the proposal whilst complying with Condition 10 of 16/01595/IPM, which required acceptable stand-off distances of development from the Scheduled Monument.
78. To ensure the protection of the setting of the Scheduled Monument is maintained through all future phases of development, HES recommend informatives to guide future development proposals (Informative Notes 11 and 12). This approach is considered appropriate to highlight the importance of designing mitigation into future phases.
79. Perth and Kinross Heritage Trust (PKHT) confirm that the proposed development site lies within an area considered to have archaeological potential, because of a high density of recorded sites within the surrounding landscape.
80. PKHT recommend that the same archaeology condition attached to the PPP and Phase 1 approval, is again applied require a programme of archaeological works associated to the proposed development to ensure compliance with LDP2 Policy 26: Scheduled Monuments and Archaeology (Condition 6).
81. PKHT also recommends protective fencing of the Pitcrocknie Stone, creating an appropriate buffer, during all construction works to ensure the monument is not accidentally damaged (Condition 7). The proposed development is, therefore, in accordance with LDP2 Policy 38C.

## **Natural Heritage and Biodiversity**

82. LDP2 Policy 40: Forestry, Woodland, and Trees states that tree surveys, should accompany all applications for planning permission where there are existing trees on a site. Furthermore, the Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. There will be a presumption in

favour of protecting woodland resources. In this instance, a Tree Survey Report has been submitted, which includes an Arboricultural Impact Assessment. There are no Tree Preservation Orders affecting the site and no record of any ancient woodland.

83. However, there are a number of trees that are proposed to be removed to facilitate the development, and the Root Protection Areas of any trees to be retained should be afforded sufficient protection during the construction phase. Mitigation of tree loss, in the form of a sufficient level of compensatory planting, will be addressed through recommended Condition 21. Otherwise, the submitted landscaping plans contain a mix of native species and creation of an orchard of fruit trees, which is welcomed as a contribution towards actions in the Tayside LBAP and is in accordance with the Planning for Nature Supplementary Guidance. The proposed development is, therefore, in accordance with LDP2 polices and NPF4 Policy 3: Biodiversity and Policy 4: Natural Places.
84. LDP2 Policy 41: Biodiversity states that The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. The Council's Biodiversity Officer has not raised any issues and, therefore, it is proposed to replicate most of the conditions applied to Phase 2 and 3 as site conditions are almost identical (Conditions 8 to 12). In addition, it is proposed to install bat and bird boxes on 8 of the 2 storey dwellings and other mitigation measures include wildlife kerbs and hedgehog highways. The proposed biodiversity enhancement measures have been covered by recommended Condition 22. The proposed development is thus considered in accordance with LDP2 Policy 41 and NPF4 Policy 3. All applications for the approval of matters specified in conditions are required to include an updated ecology report. However, in this instance, this has not been provided and is thus required by recommended Condition 11. Subject to these conditions the proposed development is, therefore, in accordance with LDP2 Policy 41: Biodiversity and NPF4 Policy 3: Biodiversity.

### **Developer Contributions**

85. Condition 14 of the PPIP requires that residential development elements will be in accordance with the requirements of the Developer Contributions and Affordable Housing Supplementary Guidance (2016), which requires that 25% of the total number of houses developed will be in the form of affordable housing. As the total number of houses proposed is 60, the number of affordable units would equate to 15. The site is located in the Strathmore Housing Market Area and the Commuted Sum rate within the 2016 SG is £11,500 per affordable unit (£172,500).
86. It is advised by the Developer Obligations officer that the preferred method of payment would be upfront to allow the release of planning permission. Due to the scale of the contribution requirement, it may be appropriate to enter into a S.75 Legal Agreement, which will ensure that the development is in accordance with

LDP2 Policy 25: Developer Contributions. If a S.75 is entered into, the phasing of financial contributions will be based on occupation of open market units with payments made 10 days prior to occupation.

87. The Developer Contributions Supplementary Guidance also requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. This proposal is within the catchment of Alyth Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.
88. In response to comments submitted by NHS Scotland, the parent PPIp was granted in February 2017 and in itself led on from previous PPIp approvals. This sees Developer Obligations set out within the related S.75. Therefore, given the site has been a committed development for a considerable time the extent of and requirement for Developer Obligations cannot be revisited via this AMSC application. As such the NHS request to consider developer obligations for healthcare related infrastructure cannot be achieved through this application.

### **Economic Impact**

89. Aside from the benefit to the local economy during the construction phase, the impact on the local economy from the proposed dwellings will add to the available local expenditure and have a positive impact on the local economy and facilities.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

90. None required.

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

91. An existing Section 75 legal agreement controls the required affordable housing commuted sum contribution of £11,500 per unit. Through the processing of this application, it has come to the attention of the Planning Authority that there are breaches of the S75 requirements, such as in relation to the provision of the shuttle service and connection to the core path. These matters are covered by conditions, and if necessary, can be further investigated under Planning Enforcement powers.

### **DIRECTION BY SCOTTISH MINISTERS**

92. 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**

93. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
94. In terms of Phase 4 to 6, it is considered that the application accords, subject to further conditions, with the PPIp and submitted masterplan. The scale of development, the layout and design of Phases 4 to 6 raises no significant issues and will not adversely affect the visual, landscape or residential amenity of the area. The impact on the Pitcrocknie Scheduled Monument and the River Tay SAC can be mitigated to an acceptable level.
95. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

96. Approve the planning application subject to the following directives and conditions:

### **Directives**

97. 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.

### **Conditions and Reasons for Recommendation**

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

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

2. That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery strategy for the proposed land use, open space and roads infrastructure and drainage across the entire application site has been submitted to and approved in writing by the Council as Planning Authority.

Reason - In order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions'.

3. Prior to the commencement of development hereby approved an updated Air Quality Assessment shall be submitted to, and approved in writing by, the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre.

Reason: In the interests of residential amenity.

4. All plant and 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 20 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: In the interests of residential amenity.

5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

6. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. Prior to the commencement of the development hereby approved, protective fencing shall continue to be erected around SM1575 Pitcrocknie Stone as agree with the Council as Planning Authority and Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority.

Reason: To ensure the preservation of the historic environment.

8. Any trees and hedgerows shown to be retained, or proposed, shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).

No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

9. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

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

10. 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 Council as Planning Authority, in advance of works during the restricted period.

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

11. Prior to the commencement of development, a detailed ecological survey (including flower and fauna) of the site subject to this application shall be carried out and submitted for the approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interest of protecting the environmental quality and to ensure that the local habitat has not altered over time.

12. All water- crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200 -year peak flow, giving due consideration to

climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, and a Dust Management Plan.
  - (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
  - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound
  - (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

14. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:
- (a) details of any new construction compound.
  - (b) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events.
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter Maintenance.

- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown.
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road.
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians.
- (i) details of information signs to inform other road users of construction Traffic.
- (j) arrangements to ensure that access for emergency service vehicles are not impeded.
- (k) co-ordination with other significant developments known to use roads affected by construction traffic.
- (l) traffic arrangements in the immediate vicinity of temporary construction Compounds.
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction.
- (n) monitoring, reporting and implementation arrangements
- (o) arrangements for dealing with non-compliance, and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

15. Prior to the commencement of development details of the required shuttle vehicle service (type and frequency) to link with Alyth Village shall be submitted to Perth and Kinross Council, as Planning Authority for prior written approval. The shuttle vehicle shall have no less than 8 passenger seats. Thereafter that approved shuttle service shall be in place and operational concurrent with the earlier of (i) the date that the first resident of the care home takes entry to the care/nursing home within the Development; and (ii) the date of occupation of the fifth dwellinghouse hereby approved. The shuttle vehicle service shall thereafter be reviewed prior to commencement of development of subsequent each phase of the Development and details of such reviews of the shuttle vehicle service submitted to the council for approval.

Reason: To ensure public transport connectivity with the proposed development and Alyth Village.

16. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core

path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

17. 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 to and agreed in writing by the Council in consultation with Transport Planning. 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: To promote sustainable transport options and to meet advice within Planning Policy on transport.

18. Prior to the commencement of the development hereby approved, a detailed design showing the layout and specification for a link to and the upgrade of Losset Road core path, along with proposed lighting and drainage, from and within the development site to the currently adopted public road network shall be submitted to, and approved in writing by, the Council as Planning Authority. The upgraded core path, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the occupation of the first dwellinghouse.

Reason: In the interests of road, pedestrian safety, and connectivity with Alyth.

19. During construction, the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

20. Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. Thereafter, the approved scheme shall be implemented in full.

Any planting which, within a period of 5 years from the completion of the development is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally approved/planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

21. Prior to the commencement of the development hereby approved, a detailed plan indicating location, quantity, specification, and maintenance requirements for biodiversity enhancement measures including bat boxes/bricks, swift boxes/bricks, provision of hedgehog highways and wildlife kerbs and native tree and/or hedgerow planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

### **Justification**

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

### **Procedural Notes**

1. Permission shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- a. Displayed in a prominent place at or in the vicinity of the site of the development.
  - b. Readily visible to the public.
  - c. Printed on durable material.
5. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
  6. The applicant is advised that in terms of Sections 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 applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open 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 (SEPA).
  8. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at :  
<https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
  9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
  11. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.



12. For future development phases of the masterplan and In Principle approval, no Structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height
13. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the Collection of waste.
14. The applicant should be aware that a further legal procedure is required if it is proposed to alter the route of an existing core path.

Background Papers: 0 letters of representation  
Contact Officer: Alan Atkins  
Date: 22 December 2023

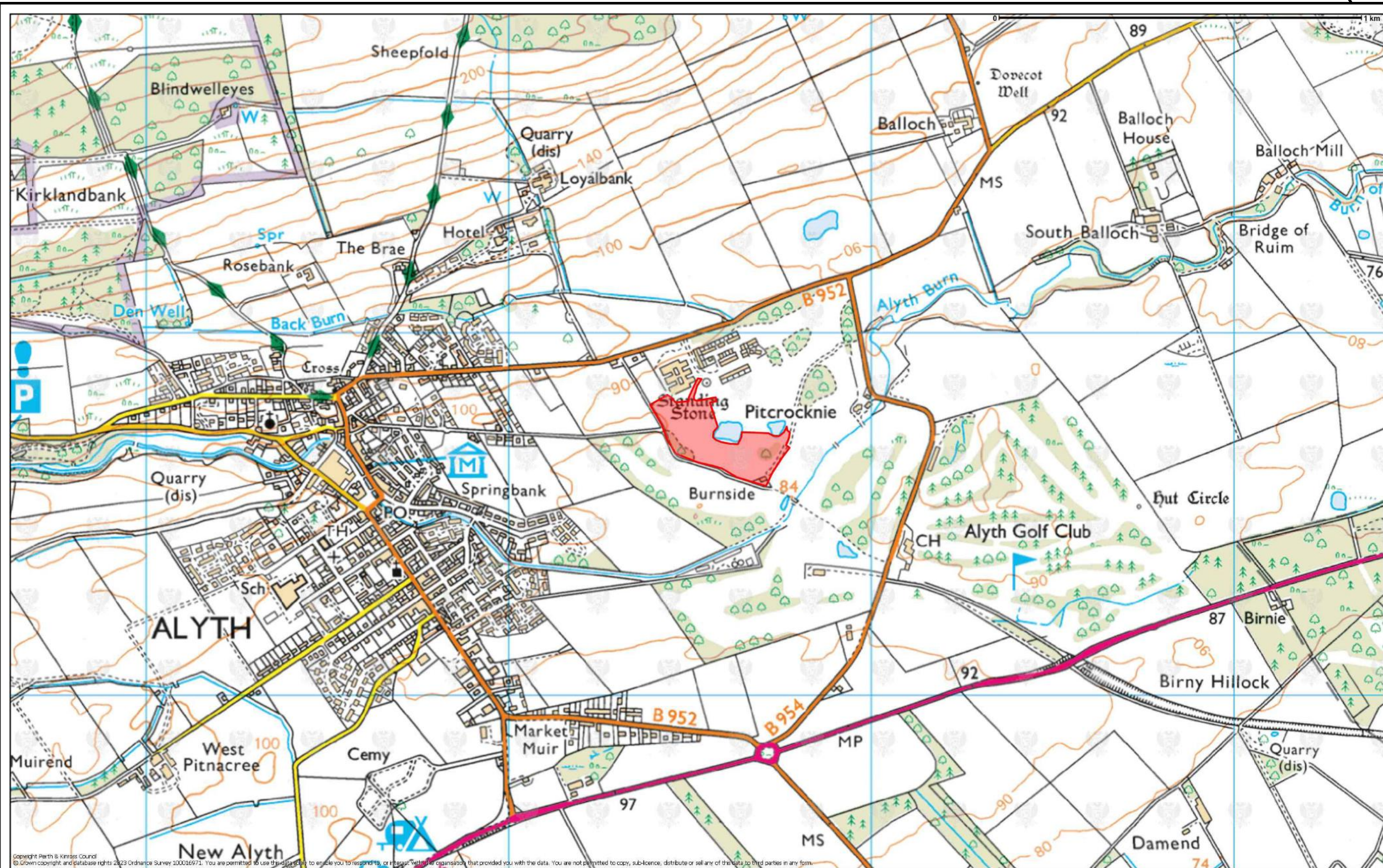
**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING**

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Planning and Placemaking Committee - 10 January 2024

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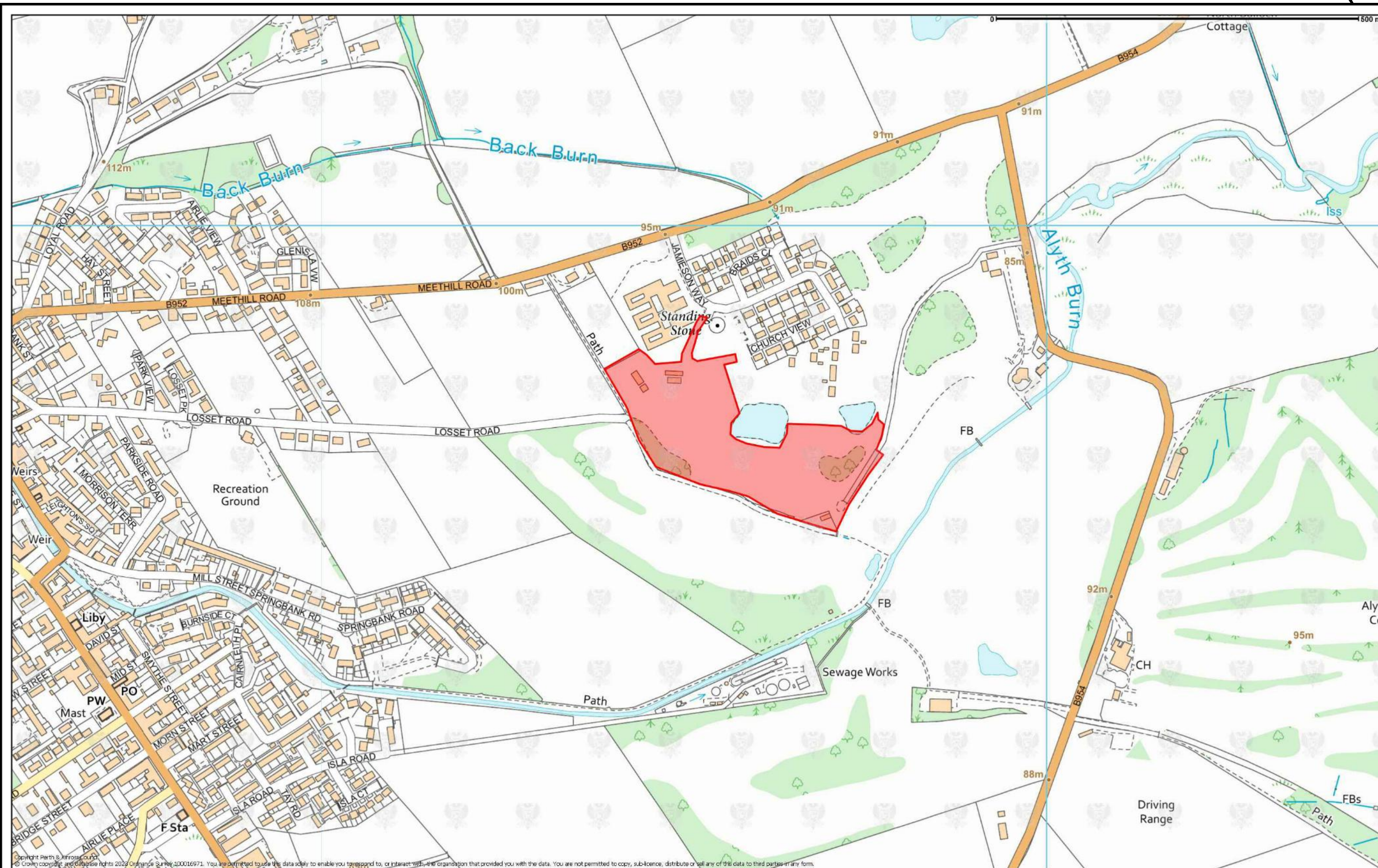


23/00610/AMM

Erection of 60 dwellinghouses and 34 garages, formation of SUDS basin, a service/access road, parking areas, landscaping and associated infrastructure (Phases 4 to 6) (approval of matters specified in conditions 16/01595/IPM) at Former Glenisla Golf Course, Alyth

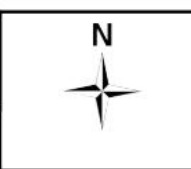






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Planning and Placemaking Committee - 10 January 2024  
Scale 1:5000



23/00610/AMM  
Erection of 60 dwellinghouses and 34 garages, formation of SUDS basin, a service/access road, parking areas, landscaping and associated infrastructure (Phases 4 to 6) (approval of matters specified in conditions 16/01595/IPM) at Former Glenisla Golf Course, Alyth





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/11)

<b>PROPOSAL:</b>	Erection of dwellinghouse and garage and associated works
<b>LOCATION:</b>	Land 25 Metres West Of Duncrievie House, Duncrievie, Glenfarg, Perth

Ref. No: [23/00826/FLL](#)  
 Ward No: P8- Kinross-shire

### Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation infrastructure as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of a single dwellinghouse within the grounds of Duncrievie House. Duncrievie House is a large detached villa situated in wooded grounds.
- 2 Planning permission was refused in June 2022 for the erection of two dwellinghouses within the grounds (22/00174/FLL) and a review of the application at the Local Review Body was dismissed on 20 December 2023.
- 3 The proposal was refused for the following three reasons:
  - 1 The proposed development is contrary to Placemaking Policies 1A and 1B of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not contribute positively to the built and natural environment, is out of character with its surroundings and does not respect the character of Duncrievie House and its woodland setting.
  - 2 The proposal is contrary to Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019). The scale, layout and design of the development does not have a good fit with the landscape character of the area and the development does not integrate into or enhance the surrounding environment. The proposed houses

would detract from the visual amenity of the adjacent building group and impact on the wider landscape setting due to extensive tree and shrub removal and ground engineering proposed within the site. In addition, the resultant residential amenity of the new houses would be severely affected by the retained trees which would lead to pressure for further tree felling.

- 3 The proposal is contrary to Policy 40A, Forest and Woodland Strategy, of the Perth and Kinross Local Development Plan 2 (2019) that seeks to protect existing trees and woodland. It is also contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019) which states that there will be a presumption in favour of protecting woodland resources. Development as proposed would result in tree loss for which insufficient mitigation is provided and no information been provided to show how the retained woodland would be protected, managed and enhanced.
- 4 This proposal is for a revised scheme for a single house. The new dwelling will be sited to the southwest of Duncrievie House. The southwestern corner of Duncrievie House is around 14m from the north-eastern corner of the new house. The new house is set at an angle running northeast to south west with the design being the same as in the previously refused application for plot 1.
- 5 The proposed house measures 30m in length and will have 5 bedrooms. There are two elements to the proposal. The south-western section of the building is 9.5 by 14m and is over two floors. The 21 m long north-eastern section is narrower and generally of one storey with a small mezzanine section. The house will be finished in a mix of timber cladding, render, stone and with a slate roof. The southernmost point of the new house will be sited around 14 metres from the boundary with the property known as Bennachie. A separate garage measuring 6m wide by 6.5m deep with a pitched roof is to be sited around 16m to the northwest from the westernmost point of the new hose.
- 6 The existing junction with the public road to Duncrievie House is not being altered. Internally the existing drive to Duncrievie House will be re-aligned to the north of an existing flower bed to serve the existing house with part of this existing section of the access drive used to access the new house. Part of the existing drive will be removed to facilitate the building of the new house.
- 7 There is an area of paddock that is also included in the red line planning boundary to the southeast of the site. This along with other parts of the grounds are proposed as communal landscaping.

### **Pre-Application Consultation**

- 8 Pre application Reference: There have been various pre-application enquiries with regard to residential development within the grounds of Duncrievie House although the last formal request was in 2019.



- 9 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 17: Rural Homes
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety

### **Perth and Kinross Local Development Plan 2**

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 5: Infrastructure Contributions

- Policy 19: Housing in the Countryside
- Policy 27A: Listed Buildings
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

#### Statutory Supplementary Guidance

- 16 [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)  
[Supplementary Guidance - Placemaking](#) (adopted in 2020)

#### **OTHER POLICIES**

- 17 **Non-Statutory Guidance.**

- [Planning Guidance - Planning & Biodiversity](#)

#### **NATIONAL GUIDANCE**

- 18 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

- 19 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 21 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **SITE HISTORY**

- 23 **20/01686/IPL** application was Withdrawn On 4 February 2021 for Residential development (in principle)
- 24 **22/00174/FLL** Full Planning Permission was Refused On 2 June 2022 for Erection of 2 dwellinghouses, a garage and associated works. Review dismissed by Local Review Body on 20<sup>th</sup> December 2022.

### **CONSULTATIONS**

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

#### **External**

- 26 **INEOS FPS:** No objection received.
- 27 **Scottish Water:** No objection. Capacity for water supply. There is no Scottish Water, public waste water infrastructure in the area. Private arrangements are required.

#### **Internal**

- 28 **Transportation And Development:** No objection. Condition requested with regard to street lighting and advice given in relation to ensure access is available to empty the septic tank.

- 29 **Development Contributions Officer:** No education contributions are required. A Transport Infrastructure contribution is required of £2,742.
- 30 **Environmental Health (Noise Odour):** Informative note required with regard to woodburning stove.
- 31 **Conservation Team:** No impact on the setting of Duncreevie Cottage listed building with boundary walls.

## REPRESENTATIONS

- 32 11 representations were received. The main issues raised within the representations are:
- Traffic and road safety – particularly in relation to Calfford Brae, impact on pedestrians, cyclists, horse riders. Lack of lighting or footpath.
  - Ecological impact – lack of ecological information, tree loss, habitat loss, impact on protected species
  - Residential amenity – overlooking, noise, impact on wellbeing
  - Impact on water supply – problem with existing supply
  - Out of character – design is not subservient, house is a larger footprint than Duncreevie House
  - Impact on landscape setting of Duncreevie House
  - Use of house – is it solely for residential use
  - Contrary to Development Plan – same refusal reasons as before
  - Drainage – no drainage or sewage plans
  - Precedent for other development on the site
  - Lack of light to new dwelling
  - Inaccurate plans
  - Planning process lacks transparency
- 33 The Community Council has made a general comment that due regard has not been taken of the refusal reasons and that the Council does not support unnecessary development.
- 34 These issues are addressed in the Appraisal section of the report. The objection that the planning process lacks transparency is not a material consideration in the determination of this application.
- 35 It is advised that revised plans have been submitted to address any inaccuracies that were particularly identified in relation to the previous tree report submitted.

## ADDITIONAL STATEMENTS

36

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Ecological and Tree Report submitted

## APPRAISAL

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

38 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Principle

39 Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2019 (LDP2), acknowledges that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. The development of single houses or groups of houses which fall within the six identified categories will be supported. This is also referenced in the recently adopted National Planning Framework 4 (NPF4) where Policy 9 states that development on greenfield sites will be supported where the proposal is explicitly supported by policies in the LDP.

40 Policy 17, Rural Homes, of NPF4 is also relevant and seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations and provides criteria in which proposals for new rural homes will be accepted.

- 41 The site lies within the 'landward' area in the adopted Perth and Kinross Local Development Plan 2 (2019) and as such the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 Supplementary Planning Guidance (SPG) on 'Housing in the Countryside', which is the most recent expression of Council policy towards new housing in the open countryside.
- 42 Proposals for housing in the countryside will be supported where they fall into one of the following categories:
1. Building Group;
  2. Infill sites;
  3. New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance;
  4. Renovation or replacement of houses;
  5. Conversion or replacement of redundant non-domestic buildings; and
  6. Development on rural brownfield land.
- 43 In this case it is considered that the Building Group section of the housing in the countryside is relevant. The site is considered to be adjacent to an existing building group where permission may be granted for houses which extend the building group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features which would provide a suitable setting. In this case the site boundary includes the wooded grounds of Duncrievie House as well as part of an adjacent field. Whilst the totality of the identified site that is shown to be within the red line site boundary is not considered an appropriate extension to the group it is accepted that the one house shown to the southwest of Duncrievie House does benefit from some containment and is defined by existing landscaping to the southeast, an existing shrub border to the northeast and landscaping and other property boundaries to the northwest and southwest.
- 44 The following criteria should also be met:
- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
  - New housing will not detract from the visual amenity of the group when viewed from the wider landscape
  - A high standard of residential amenity will be provided for both existing and new housing
- 45 The pattern of development varies in the area with a well established development to the west of the site. This partly reflects the fact that this section of Duncrievie has previously had a defined settlement boundary. This boundary did not include Duncrievie House or the listed building of Duncrievie Cottage to the northeast. This area has a different character and building pattern with Duncrievie House set within mature woodland, a distinct contrast to the more

built-up areas of Duncrievie to the west. In this case it is considered that, on balance, an additional house could be integrated into the site that would not detract from the existing layout, building pattern and existing landscaped setting of Duncrievie House and the existing building group.

46 The principle of the development of a single house is supported.

47 The “For All Proposals” section of the policy is also relevant in particular:

48 A Successful, Sustainable Place

- i. Placemaking – proposals should comply with placemaking standards, and
- ii. Scale, layout and design should have a good fit with the landscape character of the area and integrate the development into its setting and also enhance the surrounding environment:

49 A Natural, Resilient Place

- i. Should make a positive contribution to biodiversity

50 Placemaking and other elements of the detail of the proposal will be considered in the report below.

### **Design and Layout**

51 The previous proposal for two houses would have led to the loss of a number of trees and would impact on the setting of Duncrievie House. This proposal, whilst being a significant addition to the grounds does relate more successfully to the building group and Duncrievie House and grounds.

52 Placemaking policies require developments to contribute positively to the quality of the surrounding built and natural environment. Housing in the Countryside “For All Proposals” criteria requires developments to enhance the surrounding environment.

53 It was previously considered that the proposed development for two houses was out of character with its surroundings, did not respect the character of Duncrievie House and its landscaped setting and did not respect the surrounding woodland setting. This application is for one house which has been re-sited to the southwest of Duncrievie House. The garage has also been separated from the house which gives more of a sense of space and reduces the overall mass of the building. This impacts less on the setting of the existing house and grounds.

54 Conditional control is recommended to restrict development that otherwise would be permitted within residential curtilages and to clarify the extent of this curtilage (Condition 15).

- 55 The proposal does now fit in to its surroundings and is in accordance with Placemaking policies and criteria in the Supplementary Guidance and NPF4.

### **Landscape**

- 56 The site is set within the grounds of Duncrievie House which includes an extensive area of long-established woodland that provides a setting for the existing house and sets it apart from other development in the area. The woodland is an important feature and contributes positively to the built and natural environment. After extensive discussions with the agent a revised tree survey was undertaken as there had been shortcomings in the previous survey including that none of the existing trees had been tagged. The revised survey information is a more robust report and provides a better basis to assess the potential impact on the existing trees of the proposed development. There was particular concern that the root protection areas of the trees was not shown accurately which led to questions as whether there was a conflict between the proximity of the new house and the location of the existing trees.
- 57 This proposal seeks to retain the majority of the existing trees. Three trees (550, 551 and 552) will be removed along with a copper beech (548) which has a limited lifespan.
- 58 The report notes that several trees have minor parts of their crowns within the area of unavoidable construction activities and construction access may impact on some tree root protection areas. However it is considered that encroachment will be minor.
- 59 The report recommends a full Arboricultural Method Statement be required together with details of the Construction Exclusion Zone. Conditions will be attached to ensure existing trees are protected (Condition 4) and that a method statement for works around them is submitted prior to works commencing (Condition 5).
- 60 A lack of information was previously identified with regard to management of the retained woodland. This would be requested through a condition (condition 6) as part of a detailed landscape and woodland management and enhancement scheme.
- 61 There had also been concerns that the proposed drainage infrastructure particularly that located in an area of woodland close to the entrance to the site would adversely affect the woodland. Revisions to the plans were made to relocate the drainage infrastructure to an open area proposed between the new house and new garage.
- 62 The revised tree survey is an improvement on previously submitted surveys and gives some degree of comfort that the proposals could be implemented without significantly impacting on the existing tree cover.



- 63 Subject to conditions the proposal is now considered to be in accordance with Policy 40A, Forest and Woodland Strategy that seeks to protect existing trees/woodland and to Policy 40B; Trees, Woodland and Development which states that there will be a presumption in favour of protecting woodland resources. Development as proposed has taken account of the existing trees and with appropriate protection and management will be successfully retained in the future.

### **Residential Amenity**

- 64 There has been concern from objectors that the proposals would result in a loss of amenity from overlooking and general noise and disturbance from the proximity of the new house to existing development. However the distance from the boundary of neighbouring properties at 14m is well within the Council's guidance and there will not be any adverse impact in terms of overlooking or overshadowing of neighbouring land from the new development.
- 65 There was previously concern that the position of the houses in close proximity to trees would result in low amenity in terms of natural light into the houses and sunlight into garden areas which would be likely to result in pressure to remove further trees following occupation. The revised tree report gives some assurances in this regard that it is now considered that the relocated house location is satisfactory in terms of proximity to existing trees and would still allow an acceptable level of amenity for the occupiers of the new house.

### **Visual Amenity**

- 66 The proposed house is set within a woodland setting. It has been demonstrated that the majority of trees will be retained which will preserve the woodland and its contribution to the setting of Duncrievie and Duncrievie House.

### **Roads and Access**

- 67 The new property will access the U67 Calfford Brae via the existing vehicle access.
- 68 Previously the applicant had proposed to realign the vehicle access onto the U67 Calfford Brae, the applicant is not proposing to do this under the current application which will not result in the removal of any trees.
- 69 The applicant has provided sufficient parking for each of the dwellinghouses and is in accordance with the National Roads Development Guide.
- 70 The Streetlighting Partnership have advised that the current Streetlighting system shall be extended along the U67 Calfford Brae to cover the vehicle access to the development, a condition (Condition 8) is recommended to secure its design and installation.

- 71 A Construction Management Plan is also recommended for the site (Condition 9), to take cognisance of the comments raised by neighbours about Calfford Brae and to get agreed routes that construction traffic will use to the site.
- 72 Subject to conditional control the access and roads requirements are met and the proposal is in accordance with policy 60B, Transport Standards and Accessibility Requirements: New Development Proposals of LDP2.
- 73 A number of concerns have been raised in representations received about the increased use of Calfford Brae. The applicant previously agreed to install passing places on the Brae to help alleviate the comments addressed by neighbours. However this has not been offered for this application and in reality the addition of one house would not justify such works.

### **Drainage and Flooding**

- 74 The new properties will utilise a private waste water treatment system with Klargestor septic tank to be located within the proposed curtilage of the new house between the front of the property and the proposed garage. A surface water soakaway is located in an existing grassed area to the northeast of existing woodland. The Arboricultural Impact Assessment and CEZ to be required by condition will ensure that the drainage infrastructure does not have an adverse impact on the existing woodland. The foul drainage was re-located from a site close to the entrance to the site and now avoids impacting on existing trees.
- 75 There has been concern that the proposals will impact on the existing water supply as there is a water pipe across Callford Brae that objectors suggest could be damaged by extra traffic and construction traffic in particular. However, Scottish Water has commented and does not express any concern with regard to this stating that there is capacity in the Glenfarg Water Treatment Works but that further investigations may be required.
- 76 Subject to conditional control (condition 11) requiring full details of the drainage proposals the proposal is considered to comply with policy 53B (foul drainage) and 53C (surface water drainage) of LDP2.

### **Waste Collection**

- 77 It is noted that there is sufficient storage space for waste and recycling bins to be stored within the curtilage of the new dwellinghouse.

### **Conservation Considerations**

- 78 The property is not listed nor within a conservation area. However policy 31 refers to other historic environment assets. Duncreevie House and its landscape grounds is a historic asset. The proposals will alter the setting of Duncreevie House as it will be sharing its grounds with another large property however the siting of the proposed new house is an improvement on the previous submission

and is more compatible with the character and setting of this asset. Duncricvie Cottage to the north is a listed building however the cottage is far enough away not to be directly affected by the proposed development.

- 79 The proposal accords with policy 31, Other Historic Environment Assets, of LDP2.

### **Natural Heritage and Biodiversity**

- 80 Policy 41, Biodiversity, of LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.

- 81 A Preliminary Ecological Appraisal has been submitted to accompany the application. This was prepared for previous applications with an initial site survey being undertaken in October 2020 and a follow up survey in February 2022. The appraisal concluded that there is limited habitat diversity on site and that the proposed development is unlikely to have any significant effects on habitats or species. The report makes the following recommendations which will be secured by conditions:

- any trees should be checked by an ecologist immediately pre-felling to ensure there is no bat roost present;
- no vegetation clearance will take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive to protect any breeding birds using the site;
- measures to be put in place to ensure small mammals do not come to harm during construction; open pipes should be closed up at the end of each working day, and trenches should be covered, or a ramp provided to permit animals that fall in a means of exit, to prevent animals becoming trapped;
- chemicals and materials should be stored securely
- if development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge.

### **Biodiversity Enhancement**

- 82 Enhancement of biodiversity should be demonstrated in all projects. The proposed house has an area of sedum flat roof that will benefit biodiversity. Further biodiversity enhancement will be required as part of a landscaping and landscape management condition.
- 83 An informative note will be added to advise that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and

woodland to avoid fragmentation of foraging and commuting opportunities for bats.

- 84 The proposal will be subject to conditional control (Conditions 12, 13 and 14) that will link the development to the maintenance and management of the existing woodland and allow the safeguarding of features of importance to biodiversity. Subject to conditional control the proposal therefore accords with NPF policy 3 and policy 41, Biodiversity, of LDP2.

### **Embedding Low and Zero Carbon Generating Technology in New Development**

- 85 Policy 32 of the LDP requires that a proportion of the energy use of each building is provided by low and zero-carbon generating technology. The proposals do not detail any low or zero-carbon generating technology. As such a condition (Condition 16) will be applied to require calculations to demonstrate compliance with policy 32 of LDP2, and the wider principles of Policy 1: Tackling the Climate and Nature Crisis, and Policy 2: Climate Mitigation and Adaptation of NPF4, with measures to be in place prior to occupation of the property.

### **Developer Contributions**

#### **Primary Education**

- 86 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 87 This proposal is within the catchment of Arngask Primary School.
- 88 Education & Children's Services have no capacity concerns in this catchment area at this time. No education developer contributions are required.

#### **Transport Infrastructure**

- 89 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 90 The site is located in the 'Reduced' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance)

- 91 A Transport Infrastructure contribution of £2,742 is required prior to issuing any planning permission.

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 93 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to site layout and the submission of a revised tree survey.

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

- 94 A legal agreement may be required if the applicants opts to delay payment of the required transportation infrastructure contributions.

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

### **RECOMMENDATION**

#### **Delegated Approval, subject to the settlement of Developer Obligations and the following conditions :**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. The conclusions and recommended action points within the supporting tree survey submitted and hereby approved (document) 19 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.
4. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.
5. Prior to the commencement of any works on site a Method Statement for work within any of the Root Protection Areas (RPAs) of the existing trees shall be submitted for the agreement of the Planning Authority. Work within the RPAs shall be undertaken in accordance with the agreed Method Statement.

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

6. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The plan should include measures to enhance biodiversity and be based on need identified in site specific surveys, surrounding habitats and landscape character, and follow ecologist recommendations. The landscape management and maintenance plan as agreed shall, shall be fully implemented to the satisfaction of the Council as Planning Authority.
7. The area identified as Communal Landscaping to the southeast of the new house shall be retained as agricultural land and is not approved as communal landscaping or domestic garden ground. A revised plan showing the landscaped areas shall be submitted and agreed in association with Condition 6.

8. Prior to commencement of works, a street lighting design for extending the current street lighting system on the U67 Calfford Brae to cover the vehicle access into the development site at Duncrievie House must be approved by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. The street lighting shall be installed prior to use of the vehicle access into the development site at Duncrievie House.

Reason: In the interests of road safety

9. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) taking cognisance of the concerns raised about the U67 Calfford Brae, which shall include the following:
  - restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - arrangements to ensure that access for emergency service vehicles are not impeded; and
  - details of HGV movements to and from the site.

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

Reason: In the interest of proper site management.

10. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.
11. Development shall not commence on site until details of foul and surface water drainage systems have been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The surface water drainage scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local

water environment or neighbouring property, in the interests of residential and environmental amenity.

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 15 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

13. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason: In order to prevent animals from being trapped within any open excavations.

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

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

15. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A and 3B of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved. For the avoidance of doubt the areas identified as communal landscaping on plan 15 are not considered to be curtilage of the dwellinghouse and do not benefit from householder permitted development.

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

16. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted to



and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

### **Justification**

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

### **Procedural Notes**

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

5. The location of the foul drainage infrastructure should be in a suitable location for emptying and be located within 25 metres of the private vehicle access to be in line with Building Standards. A private wastewater treatment plant and septic tank should be provided with an access for desludging. The desludging tanker should be provided with access to a working area that:
    - will provide a clear route for the suction hose from the tanker to the tank, and
    - is not more than 25m from the tank where it is not more than 4m higher than the invert level of the tank, and
    - is sufficient to support a vehicle axle load of 14 tonnes.
  6. The applicant is advised to contact the Street Lighting Partnership to obtain the locations of plant. Contact Perth & Kinross Council Street Lighting Department for further details.
  7. The applicant should ensure they familiarise themselves with the legislative requirements under the Controlled Activities Regulations. More detail on this is provided in section 2 of SEPA's Standing Advice document which is online at [sepa-triage-framework-and-standing-advice.pdf](#)
  8. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk)
- The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
9. The developer is advised that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.

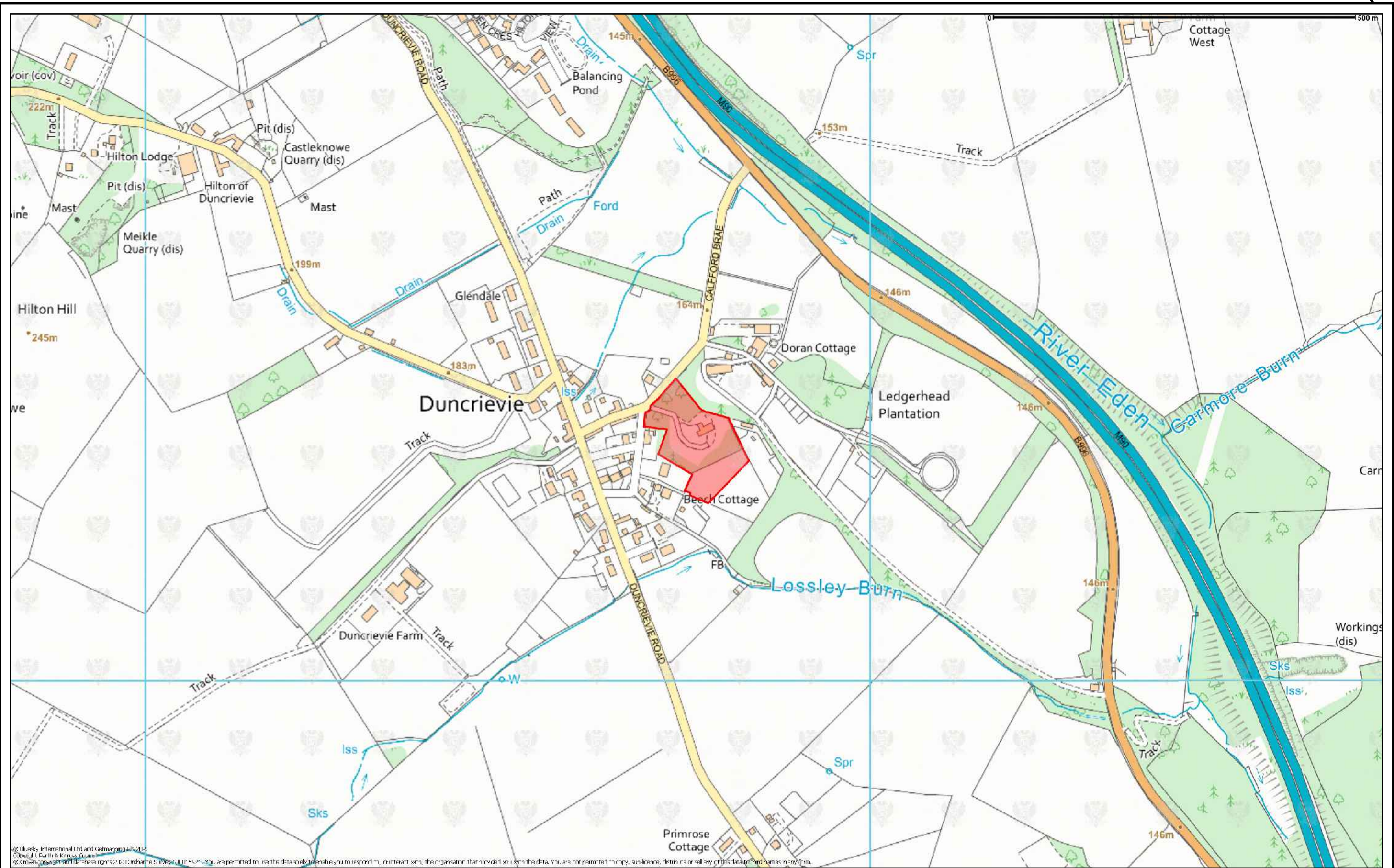
Background Papers: 11 letters of representation  
 Date: 22 December 2023



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

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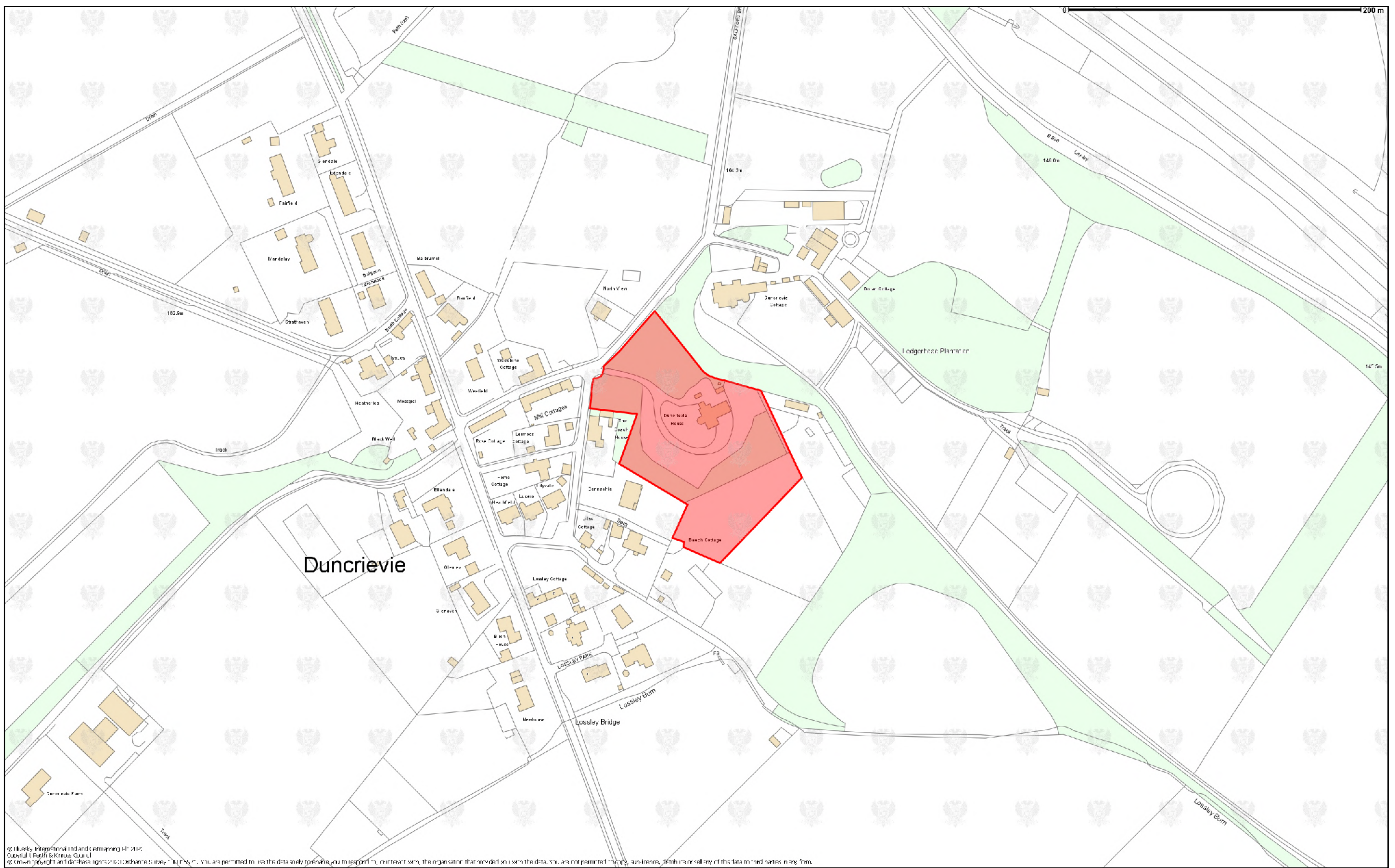
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Planning and Placemaking Committee - 10 January 2024  
Scale 1:2500



23/00826/FLL  
Erection of dwellinghouse and garage and associated works Land 25 Metres West Of Duncreevie House Duncreevie Glenfarg Perth PH2 9PD





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/12)

<b>PROPOSAL:</b>	Erection of a dwellinghouse
<b>LOCATION:</b>	Land 20 Metres North of The Orchard Lochty, Almondbank

Ref. No: [23/01095/FLL](#)  
 Ward No: P9- Almond and Earn

### Summary

This report recommends approval of a detailed planning application for a change of house type from that previously consented and on which development subsequently commenced on a site at Lochty, on the western edge of Perth and within the settlement boundary. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to obtain a detailed planning permission for essentially a change of house type on a consented (and commenced) residential plot within the Lochty area at the western edge of Perth. The detailed planning permission which exists on the site relates to the same nature and quantum of development (one dwellinghouse). Associated development of that planning permission has commenced via a material operation occurring (construction of foundations), as per Section 27 of the Planning Act within the prescribed timescales. The Council has issued written confirmation of this position.
- 2 The site is rectangular shaped and was formerly garden ground which was part of a residential property named 'Ellengowan', which is immediately to the north of the site. A number of planning permissions have been granted since 2002 – all of which have related to the erection of a single dwelling, with the most recent being a 2018 detailed planning permission (Ref: 18/00115/FLL). As previous stated, that approved development has commenced through the formation of foundations but not completed. As such the permission is extant and a significant material consideration in determining the planning balance.
- 3 It is understood that the site has recently been sold, and this further planning application seeks approval for amendments to the approved house type. Those amendments are considered material changes from the previously approved

details and as such, varying the extant permission through the non-material variation process is not considered appropriate. The appropriate mechanism for dealing with the proposed changes is a new planning application.

- 4 As per the earlier permissions, the proposed house will provide two levels of accommodation with the upper level contained within the roof space through the combination of dormers and rooflights – three dormers are proposed on the front elevation (east), and 4 to the rear (west). The principal changes from the 2018 permission are a slightly larger floor area from 131.4 square metres to 144.7 square metres, an increase in ridge line, height from 7.7 metres to 9 metres and changes to the style and number of dormer windows. From a design perspective, these changes cater for the incorporation of an integral garage, with accommodation above. A short section of an existing southern boundary hedge is now proposed for removal, when it was previously being retained.
- 5 All other matters such as vehicular access arrangements, parking provision, bin/recycling collections and drainage remain unaltered from the extant permission.

#### **Pre-Application Consultation**

- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

#### **DEVELOPMENT PLAN**

- 7 Since the approval of the earlier planning application, there has been a change in the Development Plan for the area, which now comprises the National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG). This is a change from the position when application 18/00115/FLL was approved, following consideration against the Local Development Plan 2014, TAYPlan and the statutory supplementary planning guidance of the time. The NPF4, as the most up to date element of the Development Plan, takes precedence if / when there is a conflict between policy intent between the Local Development Plans, statutory SPG and the NPF4. In the case of this application, it is considered there is no conflict between the relevant policies across all parts of the Development Plan but there are some differences in the policy intent – such as between bio-diversity policies.

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

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.



9 NPF4 was adopted on 13 February 2023, with an increased status over previous NPFs, and comprises part of the statutory Development Plan. The Council's assessment of this application has considered all parts of the NPF4, however the following specific policies are particularly relevant to this proposal,

- Policy 2: Climate change and mitigation
- Policy 3: Biodiversity
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 14: Design, Quality and Place
- Policy 22: Flood Risk and Water Management

Prior to an intended earlier consideration of this application at the December Planning and Placemaking Committee, a legal opinion was presented to the Council the evening before covering a number of legal questions. Given the limited time available it was not possible to consider the issues set out and as a result the risk averse approach of withdrawing the application from that Agenda was actioned. This report has considered those questions and some revision undertaken. On a specific aspect of NPF4, these questions included that Policy 17: Rural Homes is relevant to this proposal and should be assessed in the decision-making process. However, as this site is located within the settlement boundary of Perth, which is the principal settlement within the LDP2, and surrounded by 'white' land. Thus, it is not considered that the site is within a rural area, such that Policy 17 is relevant. A fuller explanation of this position is set out in the main appraisal section below.

### **Perth and Kinross Local Development Plan 2 (2019)**

10 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. As was the case for the previous planning applications, the site is located within the settlement boundary of Perth, where the following policies are applicable,

- Policy 1: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 41: Biodiversity
- Policy 52: New development and flooding
- Policy 53: Water Environment and Drainage
- Policy 60: Transport standards and accessibility requirements

### **Statutory Supplementary Planning Guidance (SPG)**

11 The following statutory SPGs are applicable to this proposal,

- Developer Contributions and Affordable Housing (2020)
- Placemaking Guide (2020)

## **NATIONAL POLICY AND GUIDANCE**

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

Of relevance to this proposal are,

### **Planning Advice Notes**

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

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

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

## **OTHER PKC POLICIES**

- 15 The following non-statutory planning guidance are applicable to the proposal,
- Planning for Nature (2020)

## **SITE HISTORY**

- 16 02/00403/OUT - Erection of one dwellinghouse approved (in outline) was approved on 11 June 2002
- 17 09/00221/OUT - Erection of a dwellinghouse (in outline) was Approved On 8 May 2009
- 18 12/00760/IPL - Renewal of planning consent (09/00221/OUT) for the erection of a dwellinghouse (in principle) was approved on 25 June 2012
- 19 13/01899/AML - Approval of matters specified in conditions (12/00760/IPL) Erection of a dwellinghouse was approved on 15 January 2014
- 20 17/00957/FLL - Full Planning Permission for Erection of a dwellinghouse was approved on 4 August 2017

- 21 18/00115/FLL - Full Planning Permission for Erection of a dwellinghouse was Approved on 21 February 2018, and this permission has commenced.

## **CONSULTATIONS**

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

### **External**

**Scottish Water:** No objection, in terms of public capacity issues.

**Transport Scotland (TS):** No finalised response has been provided from TS, with more information requested. Officers note that the proposed access arrangements to the trunk road are not altering from previous permissions, including the extant consent and the proposals would result in no significant change. Given this material consideration it is felt a proportionate planning balance that the same standards are applied as was recommended to the extant consent. (Condition 5).

### **Internal**

**Transportation and Development:** No objection. The level of onsite parking provision (3 spaces) meets with the standards of the National Roads Development Guide.

**Environmental Health:** No objection in terms of a potential private water supply occurring, if a public connection is not viable or practicable.

**Structures and Flooding:** No objection in terms of flooding or drainage, subject to conditions concerning surface water disposal.

**Development Contributions Officer:** No requirement for any additional developer contributions.

**Community Waste Advisor:** No response received.

## **REPRESENTATIONS**

- 23 Nineteen representations were received, of which seventeen are objecting and two offering support. In terms of the objectors, the main issues raised within their representations are:

- Proposal is contrary to the Development Plan
- Impact on visual amenity
- Impact on residential amenity
- Impact on biodiversity
- Impact on road and pedestrian safety

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

- 24 In terms of the letters of support, these suggest that the proposal would enhance the area and would result in environmental improvements from the site's current condition.

### **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)/ Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecology Survey

### **APPRAISAL**

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the LDP2 and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 26 In terms of other material considerations, the fact that the site has obtained various detailed planning permissions for very similar proposals (a single dwelling) and that one of those permissions is extant and has seen development commenced, is a significant material consideration in relation in accepting the principle of a 'single dwelling' on this site. Consideration of the Council's other non-statutory policies and supplementary guidance, namely the planning guidance on Planning for Nature is also a material consideration.

### **Policy**

- 27 The principle of a residential dwelling on this site has been established a number of times by previous planning permissions. This is enhanced by the fact that the 2018 permission has been commenced and formal verification of that provided by the Council. This fact requires to be weighted in the planning balance as a material consideration against the terms of the current development plan. In this regard, the current application is also for a single dwelling of a comparable scale, position on the site and sees the same access arrangements as already approved and which could be used if that extant permission was fully implemented. Taking account of this it is the settled view of officers that the principle of a single dwelling and its associated access is acceptable and established. As such consideration of the matters of detail associated to the proposed revised house type itself which require to be undertaken, such as in

relation to visual / residential amenity impacts and other matters, and there are relevant policies relating to these issues in all parts of the Development Plan.

- 28 One of the objectors considers the principle of a dwelling on the site should be revisited, as well as assessing whether or not the proposed details matters are acceptable. The objector suggests that the timeline between the approval of the 2018 permission and now, during which the Development Plan has changed merits such a reassessment. They are also of the view that NPF4 in particular introduces new (or different) policies which, if applied to this proposal could potentially result in a different outcome than in 2018. However, the material consideration of the extant permission must also be accounted for, and it is considered that the policies of NPF4, including accounting for the planning balance associated to the extant consent does not lead to the view that the principle of this application is not acceptable. There is also a suggestion that since the previous approval in 2018 there has been changes in the site's physical characteristics and a potential increase in traffic on the local roads, such that these issues should also be revisited.
- 29 In terms of the NPF4, Policy 14 (Design, Quality and Place) looks to ensure that all new developments have a high standard of design, whilst Policies 1 (Placemaking) and 17 (Residential Areas) of the LDP2 look to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment and protect existing visual and residential amenity of the area concerned.
- 30 The Placemaking SPG promotes good design principles for all new developments and looks to protect both visual and residential amenity by ensuring that both the proposed design is appropriate for its setting, and that existing environs are considered.

### **Land Use Acceptability**

- 31 Planning permission exists on the site for a single dwelling, and as indicated previously that permission has commenced and been verified. Notwithstanding this, the principle of a single dwelling on the site is considered to continue to align positively with the Development Plan. In the LDP2, the site is located within the settlement boundary of Perth, although not identified for any specific use and considered to be 'white land'. Such land is considered by the LDP2 to be areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Policy 17 of the LDP2 is directly applicable to new development on 'white land' and states that in general terms, encouragement will be given to proposals which fall into one or more of the specific categories of development and when the development proposed are compatible with the amenity and character of the area.

- 32 The specific criteria listed are,
- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
  - (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
  - (c) Proposals which will improve the character and environment of the area or village.
  - (d) Business, homeworking, tourism or leisure activities.
  - (e) Proposals for improvements to community and educational facilities.
- 33 There is no requirement for a development to comply with one of more of these categories, providing that the development is compatible with the existing amenity and character of the area concerned. In this case, the proposal is considered to accord with criteria (a), being a single dwelling and a use and density compatible with the amenity (visual and residential) and character of the area. The character of the area already clearly being residential, and a full assessment on both visual and residential amenity issues are expanded on below.
- 34 Within NPF4, the only policy considered relevant to this proposal, in relation to the land use, is Policy 9. Whilst principally related to brownfield land and vacant and derelict building's part (b) of this policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Whilst greenfield sites are typically considered to have not been previously developed and often within countryside areas or out with settlements, the NPF4 is silent on a specific definition in this context so it could be argued that even though this site is within a settlement it could then be considered as greenfield. However, as mentioned above the site has seen planning permission for its development granted and that development commenced. Thus, the site has been previously developed and could therefore be considered as brownfield.
- 35 This site is not allocated for any specific development or purpose within the LDP2. To this end, compliance with Policy 9 would then fall back on the proposal being explicitly supported by policies in the LDP2. As previously discussed, there is policy support for the principle of a dwelling on this site through Policy 17 of the LDP2, and as the proposal does not conflict with any other policy across all elements of the Development Plan, the proposal is considered consistent with the requirements of Policy 9 of the NPF4.

### **Visual Amenity, Design and Layout**

- 36 The proposal is comparable to the 2017 planning permission, in terms of its general appearance and proportions (from the front). While there has been a 1.3 metre increase to its overall height, the dwelling is in the same position, with a small increase in footprint area through the incorporation of an extended garage into the dwelling. The wall to roof ratio has increased thereby having the

appearance of a 1 ¾ storey property as opposed to 1 ½ storey approved previously. The relationship to the boundaries of the plot, are only marginally larger – which have previously been considered to be acceptable. Whilst the Council's Placemaking policies have been updated since 2017, and the NPF4 through Policy 14 adds policy intent on design, the principles of what constitutes good and acceptable design have seen limited change. The current proposal makes a distinct change in the style of dormers, with smaller windows proposed from those consented in 2017 and 2018. However, what is proposed is not considered to look out of character with the wider area nor visually offensive.

- 37 The same applies to the increase in the numbers of dormers on both the front and rear elevations, which has also changed from the previous permissions. The additional number of dormers on both elevations would alter the appearance of the dwelling, but not to a level which would make the resultant dwelling appear visually incongruous, especially when viewed from the A85, such as when travelling eastwards. It is also noted that the property of 'Ellengowan' has a number of dormers on its principal elevation, albeit of a different style than what is proposed in the application.
- 38 All other design and layout matters are considered acceptable, subject to some minor changes secured through condition (Condition 6) and the proposal is considered to comply with the Placemaking and Design policies contained in all parts of the Development Plan.

### **Residential Amenity**

- 39 The proposed change of house type does not introduce any new issues in terms of the impact on existing neighbours which have not been previously considered, either in 2017 or 2018. The dwellings approved in 2017 and 2018 were in similar positions on the plot as the current proposal and there was some degree of interaction with surrounding neighbours. This position has not changed, and it is not considered that any new aspects are inherently unacceptable or don't meet relevant guidance/standards: additional dormers/windows/bedroom; increased height and footprint, accommodation over the garage, etc.
- 40 It is however important to assess the current proposal on its own merits in terms of how it impacts on existing residential amenity, and how it delivers residential amenity for future occupiers.
- 41 The principal area of interaction at first floor level would be between the proposed rear dormers, and part of the private garden area of 'Ellengowan' to the north. Both the 2017 and the 2018 permissions would have resulted in some degree of interaction due to the physical relationship of the proposed house and the garden ground of 'Ellengowan', but it is accepted that avoiding any visual interaction in a settlement is an unrealistic expectation and largely commonplace. A more sensible approach is to ensure that any impacts are reasonable (and of a level of what might be expected), and in this case to ensure that any impact is

comparable to what already is likely to occur by virtue of the extant planning permission.

- 42 It is noted that one of the proposed dormers would be several metres closer to the northern boundary than the consented arrangement, which could potentially increase the degree of overlooking, and result in a greater loss of privacy to the affected property from what has been approved.
- 43 The dormer in question serves a bedroom which also has another dormer on the same elevation, so there is no reason why a minor amendment could not be made to change the north most dormer on the rear elevation to a roof light, which would in turn reduce the ability of the user to look sideways. This would also bring the relationship and impact on the neighbour to the north to something similar of the 2018 permission. Condition 6 relates.
- 44 In terms of the interaction with the residential property to the south, it is noted that two side windows are proposed at ground floor level and close to the boundary. Along the boundary there is currently a significant hedge, with a 1.8m fence on the neighbour's side. The applicant has indicated that this fence will remain, but the hedge is to be removed. On this it is understood that an agreement has been reached between the two parties to remove the hedge, which has been affecting the property to the south and with the fence in situ, is challenging to maintain. Subject to the fence being retained, the interaction between the existing and proposed house will be mitigated by the existing fence and there would be scope for a more suitable replacement along the boundary which benefits both parties. Condition 4 relates.
- 45 Lastly, a concern has been raised that the additional height of the dwelling would impact adversely on light entering the ground floor windows of 'Ellengowan', and that shadows would affect both the property and some areas of the garden ground. The Council's Placemaking Guide makes reference to this issue, and in most cases the use of a 25-degree rule is used as a good starting point to establish whether or not further light / shadow assessments are required. The key principles of the test comprise drawing a line at 25 degrees towards a proposed development starting at the mid-point of the ground floor window. The distance between the gable of the proposed dwelling, and that of Ellengowan, is approximately 13.5 metres. An officer's assessment, showed a marginal 'breach' of the 25-degree line, and professional planning judgement has led to the view that it is not proportionately necessary to seek any further, more detailed, assessment. In respect of the potential for overshadowing of garden ground, it is accepted that the change to massing over the garage area, and slight increase to ridge height would result in a slight increase of overshadowing to neighbouring garden ground. However, this would not be to an extent which would warrant the refusal of this proposal, and would be more evident in winter months with a low sun.
- 46 Accordingly, subject to the imposition of conditions the proposal is considered to be in accordance with Policies 1 and 17 of the LDP2, and the guidance provided within the Placemaking Guide 2020.



## **Roads and Access**

- 47 The proposed change of house type raises no new issues concerning parking provision or access related matters from that related to the extant consent. Standard conditions which are similar to those attached to the extant planning permission are again recommended (Condition 5). It is considered unreasonable to apply any more onerous standards to this permission, given the fact the extant permission could be fully implemented, thus using the planning balance/judgement.

## **Drainage and Flooding**

- 48 The proposed change of house type raises no significantly new issues concerning drainage or flooding matters. It is not identified on SEPA Flood Maps as being at risk from either surface or river flooding, the nearest area being beyond the property known as 'The Orchard' to both the west and south west of it associated with the East Pow. A standard condition requiring all surface water to be disposed of in a manner which does not shed onto neighbouring land is recommended (Condition 3). The proposal is therefore considered to comply with Policy 22 Flood Risk and Water Management of NPF4 and Policy 53 Water Environment and Drainage of LDP2.

## **Waste Collection**

- 49 The proposed change of house type raises no new issues concerning waste or recycling provision, and collection will continue to take place at the road end.

## **Conservation Considerations**

- 50 The proposal has no implications in terms of impacting on listed buildings, conservation areas or local archaeology.

## **Natural Heritage and Biodiversity**

- 51 The proposed change of house type raises no new issues concerning ecological issues. The planning application has been supported with an Ecological Constraints Survey, which takes into account Great Crested Newts and the survey, conclusions and recommendations are considered acceptable and would result in positive outcomes beyond the extant consent, details of landscaping controlled via Condition 4 and mitigations set out in the Ecological Constraints Survey via Condition 7. The proposal is therefore considered consistent with Policy 3 of the NPF4, Policy 41 of the LDP2 and the guidance offered by the Planning Guidance on Planning for Nature.

## **Southern Hedge**

- 52 Both the 2017 and the 2018 planning permissions sought to retain the southern hedge in its entirety through conditions. The applicant has indicated they wish to

remove the hedge for the eastern half of the southern boundary, and that the construction of both the 2018 permission and the proposed would require its removal. With an existing fence providing mitigation for residential amenity, the removal of a small portion of the hedge is considered acceptable – subject to some degree of compensatory planting within the wider garden area. Condition 4 relates.

### **Retaining Wall**

- 53 The proposed dwelling will encroach to within 1m of the boundaries of the site. To the north of the site is an existing retaining wall. It would be the applicant's responsibility to ensure that their development does not compromise the structural integrity of the wall and comply with all the relevant building regulations through the submission of a competent and approvable Building Warrant submission. An informative note is recommended to highlight this position (Informative 3).

### **Water Supply**

- 54 Scottish Water have indicated that there is sufficient capacity within the public system to service this development. In the unlikely event that a connection was not a viable or practical option, any new private supply will have to comply with the relevant private water regulations. An informative note to this effect is recommended (Informative 5).

### **Climate Change**

- 55 In line with the requirement for new developments to be designed to reduce, minimise and avoid greenhouse gas emissions, in this instance it is appropriate to add a condition to require a scheme that demonstrates how the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies (Condition 8). Notwithstanding, as a development within an existing defined settlement boundary, it also contributes to development being located in a sustainable location, with access to local services. The proposal is therefore considered in accordance with NPF4 Policy 2 Climate change and mitigation and LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development.

### **Developer Contributions**

- 56 A developer contribution in relation to Transport Infrastructure was paid in relation to 17/00957/FLL. As the number of residential units across the site is not increasing from the extant permission, then there is no requirement for any additional contributions.

## **Economic Impact**

- 57 The proposal would have little impact on the local economy.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 58 The applicant opted to make some minor changes to their design statement during the course of the planning application, however these changes did not affect the key principles of the application.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 59 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 60 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**

- 61 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the LDP2 and statutory SPGs. This report fully assesses the extent to which NPF4 has introduced changes relevant to the application, from those issues previously considered. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

## **RECOMMENDATION**

### **Approve the planning application, subject to the following conditions,**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019

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

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

3. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices. Prior to the commencement of the development hereby approved, precise details of the surface water drainage system shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full and completed before the first occupation of the dwelling.

Reason: In order to ensure the site is adequately drained.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments, new compensatory planting to both offset the loss of the portion of the southern boundary hedge and other landscaping of the site, as well as providing net biodiversity gain shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full and completed before the first occupation of the dwelling. In the event of any planting failing within 5 years it shall be replaced on a 'like for like' basis within the next available planting season.

Reason: In order to clarify the terms of this planning permission, and to protect visual and residential amenity.

5. Visibility splays shall be maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland. For the avoidance of doubt, these splays are the triangles of ground bounded on 2 sides by the first 2.4metres of the centreline of the vehicular access (the set back dimension) and the nearside trunk road carriageway measured 120metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05metres and 2.00metres positioned at the set back dimension to an object height of between 0.26metres and 1.05metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, reflective of the requirements of the extant planning permission and resulting in a no net detriment position from that which would result from that approved development.

6. The north most dormer window on the rear (west) elevation is not approved. Prior to the commencement of the development hereby approved, an amended rear elevation which replaces the dormer with a rooflight shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full, and the rear elevation shall remain unaltered thereafter.

Reason: In order to protect existing residential amenity.

7. The Mitigations set out in paragraph 4.2 of the supporting Ecological Constraints Survey dated 20 June 2023 shall be implemented in full during the construction phase of the development.

Reason: In the interests of protecting and enhancing ecology and biodiversity.

8. Development shall not commence until specifying measures for maximising environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of the dwellinghouse.

Reason: In the interest of protecting the environment and sustainability.

### **Justification**

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

### **Procedural Notes**

None

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved. The applicant should undertake their own due diligence concerning the impact on the existing retaining wall along the northern boundary.

4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
6. In terms of Condition 3, the applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#) and the SUDS Manual (C753) as it contains advice relevant to your development.

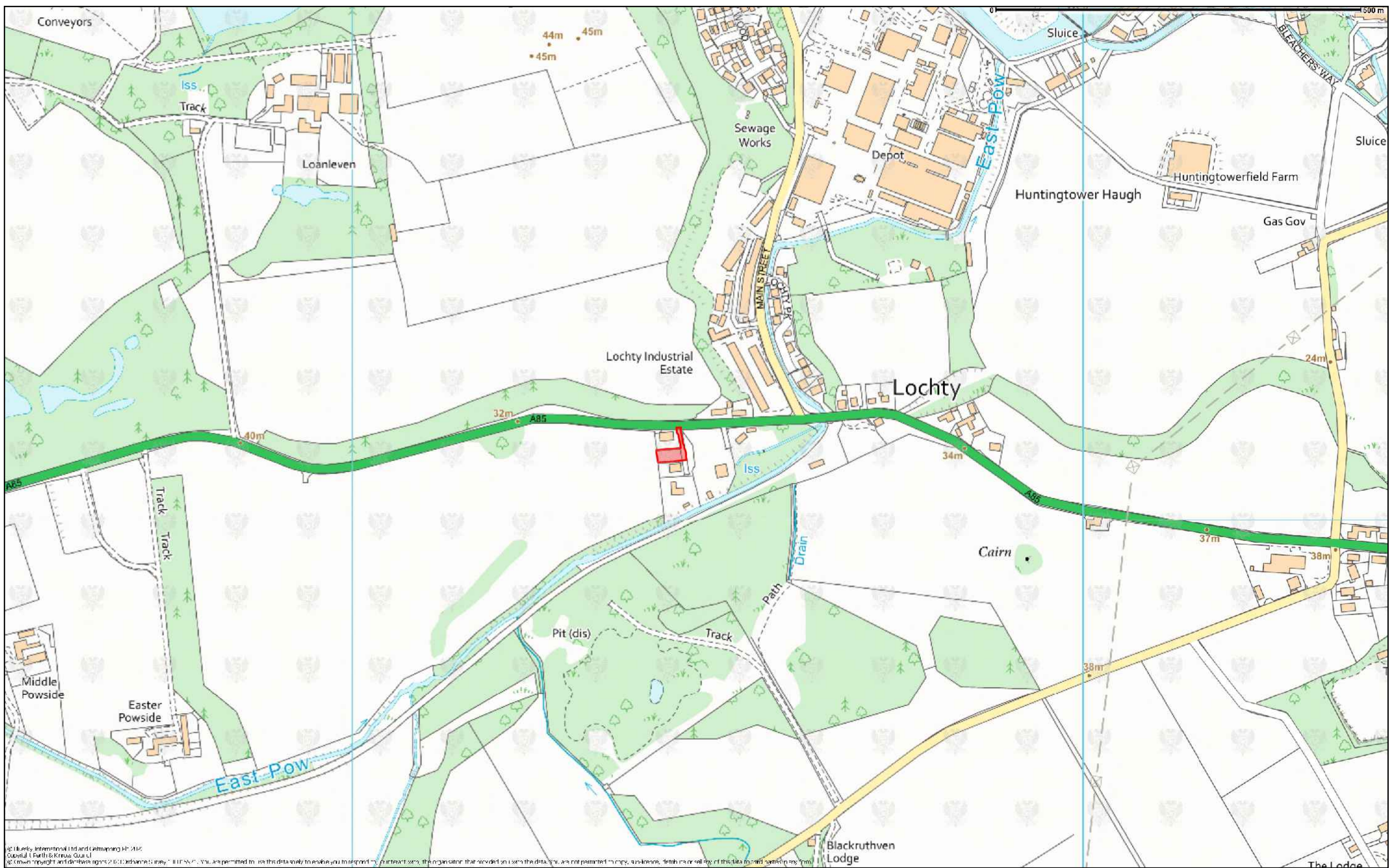
Background Papers: 19 letters of representation  
Date: 22 December 2023

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

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Planning and Placemaking Committee - 13 December 2023  
Scale 1:5000

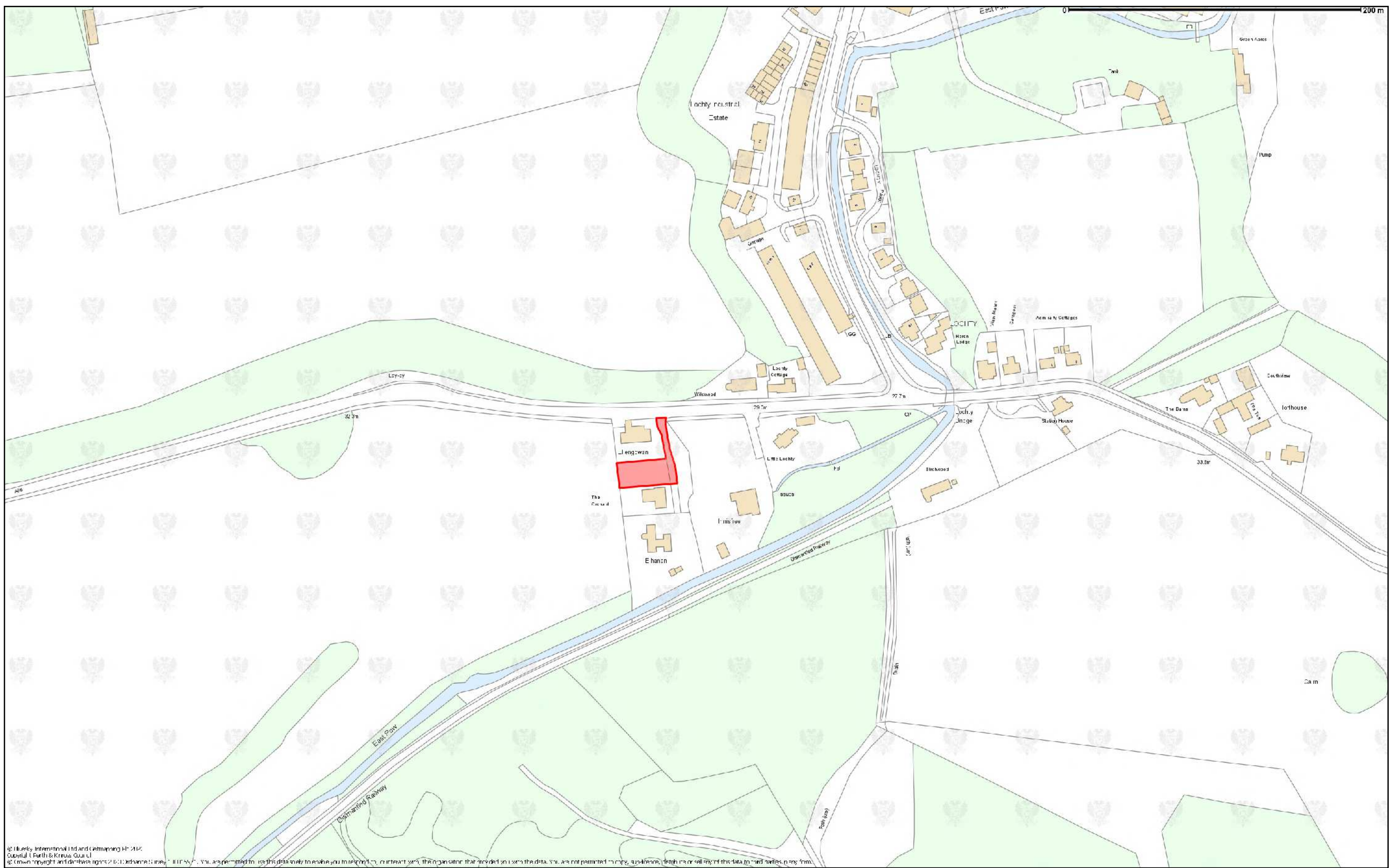


23/01095/FLL  
Erection of a dwellinghouse, Land 20m North of the Orchard , Lochty, Almondbank





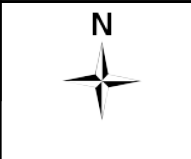




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Planning and Placemaking Committee - 13 December 2023  
 Scale 1:2500



23/01095/FLL  
 Erection of a dwellinghouse, Land 20m North of the Orchard , Locty, Almondbank





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/13)

<b>PROPOSAL:</b>	Alterations and extension to dwellinghouse and erection of garage with ancillary accommodation unit
<b>LOCATION:</b>	Gateside Farm, Meikleour, Perth PH2 6EN

Ref. No: [23/01532/FLL](#)  
 Ward No: P5- Strathtay

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application property is a traditional 1½ storey detached dwellinghouse situated in a rural area to the southwest of Blairgowrie and to the north of Meikleour. The house sits in a group of four dwellinghouses, two of which are newly built. There are building plots for another three houses to the northeast of the application property.
- 2 Full planning permission is sought to alter and extend the dwellinghouse and to erect a garage with ancillary accommodation on its first floor.

### Pre-Application Consultation

- 3 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## DEVELOPMENT PLAN

- 4 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

## **National Planning Framework 4**

- 5 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 6 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 7 The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 4: Natural Places
  - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
  - Policy 16: Quality Homes

## **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

- 8 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 9 The principal policies are:
  - Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 39: Landscape
  - Policy 41: Biodiversity

## **Statutory Supplementary Guidance**

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

## **OTHER POLICIES**

### **Non Statutory Guidance**

- [Planning Guidance - Planning & Biodiversity](#)
- [Planning Guidance - Ancillary & Annex Accommodation](#)

## **NATIONAL GUIDANCE**

- 10 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## Planning Advice Notes

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

- PAN 40 Development Management

## National Roads Development Guide 2014

12 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.

## SITE HISTORY

13 **90/00735/FUL** Full Planning Permission was approved on 7 June 1990 for internal alterations and extension

14 **99/00500/OUT** was refused on 12 May 1999 for erection of a house and garage with associated landscaping (in outline)

15 [09/00607/IPL](#) was approved on 22 October 2009 for demolition of farms buildings and erection of residential development (in principle)

16 [15/00389/IPL](#) was refused on 14 September 2015 for residential development (in principle) but subsequently upheld (approved) by Local Review Body on 20 May 2016

17 [16/02110/AML](#) was approved on 30 January 2017 for residential development (approval of part of matters specified in conditions in 15/00839/IPL, namely plot layout, accesses and passing places)

18 [23/00480/FLL](#) Full Planning Permission application was withdrawn On 2 August 2023 for alterations and extension dwellinghouse and erection of garage with ancillary accommodation

## CONSULTATIONS

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

### External

20 **Scottish Water** - No objection but provided advice for the applicant.

21 **Blairgowrie and Rattray Community Council** - Object due to overshadowing and overlooking.

## Internal

- 22 **Biodiversity/Tree Officer** - Recommend two conditions relating to bats and birds.

## REPRESENTATIONS

- 23 Nine representations were received. The main issues raised within the representations are:
- Scale of the extension dominates the existing house
  - Overlooking of Hog House, the house to the north
  - Overshadowing of Hog House
  - The ancillary accommodation could be rented out or used as a short term let
  - The ancillary accommodation fails to comply with the Housing in the Countryside Supplementary Guidance.

- 24 These issues are addressed in the Appraisal section of the report.

- 25 The following issues were also raised and are addressed here:

- The land ownership certificate is incorrect - The applicant's agent subsequently notified additional landowners and the application has been advertised. A revised application form, including a revised land ownership certificate, has now been submitted.
- Based on an objector's aerial photograph, the site plan is inaccurate - The applicant's agent has resurveyed the site and has submitted a revised site plan, with the surveyed location of Hog House being 3 metres to the south of its approved location.
- An underground electricity supply passes through the application site - This is a civil matter between the parties involved and is not a material planning consideration.
- Hours of construction should be limited to between 8am and 9pm - Given the scale of the proposed works (alterations and extension of an existing house), it is not considered necessary to restrict the hours of construction through the planning process in this instance. Furthermore, Environmental Health legislation controls antisocial impacts from construction.
- As the height of a garage at another property in another area was not considered to be acceptable, this proposed garage should be reduced in height - Each application is considered on its own merits, based on the proposed development and the site specific circumstances.
- Loss of a view - This is not a material planning consideration.
- Impact on the value and saleability of an adjoining house - This is not a material planning consideration.
- The proposals could be located elsewhere on the site - It is the applicants' decision where to site proposed development and the Council is required to assess the proposals that are laid before it.

## ADDITIONAL STATEMENTS

26

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Appropriate Assessment Not Required
Design Statement or Design and Access Statement	Design Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

- 27 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.
- 28 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### Principle

- 29 Alterations and extensions to existing domestic dwellinghouses are generally considered to be supportable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual or residential amenity or the character and appearance of the place.
- 30 Developments which are entirely ancillary to an existing domestic dwellinghouse are generally considered to be acceptable, where they are justified, located in a suitable position and of an appropriate size, design and materials. In this respect, consideration must be given to whether the proposal would impact negatively on the surrounding area and have a suitable physical and functional relationship to the existing dwellinghouse and wider environment.

### Design, Layout and Visual Amenity

- 31 In terms of its footprint, the proposed extension will be a significant addition to the existing house. Policy 9(d) of NPF4 supports the reuse of existing buildings, with demolition being the least preferred option in terms of conserving embodied

energy. Whilst the existing house could be demolished and larger replacement dwellinghouse erected, the proposal allows for a significant increase in the level of living accommodation without the need to demolish the existing house. As a result of the proposed extension, the scale of the resulting dwellinghouse will be in keeping with the scale of the recently built and yet to be constructed houses in the vicinity.

- 32 The proposed extension is to be erected on the north elevation of the dwellinghouse; this is architecturally the rear of the house. The extension will be set well back from the principal elevation of the house. This siting ensures that much of the traditional character of the existing house is retained, including its south (front) and east (side) elevations and most of its west (side) elevation.
- 33 There is an existing extension on the south elevation of the house. On the plans, this is referred to as a 'temporary' extension and the applicants have advised that it is their intention to remove this extension in due course. To protect the character of the original house, a condition will be used to require this extension to be removed following the completion of the proposed extension (Condition 6).
- 34 The proposed extension is to have dual-pitched roofs with ridge heights matching the existing house. The roofs of the extension will be slated to match the existing roof. The walls are to be finished in stone to match the existing house, with some areas of timber cladding. Whilst the extension includes roof overhangs and some larger windows that give the extension a more contemporary appearance, they do not detract from the character of the existing house. Overall, the design of the proposed extension respects the design of the existing house and is appropriate for this rural area.
- 35 Given the above, the proposal is in accordance with Policy 16(g)(i) of NPF4 and Policies 1A and 1B of LDP2.
- 36 A static caravan and a shipping container are currently sited at the application property. Although the applicants have noted intention to remove these, in the interests of visual and residential amenity, it is appropriate to secure their removal following the completion of the extension. This can be achieved by condition (Condition 5).
- 37 The traditional design of the proposed garage reflects the design of the house. It has a slate roof with a dormer on its east facing roof plane that reflects the design of the existing house, while the use of timber cladding reflects the design of the proposed extension.
- 38 The level of living accommodation to be provided in the garage is relatively modest and is appropriate for ancillary accommodation. In terms of the functional relationship between the buildings and their residents, the ancillary accommodation is to be sited close to the main house and they will share the existing access to the site and share a parking area.



- 39 Given the above, the proposal meets the requirements set in the Ancillary & Annex Accommodation Supplementary Guidance and is in accordance with Policy 16(g)(i) of NPF4 and Policies 1A and 1B of LDP2.
- 40 As it is possible that the ancillary accommodation could, potentially, be used separately from the main dwellinghouse, it is appropriate to clarify and limit the use of the garage and the ancillary accommodation to uses and occupation related to the main dwellinghouse. This can be controlled by a condition (Condition 7).
- 41 In the representations, concerns were raised that ancillary accommodation fails to comply with the Housing in the Countryside Supplementary Guidance. As the proposal does not involve the erection of a separate dwellinghouse, the Housing in the Countryside Supplementary Guidance is not relevant to this proposal.

### **Landscape**

- 42 Given the scale and design of the proposal and its siting within the curtilage of an existing dwellinghouse, there are no concerns about impacts on the landscape of the area. As such, the proposal is in accordance with Policy 4(d) of NPF4 and Policy 39 of LDP2.

### **Residential Amenity**

- 43 Given the floor area of the proposal in relation to the area of the application site, the proposal will not result in overdevelopment of the application property and, as such, will not have an adverse effect on the residential amenity of the application property.
- 44 In terms of overlooking of neighbouring properties, the Placemaking Supplementary Guidance advises:
- Windows should be located to avoid, or otherwise minimise, overlooking adjoining houses and private gardens.
  - Windows of habitable rooms should generally be a minimum of 9m from rear boundaries which they overlook unless adequate and appropriate screening is utilised.
- 45 The windows on the north elevation of the proposed extension face towards the house and garden of the property to the north, Hog House. The garden ground of Hog House is currently bounded by a post and wire fence which provides no privacy from any of the surrounding area. All the windows on the north elevation of the proposed extension are over 9 metres from the boundary, with one being 13 metres from the boundary. At the closest point, the windows on the proposed extension are over 22 metres from the windows on Hog House. Furthermore, as the houses sit at an angle, the windows are not directly facing. An outbuilding in the curtilage of Hog House provides additional screening of the windows of Hog House. A hedge appears to have recently been planted within

the application property and will, in time, provide additional screening between the properties. Given the current situation, the distances from the boundary and the additional screening, the proposed extension will not result in an undue increase in the level of overlooking of the house to the north.

- 46 The windows on the east elevation of the proposed extension are over 15 metres from the boundary. As such, there are no concerns about overlooking of the property to the east.
- 47 The windows on the east elevation of the proposed garage meet the requirements of the Placemaking Supplementary Guidance as they are 40 metres from the boundary they face. Concerns have been raised in the representations that the windows will overlook the property to the north. However, the windows do not directly face this property. The windows on the proposed garage will be over 32 metres from the windows on Hog House, which sits to the side of and at an angle to the proposed garage. The garage windows will be over 21 metres from the windows on the outbuilding at Hog House, which also sits to the side of the proposed garage.
- 48 The north elevation of the proposed garage is to be less than 4 metres from the boundary with Hog House. No windows are currently proposed in this elevation. To ensure that there is no overlooking of part of the garden of Hog House in the future, a condition will ensure that no windows, doors or openings are formed in the future (Condition 8). Given the above, the proposed garage will not result in overlooking of the neighbouring residential properties.
- 49 Concerns have been raised about overshadowing of Hog House and the loss of solar gain to Hog House. The approved plans for Hog House show a building with an L-shaped footprint with windows facing southwest and southeast. However, the house has not yet been completed in accordance with the approved plans and it does not yet have large windows facing southeast. As a result, Hog House has not yet reached its full potential for solar gain. To allow for a reasonable level of natural daylight to the internal living space of a neighbouring residential property, the Placemaking Supplementary Guidance states that “established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.” Using the 25-degree rule, a calculation of overshadowing from the proposed extension and the proposed garage has been undertaken and shows that there would be overshadowing of a minor proportion of the garden of Hog House during part of the day, but no overshadowing of any of the house’s windows at any time.
- 50 In response to the concerns that have been raised about overshadowing, the applicants’ agent has provided a more-detailed shadow cast assessment. For most of the year, there will be no loss of light to the house and garden to the north; this is as expected given the heights of the extension and garage and the distances involved. The shadow cast assessment does show that there will be a shadow cast over the windows on the southwest elevation of Hog House, but this

will be restricted to short periods at the ends of the shortest days of the year when light levels would already be low. Any loss of light to the garden of Hog House would be minimal, restricted to the shortest days of the year, and would only affect a minor proportion of a substantially sized garden. Given the above, the proposal will not result in undue overshadowing of the neighbouring residential properties.

51 Given the above, the proposal is in accordance with Policy 16(g)(ii) of NPF4.

### **Natural Heritage and Biodiversity**

52 A bat survey has been undertaken by an ecologist. Following a review of the ecologist's report, conditions and informative notes relating to bats and birds have been recommended (Conditions 3 & 4). As such, the proposal is in accordance with Policy 4(f) of NPF4 and Policy 41 of LDP2.

### **Roads and Access**

53 No changes to the access to the site are proposed.

54 Whilst the proposal involves increasing the number of bedrooms at the property, the parking that will be available at the property meets the standards set in the National Roads Development Guide 2014 for the total number of proposed bedrooms.

### **Developer Contributions**

55 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

57 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design of the south elevation of the extension. Revised plans of the existing house and site were also submitted as the existing extension on the south elevation had not been shown. Revised plans of the proposed garage were also submitted which included details of the finishing colours.

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

58 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 59 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**

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

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 26 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

5. Within 1 month of the extension to the dwellinghouse hereby approved being completed or brought into use, the static caravan and shipping container currently sited to the east of the dwellinghouse shall be removed from the site.

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

6. Within 3 months of the extension to the dwellinghouse hereby approved being completed or brought into use, the existing extension on the south elevation of the dwellinghouse shall be removed and any damage to the stonework on the south elevation of the dwellinghouse shall be repaired to match the existing adjacent stonework.

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

7. The garage and ancillary accommodation unit hereby approved shall be used solely in conjunction with the main dwellinghouse, shall not be let or occupied separately at any time and shall be retained within the same planning unit as the main dwellinghouse.

Reason: In order to control and restrict the use of the building.

8. No additional windows, doors or openings, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be formed in the garage and ancillary accommodation unit hereby approved.

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

### **Justification**

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

### **Procedural Notes**

Not Applicable.

## Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design of the south elevation of the extension.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by NatureScot pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

Background Papers: 9 letters of representation

Contact officer: David Rennie

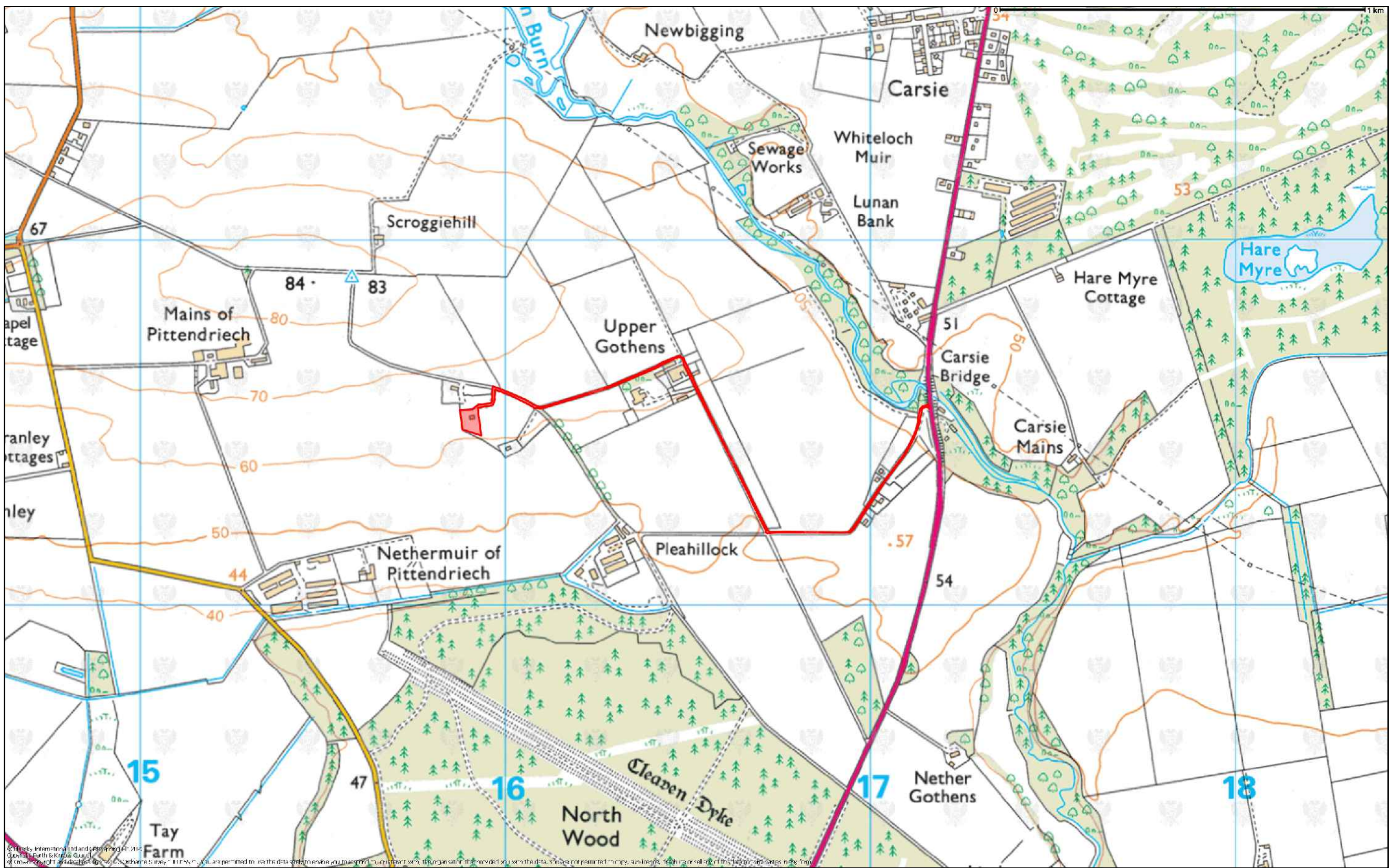
Date: 21 December 2023

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

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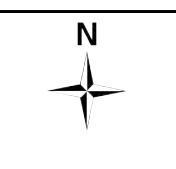
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Planning and Placemaking Committee 10 January 2024  
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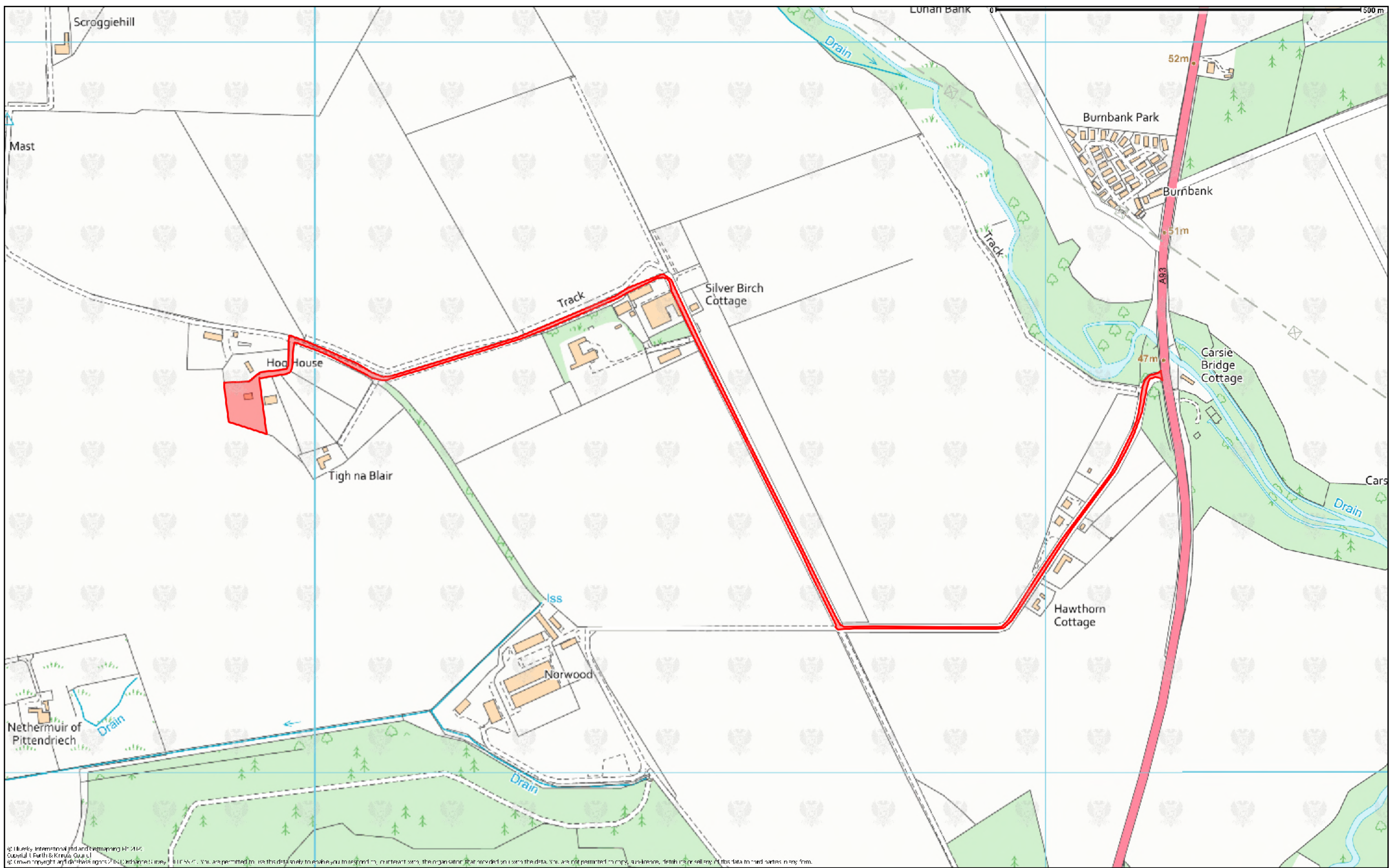


23/01532/FLL  
Alterations and extension to dwellinghouse and erection of garage with ancillary accommodation unit at Gateside Farm, Meikleour, Perth PH2 6EN









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Planning and Placemaking  
 Committee 10 January 2024  
 Scale 1:5000



23/01532/FLL  
 Alterations and extension to dwellinghouse and erection of garage with ancillary  
 accommodation unit at Gateside Farm, Meikleour, Perth PH2 6EN





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/14)

**PROPOSAL:** Change of use, alterations and extension to agricultural steading to form 7 dwellinghouses, erection of a dwellinghouse and associated ancillary outbuildings, formation of access road, parking areas and associated works

**LOCATION:** Kinvaid Farm, Moneydie, Perth, PH1 3HZ

Ref. No: [23/01094/FLL](#)

Ward No: P5- Strathtay

### Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to affordable housing and transport infrastructure as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is a disused agricultural steading and farmhouse located 500m north of Moneydie and approximately 2 miles west of Luncarty. The site extends to approximately 2 hectares and undeveloped parts comprise rough grassland with trees and hedging around the boundaries. The buildings sit on a flat area, whilst the site generally slopes sharply downwards from north-east to south-west.
- 2 The agricultural buildings and a farmhouse are arranged around a central courtyard. The north range building is spread over one-and-a-half storeys; the south range comprises a three-storey farmhouse and attached single-storey agricultural building and the east range is made up of one-and-a-half storey buildings of stone, brick, and slate construction, with chimney stacks. There is a lean-to extension, with timber supports and a corrugated metal roof, running along the north-east elevation.
- 3 The steading buildings date from the early 19th century. The steading and attached horse mill are listed at Category C (LB52511) and a separate application for listed building consent (23/01093/LBC) has been submitted for the physical works connected with the development proposed in this application.

- 4 The proposal is for the change of use, alterations and extension to the agricultural steading to form 7 dwellinghouses. For the listed steading building, two one-and-a-half storey dwellinghouses are proposed - The Horsemill with 5 bedrooms and The Stables with 4 bedrooms. Finishing materials include stone, slate and zinc roofs (Pigmento Green) and aluminium clad timber windows and doors (Chartwell Green).
- 5 A further five dwellinghouses are proposed through taking down and reconstructing the remaining steading buildings and farmhouse, on the same footprint but with extensions. The finishing materials will be the same as the listed steading.
- 6 One new dwellinghouse is proposed on land to the east of the steading buildings. The new build house will be one-and-a-half storey with natural stone walls and Slate roof, with a standing seam clad extension.
- 7 The central courtyard will be accessible to all properties and each property will have an area of private external garden ground, as well as individual spaces for car parking and storage.
- 8 The proposal also includes associated ancillary outbuildings and boundary treatments include post and wire fencing, stone retaining walls and low level hedging.
- 9 The site is served by a private access which extends to the north and links with the C408 public road from Moneydie to Bankfoot. It is proposed to upgrade and widen the existing track within the site and to form visibility splays at the junction with the public road.
- 10 A drainage strategy has been submitted and it is proposed to dispose of foul water via a private drainage system to a shared private treatment plant, before discharging into a foul water soakaway. Surface water would be dispersed within the site to a SUDS pond to be located in the south-east part of the site.
- 11 A Tree Survey Report notes one tree is to be felled to enable the development. Compensatory planting of three trees is proposed together with further hedgerow and tree planting.

### **Pre-Application Consultation**

- 12 23/00020/PREAPL - Redevelopment of existing farmhouse steading and conversion of existing Category C Listed Building to form 7 no. Residential dwellings and the construction of 1 no. new build dwelling, with associated outbuildings and services – response sent 28 March 2023.
- 13 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland)

Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **DEVELOPMENT PLAN**

- 14 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

- 15 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 17 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 2: Climate mitigation and adaptation
  - Policy 3: Biodiversity
  - Policy 6: Forestry, woodland and trees
  - Policy 7: Historic assets and places
  - Policy 9: Brownfield, vacant and derelict land and empty buildings
  - Policy 13: Sustainable transport
  - Policy 14: Design, quality and place
  - Policy 16: Quality homes
  - Policy 17: Rural homes
  - Policy 18: Infrastructure First
  - Policy 20: Blue and green infrastructure
  - Policy 22: Flood risk and water management
  - Policy 23: Health and Safety

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

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking

- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 19: Housing in the Countryside
- Policy 20: Affordable Housing
- Policy 26B: Archaeology
- Policy 27A: Listed Buildings
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 57: Air Quality
- Policy 58A: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- Supplementary Guidance - Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance - Housing in the Countryside (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)
- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2023)

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- Planning Guidance - Planning & Biodiversity

### **NATIONAL GUIDANCE**

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

#### **Planning Advice Notes**

- 21 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 23 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **SITE HISTORY**

- 03/01216/PN was Refused On 20 August 2003 for Erection of a storage barn
- 03/02131/FUL Full Planning Permission was Approved On 28 September 2004 for Erection of an agricultural shed
- 11/00658/FLL Full Planning Permission was Approved On 20 June 2011 for Erection of an anemometer mast for a period of one year
- 17/00281/FLL Full Planning Permission application was Withdrawn On 31 May 2017 for Formation of campsite to site 60no. tent pitches, 33no. accommodation units, 2no. toilet blocks and 1no. toilet/catering block, reception building, community hub, maintenance store, car parking, landscaping and associated works
- 17/00653/PN On 19 April 2017 for Erection of an agricultural storage building
- 17/00776/FLL Full Planning Permission was Approved On 3 July 2017 for Erection of agricultural shed
- 17/01694/FLL Full Planning Permission was Refused On 6 February 2018 for Formation of holiday park and siting of 20no. accommodation units, erection

- of a reception/maintenance building, formation of car parking, landscaping and associated works
- 18/01715/FLL Full Planning Permission was Refused On 1 November 2018 for Erection of a hut
- 18/02184/PAA was Refused On 7 January 2019 for Erection of an agricultural building
- 21/00138/LBC Listed Building Consent application was Withdrawn On 22 December 2021 for Demolition of steading buildings
- 21/00139/FLL Full Planning Permission application was Withdrawn On 22 December 2021 for Demolition of steading buildings/farmhouse, erection of 8 dwellinghouses, associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, car parking, drainage and associated works
- 21/02279/FLL Full Planning Permission was Refused on 30 August 2022 for Change of use, alterations and extension to agricultural steading to form 6 dwellinghouses, erection of 2 dwellinghouses and associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, parking area and associated works - Planning appeal reference: PPA-340-2148 dismissed 26 January 2023
- 21/02280/LBC Listed Building Consent was Approved On 11 July 2022 for Alterations and extension to buildings to form 6 dwellinghouses
- 23/00585/PAA On 21 June 2023 for Erection of agricultural storage building
- 23/01093/LBC Listed Building Consent for alterations and extension to buildings to form dwellinghouses – Pending Consideration

## CONSULTATIONS

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

### External

26 **Scottish Water** - No objection.

27 **Perth And Kinross Heritage Trust** - No objection subject to an archaeological condition to ensure a detailed survey is undertaken of the whole farm complex including the farmhouse and steading to be demolished in consultation with the LPA and PKHT.

### Internal

28 **Affordable Housing Enabler** - Commuted sum accepted in this instance in line with Supplementary Guidance.

29 **Conservation Team** - No objection subject to conditions. The proposed works will have a significant impact on the fabric and character of the listed north range but it is accepted that significant alterations and additional development are required to enable the repair and active reuse of a building group which has been disused for a sustained period. During the application process, discussion has



taken place regarding the extent of downtakings required to facilitate the proposed conversion to residential use. While the extent of the downtakings in relation to the horse mill are regrettable sufficient justification has been submitted to evidence that alternatives have been fully considered and the works are the minimum necessary to ensure safe conversion of the north range. The recommendation of PKHT for a condition for a detailed archaeological building recording exercise prior to commencement of works is supported.

- 30 **Transportation And Development** - No objection subject to conditions following submission of further information.
- 31 **Environmental Health (Contaminated Land)** - No objection and condition recommended to ensure Phase 1 Desk Study is submitted for written approval prior to commencement of works.
- 32 **Environmental Health (Noise Odour)** - No objection.
- 33 **Development Contributions Officer** - In line with Supplementary Guidance a contribution towards affordable housing, and transport is required - £75,192. During the course of the application, the revised Supplementary Guidance on Developer Contributions was adopted which no longer required an education contribution for this site.
- 34 **Biodiversity/Tree Officer** - No objection, subject to conditions.
- 35 **Structures And Flooding** - No objection. Condition to ensure SUDS design submitted for written approval of the Planning Authority.

**REPRESENTATIONS**

36 12 representations were received including 11 in support of the application. The main issues raised within the representation, neither objecting or supporting the application, related to the following:

- Loss of trees
- Overlooking

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

**ADDITIONAL STATEMENTS**

37

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal / AA Not Required

Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted – Drainage Strategy, Transport Statement, Ecology Report, Structural Inspection Report, Restoration Works Statement, Tree Survey, Planning and Listed Building Statement and a Development Viability Statement.

## APPRAISAL

- 38 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, as identified elsewhere in this report.
- 39 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### Principle

- 40 The site comprises a disused agricultural steading and farmhouse which have been vacant for a considerable number of years (circa August 1987) and have fallen into a state of disrepair. The Category C listed steading building and horse mill (HS Ref 52511) are on the Buildings at Risk Register for Scotland (Ref 6427).
- 41 The principle policies for consideration are NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings which supports development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary (Policy 9a and 9d). Also, NPF4 Policy 17: Rural homes supports new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development meets specific criteria. The proposal aligns with the following criterion listed in paragraph (a) of NPF4 Policy 17:

- (iii) reuses a redundant or unused building;
- (iv) is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; and
- (viii) reinstates a former dwellinghouse through the redevelopment of the farmhouse.

42 LDP2 Policy 19: Housing in the Countryside and the associated Supplementary Guidance are relevant, and this policy acknowledges that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. The development of single houses or groups of houses which fall within one of the six identified categories below will be supported:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the SG
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

43 Category 4 is applicable which allows for the renovation or replacement of houses. The Supplementary Guidance states that where a house under this section is proposed for substantial rebuilding or complete replacement, the applicant may be required to submit a Development Viability Statement, prepared by an independent expert, demonstrating that the house either:

- Cannot readily be extended or improved to allow it to be brought up to modern standards, or
- Is not capable of renovation at an economic cost.

44 Category 5 is also applicable which allows for the conversion or replacement of redundant non-traditional buildings to form houses providing the buildings are of traditional form and construction. The Supplementary Guidance states that replacement of traditional buildings will only be permitted in cases where there is objective evidence that the existing building(s) require to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost. Evidence should be in the form of a Development Viability Statement, prepared by an independent expert, which sets out the detailed costs of converting the building(s). The SG also allows for some limited new build accommodation associated with the conversion of traditional building complexes. Proposals for the conversion, extension or replacement of traditional non-domestic buildings will be subject to all of the following criteria:

- The development is in an accessible location i.e. in close proximity to a settlement or public transport links or in proximity to services for example schools, shops.
- The conversion / reconstruction has, as its core, the footprint and layout of the existing building(s) i.e. a steading or courtyard layout should not be replaced by detached units laid out in a group.
- The proposal will result in a development of high design quality and of a scale appropriate to its location, and there is a satisfactory composition of new and existing elements in terms of style, layout and materials.
- Extensions and new-build houses should only be contemplated where they reinforce the architectural integrity and external appearance of the original buildings and their grounds by, for example, infilling appropriate gaps in a group or rounding off a group. It is very unlikely that the entire 'brownfield' area of a site will be suitable for housing; in general, no more than 25% of the total units or footprint should comprise new build development.
- Those parts of the site not required for buildings or private gardens will require to be landscaped to a high standard. Landscaping plans demonstrating this, and how any other land outwith the application site but within the applicant's control will be used to provide landscape screening for the proposal, must be submitted and approved as part of the planning application.

45 The Supplementary Guidance highlights that harnessing the potential of traditional rural buildings which have become redundant is particularly important to achieving the aims of Policy 19. These buildings not only make a significant contribution to the character and quality of the rural landscape but are an important resource which should be reused wherever possible in the interest of sustainability and to help meet rural housing needs.

46 The proposal can be divided into three elements. The first is the section of the listed steading and horsemill which is proposed for conversion (2 dwellinghouses), the second is the replacement of the farmhouse and remaining steading buildings with new build (5 dwellinghouses) and the third is the one proposed new build dwellinghouse.

47 Conversion – This element of the proposal would be a conversion of a traditional building which is considered to contribute positively to the landscape character of the area. The existing northwestern lean to, which does not form part of the listing, is to be replicated to form a lean-to extension and finished in a contemporary roof material to differentiate between this element and the main form. It will also complement the other lean-to extensions throughout the development. The round mill is to be rebuilt, with the existing structural detailing and stonework utilised as far as is reasonably practicable. The roof of the proposed mill will have a traditional lead cap, with high-level glazing flooding the space below with light before natural slate continues down the roof. An authentic rebuild strategy for the stonework is proposed to achieve a high-quality finish and includes careful detailing of door and window jambs, stone quoins, re-exposing archways, frameless glazing and interior stone and exposed timber. The

proposed alterations and extensions are sympathetic and in harmony with the historic building. The proposed new build elements are considered to be of a scale and design in keeping with the character of the buildings, offering a sympathetic blend of old and new.

- 48 New build replacement sections – It is proposed to replicate closely the overall layout, scale and design of the existing farmhouse, traditional steading buildings and the existing courtyard configuration. In addition, the materials of the existing buildings would be re-used as far as possible and replicated where reuse is not possible. The scale, massing and design of the proposed extensions are sympathetic to the original and remaining buildings whilst incorporating contemporary elements. A development viability statement has been submitted which demonstrates that the buildings require to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.
- 49 New build dwellinghouse – The development viability statement demonstrates that the proposed new build dwellinghouse is required in order to achieve a viable scheme for redevelopment of the steading buildings and the conversion of the listed building. The proposed location to the east of the existing steading buildings and the design scale, and massing of the dwellinghouse is considered to be in keeping with the character and appearance of the surrounding area. Furthermore, in comparison to the siting of the enabling aspects of the previous application, the tabled solution is considered to be more sympathetic being set off to the side on the main approach to the listed building, and against the backdrop of existing trees.
- 50 A development viability statement, structural inspection report and a restoration works statement have been submitted to support the proposed development. The supporting documents highlight the structural deficiencies which cannot be remedied at an economic cost and the construction costs of the development. In this instance, it is considered that the submitted information adequately justifies the development proposal and the need for a new dwellinghouse in order to bridge the financial gap of viability, and also to allow for the payment of the identified developer contributions.
- 51 In respect of addressing the requirements set out in the Supplementary Guidance, the proposal is in an accessible location close to Moneydie and Luncarty with public transport links, schools and shops. The proposed layout primarily follows the existing courtyard and footprint and a high design quality is proposed at a scale appropriate to its location. Planning conditions are recommended to ensure that prior to the commencement of development samples of all finishing materials and details of boundary treatments together with a high-quality landscaping plan are submitted for the written approval of the Planning Authority (Conditions 3, 4 and 13).
- 52 The proposed development is considered to satisfy the relevant criteria of LDP2 Policy 19 Housing in the Countryside and related Supplementary Guidance.

## **Design, Layout and Landscape**

- 53 NPF4 Policy 14 Design, quality and place requires development proposals to improve the quality of an area and be consistent with the six qualities of successful places. This aligns with LDP2 Policy 1 Placemaking which states the design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 54 The overall layout, scale and massing of the existing steading buildings would be largely replicated, and the proposals are generally respectful of the agricultural character of the site and its surroundings. The proposed palette of materials is also considered appropriate and sensitive to the traditional character and appearance of the buildings and their rural setting. The proposed site plan shows new tree planting, low level hedging and trough style planters. A condition is recommended to ensure a detailed and high-quality landscape plan is submitted for written approval of the Planning Authority prior to the commencement of development (Condition 13). The new build dwellinghouse has been sited and designed in keeping with the existing group of buildings and would sit comfortably alongside the listed building without compromising its setting.
- 55 The surrounding landscape is characterised by undulating topography with large areas of mature woodland and small groups of buildings. The steading itself sits on an elevated site however extensive areas of woodland around the site mean that only the southern elevation comprising the former farmhouse and adjoining barn have any prominence in views of the site. The development would therefore have no unacceptable adverse impact on surrounding local landmarks, views or skylines. The proposal is therefore considered to relate positively to the established landscape character of the area.
- 56 The proposal proposed development is of an appropriate scale and design and sympathetic to the rural character and visual amenity of the area and satisfies NPF4 Policy 14 Design, quality and place and LDP2 Policy 1 Placemaking and Policy 39 Landscape.

## **Residential Amenity**

- 57 A representation highlighted the proximity to a neighbouring dwellinghouse and potential for overlooking. The existing steading buildings sit on an elevated site and there is existing tree planting which offers screening including on the west boundary of the site. This obscures views of a neighbouring property over 60m south-west of the site. The existing boundary screening (west) is not impacted by the development. The proposal is not considered to give rise to any concerns regarding overlooking of neighbouring dwellinghouses. Further, the Tree Survey

Report shows proposed compensatory planting on the south-west boundary of the site which will offer further screening.

- 58 The proposal will include the provision of eight woodburning stoves. Environmental Health was consulted due to potential smoke and odour issues arising from their use impacting on residential amenity. Environmental Health consider there will be no impact to air quality due to their domestic size. It is noted from the submitted plans that all stove flues will terminate at a suitable height to aid in the dispersion of emissions. As such it is considered the residential amenity of neighbouring dwellinghouses should not be adversely affected by smoke/odour. The proposal satisfies NPF4 Policy 23 Health and Safety and LDP2 Policy 57 Air Quality.

### **Roads and Access**

- 59 The vehicle access to the site will be from the C408 and is to be upgraded as part of the development. The applicant has shown that there is sufficient car parking on site for each of the plots. Transportation and Development was consulted and recommend conditions to ensure an appropriate visibility splay is implemented; the requirement for waste collection vehicles is satisfied; install rural bus boarders on either side of the public road and road construction design standards are met (Conditions 5, 6 and 7).
- 60 The application site is accessible by a choice of sustainable travel modes and is located close to Moneydie, Redgorton and Luncarty where options for public transport are available. The proposal satisfies NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B New Development Proposals, subject to conditions.

### **Drainage and Flooding**

- 61 LDP2 Policy 53B relates to foul drainage and states that in settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area.
- 62 As there are no foul sewers in the vicinity of the development it is proposed to dispose of foul water via a private drainage system. Foul water would be collected and conveyed via drains to a shared private packaged treatment plant before discharging into a foul water soakaway within the site boundary.
- 63 LDP2 Policy 53C relates to surface water drainage and requires all new development to employ SUDS measures. It is proposed to collect and convey surface water runoff from building roofs and hardstanding areas to a SUDS pond located in the south-eastern part of the site.
- 64 Policy 53E requires that all new development must be served either by a satisfactory mains or private water supply complying with the Water (Scotland)

Act 1980 and associated Private Water Regulations, without prejudicing existing users.

- 65 It is proposed to connect to a private water supply and an informative is recommended regarding the requirement to submit detailed information regarding the private water supply to Perth and Kinross Council Environmental Health.
- 66 The Flooding Team was consulted and note from a review of the SEPA map and site/access topography, flood risk should be negligible. A condition is recommended to ensure full details of a sustainable urban drainage system is submitted for written approval of the Planning Authority prior to the commencement of development (Condition 9).
- 67 The proposal satisfies NPF4 Policy 22 Flood risk and water management and LDP2 Policy 53 Water Environment and Drainage, subject to conditions.

### **Conservation Considerations**

- 68 The north range of the steading is listed at Category 'C' as a relatively rare and early example of this type of agricultural building, which includes an attached horse mill. The supporting information demonstrates the building is not suitable for modern agricultural use and has been marketed for a reasonable period for alternative uses and as such the principle of conversion to residential use is considered acceptable. Given the condition of the building, as outlined in the supporting information, extensive repair will be required to convert/bring the building back to a usable condition. Whilst the overall approach to the proposed works and design of the conversion scheme, including the proposed extension, would be in keeping with the character and appearance of the listed building, a condition is recommended to ensure comprehensive details of the methods and materials of the work is submitted for written approval (Condition 11).
- 69 The remaining buildings, which sit within the curtilage of the listed building, make a significant contribution to its context and setting. As such the design approach of locating the proposed extensions on the outer facades of the buildings and retaining most of the courtyard as communal space would preserve the important physical and visual relationship between the buildings.
- 70 Any new development within the site could impact on the relationship between the listed building and its wider rural landscape setting which is important in understanding its original purpose and function. Given the location and scale of the proposed new build house it is considered that the wider landscape setting of the listed building would be preserved to an acceptable level. Review of the Development Viability Statement, which has not been made publicly available due to the sensitive nature of the content, sees it accepted that the additional new dwellinghouse is required to generate funds to bridge the viability deficit and secure the proposed redevelopment of the remaining steading buildings. Notwithstanding the viability issues, developer contributions are still to be



secured. The alternative being that it would not be financially viable to undertake the project and the outcome instead being that the listed building remains without a long-term ongoing use and deteriorates in condition. As noted previously in the report the listed building is on the Buildings at Risk Register for Scotland.

- 71 The proposed development satisfies NPF4 Policy 7 Historic assets and places and LDP2 Policy 27A Listed Buildings, subject to condition.

### Archaeology

- 72 LDP2 Policy 26B Archaeology seeks to protect areas or sites of known archaeological interest and their settings. Perth and Kinross Heritage Trust (PKHT) have been consulted as the proposed development site is archaeologically sensitive.
- 73 PKHT recommend a planning condition to ensure that development does not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitably qualified archaeological organisation. The scope of the archaeological standing building survey will be set by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (Condition 8).
- 74 The proposal satisfies LDP2 Policy 26B Archaeology, subject to condition.

### **Natural Heritage and Biodiversity**

- 75 NPF4 Policy 3 Biodiversity and LDP2 Policy 41 seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated. NPF4 Policy 6 Forestry, woodland and trees and LDP2 Policy 40B Trees, Woodland and Development seek to protect and expand forests, woodland and trees. Also, relevant is national and local policy which seeks to protect and enhance blue and green infrastructure including nature restoration, biodiversity enhancement and flood prevention and water management and ensure this is an integral part of development proposals. Development proposals which result in the fragmentation or net loss of existing blue and green infrastructure will not be supported as outlined in NPF4 Policy 20 Blue and green infrastructure and LDP2 Policy 42 Green Infrastructure.
- 76 An Ecological Survey including a Bat Survey was submitted. Multiple bat roosts have been identified for a range of bat species and a bat species protection plan was submitted.
- 77 The Ecological Survey identified the presence of barn owls and a barn owl species protection plan was submitted. A compensatory stand-alone building with provision for bats and owls is proposed (Condition 16).
- 78 As a result of the site's history, multiple Ecological Survey Reports were submitted, and the Biodiversity Officer noted that these were carried out and

prepared in accordance with best practice. The site plan shows indicative biodiversity enhancement measures including planting native trees, fruit trees and hedgerow planting. Provision should be made for barn swallows, house martins, swifts, and house sparrows. The Biodiversity Officer considers that, subject to the implementation of the mitigation measures contained in the reports and the measures to enhance biodiversity, the development would have no detrimental impact on biodiversity (Conditions 13, 14 and 16).

- 79 An updated Tree Survey Report was submitted during the application process and one tree is proposed for removal to enable the development. Compensatory planting of three trees on the south-west boundary is proposed. Tree protection measures will be put in place to safeguard the retained trees and a condition is recommended to ensure this (Condition 19). A condition is recommended to ensure a detailed landscaping plan and biodiversity enhancement plan is submitted for written approval prior to the commencement of work (Condition 13).
- 80 In respect of blue infrastructure, a SUDS pond is to be located in the south-eastern part of the site as highlighted previously in the report.
- 81 The proposal satisfies NPF4 Policy 3 Biodiversity and LDP2 Policy 41 Biodiversity; NPF4 Policy 6 Forestry, woodland and trees and LDP2 Policy 40B Trees, Woodland and Development; and NPF4 Policy 20 Blue and green infrastructure and LDP2 Policy 42 Green Infrastructure, subject to conditions.

### **Contaminated Land**

- 82 National and local planning policy states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is or can be made safe and suitable for the proposed use.
- 83 A Phase 2 Site Investigation report produced by Millard dated October 2020 was submitted with the application. The report has identified constraints to the development which will require remediation and verification before the site can be deemed suitable for the proposed use. A condition is therefore recommended to submit a further study for written approval by the Planning Authority prior to the commencement of development (Condition 17).
- 84 The proposal satisfies NPF4 Policy 9 c) and LDP2 Policy 58A Contaminated Land, subject to condition.

### **Developer Contributions**

- 85 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. The proposal is for the creation of 8no. units. The Affordable Housing requirement would therefore be 2no. units. Alternatively, the site is located in the Perth Housing Market Area where a

Commuted Sum of £28,000 per unit applies. The calculated contribution would be £56,000.

- 86 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, including for extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Luncarty Primary School where there is no constraint.
- 87 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is located within the Reduced area of Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance), where the rate is £2,742 per open market unit and £1,370 per Affordable Housing unit (which would be applied to 2x units given the Affordable Housing contribution). The calculated contribution would be £19,192 ((6x £2,742) + (2x £1,370)).
- 88 The total developer contributions payable would therefore be £75,192 (£56,000 + £19,192). This would be required to be secured via legal agreement or other suitable mechanism before any positive Decision Notice was issued.

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 90 This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

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

- 91 A Section 75 legal agreement or other suitable mechanism will be required to secure the developer contributions relating to Affordable Housing, and Transport Infrastructure.

### **DIRECTION BY SCOTTISH MINISTERS**

- 92 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**

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

## **RECOMMENDATION**

### **Delegated Approval, subject to the settlement of Developer Obligations, and the following conditions:**

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.  
  
Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. For the avoidance of doubt, this shall include details of any retaining structures and screening between dwellinghouses. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall

be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

5. Prior to occupation of the first unit, bus boarders will be constructed on both sides of the C408 public road network as shown in Drawing Number 18, for the proposed development in accordance with Perth & Kinross Council's Road Development Guide, Rural Bus Boarder. Dropped kerbs will be provided on both sides of the road. The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

6. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level as shown in Drawing Number 19. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: In the interests of road safety; to enable drivers of vehicles using the access to have a clear view of other road users.

7. No development in connection with the permission hereby granted shall commence unless the vehicular access has been provided and surfaced in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance of the development for a minimum distance of 5 metres.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

8. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitably qualified archaeological organisation. The scope of the archaeological standing building survey will be set by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. The name of archaeological organisation retained by the developer shall be given to the Council as Planning Authority and PKHT in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Record of the

Historic Environment and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.

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

11. Prior to the commencement of the development hereby approved, full details of the works to the listed building hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented as part of the development.

Reason: In the interests of protecting the special character of the Listed Building.

12. Prior to the commencement of the development hereby approved, details of the foul water drainage system, including packaged treatment plant and foul water soakaway shall be submitted to and agreed in writing by the Council as Planning Authority. The details as agreed shall be implemented as part of the development.

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

13. Prior to the commencement of the development hereby approved, a detailed landscaping, planting and biodiversity enhancement scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The planting scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme

shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

14. The conclusions and recommended action points within the supporting ecological survey reports submitted and hereby approved (document 26, 42 and 69 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

16. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, a replacement nest site for barn owl shall be provided in accordance with published guidance. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

17. 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 and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, 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: In order to deal with any potential contamination of the site as a result of its former use.

18. That no development shall be undertaken unless a detailed phasing programme outlining the delivery of buildings (including for the conversion of the retained listed building in early phases), and associated infrastructure across the entire application site has been submitted to and approved in writing by the Planning Authority. No development shall subsequently occur other than in full accordance with any phasing programme thereby approved.

Reason: In order to ensure that development is progressively accompanied by the conversion of the listed building at the earliest opportunity to ensure its preservation, to provide appropriate associated infrastructure, and in the interests of the visual amenity of the area.

19. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

20. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

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

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

### **Justification**

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



## **Procedural Notes**

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

## **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This is approval of your application Ref no 23/01094/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 23/01093/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
4. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
5. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before

works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk).

Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. There is a Section 75 legal obligation associated with this planning permission, which relates to the provision of developer contributions, and the timeous delivery of the conversion of the retained listed building. A copy is available to view on the Council's Public Access portal.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.

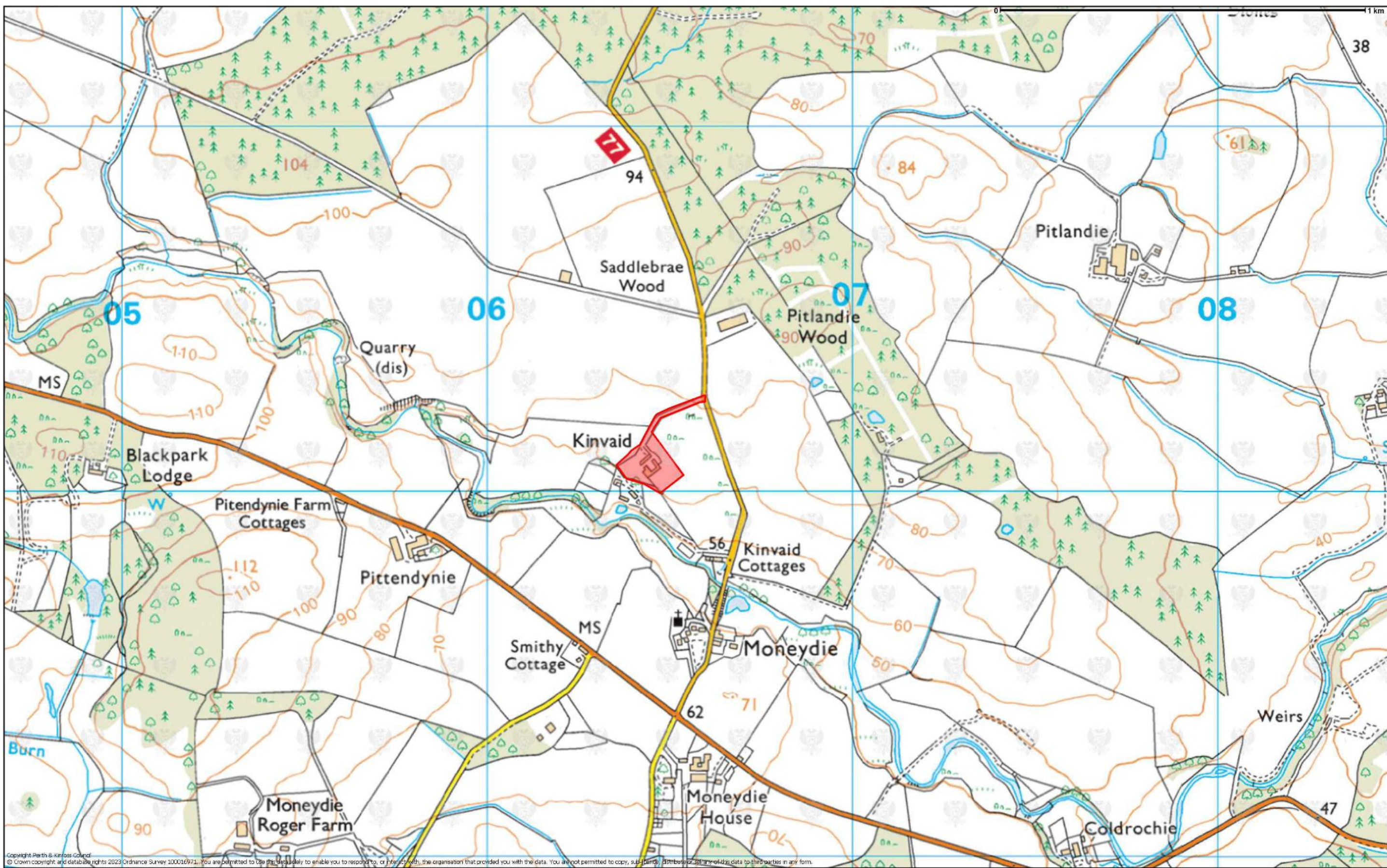
Background Papers: 12 Letters of representation  
Date: 22 December 2023

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

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Planning and Placemaking Committee - 10 January 2024  
Scale 1:10000

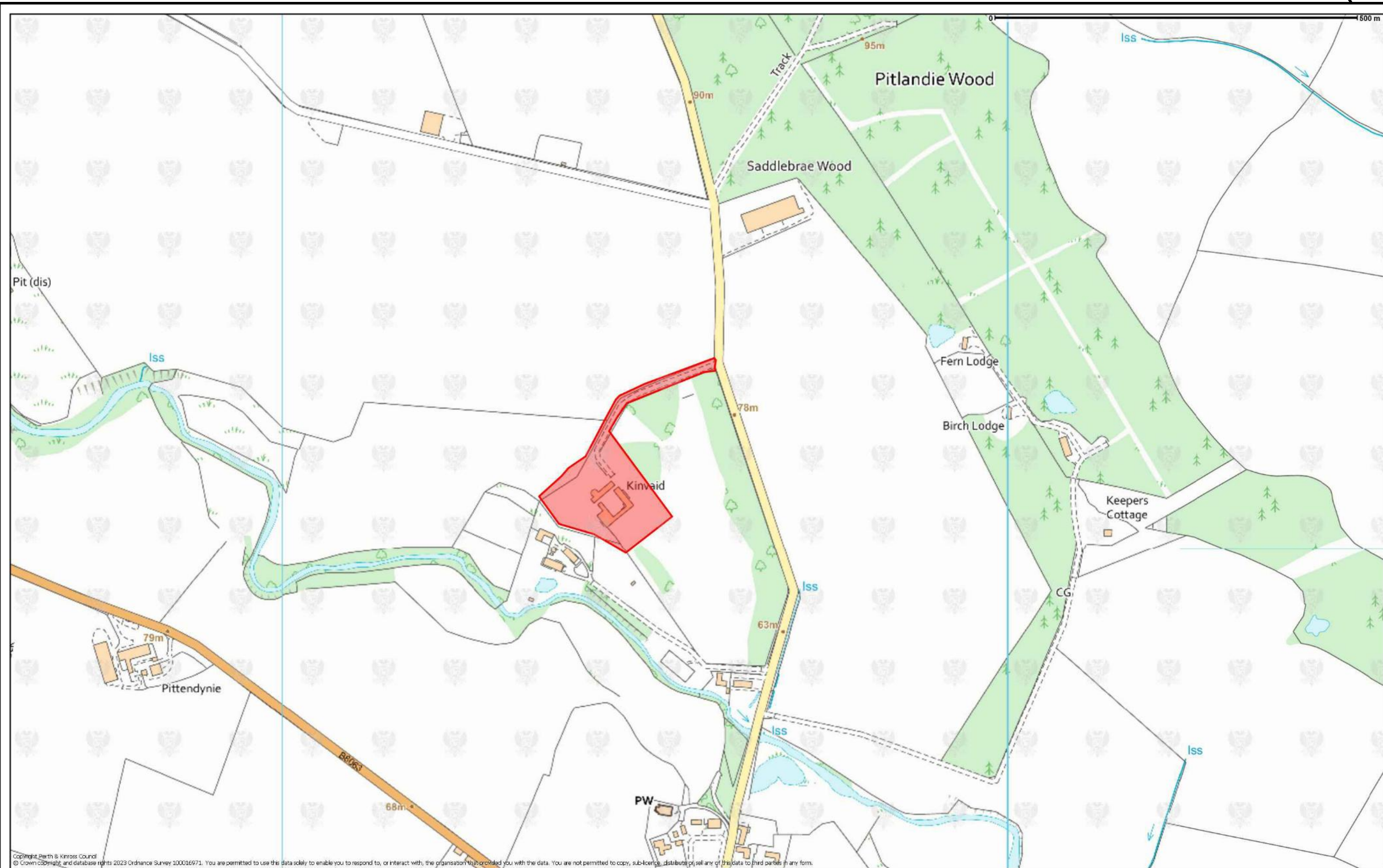


23/01094/FLL

Change of use, alterations and extension to agricultural steading to form 7 dwellinghouses, erection of a dwellinghouse and associated works at Kinvaid Farm, Moneydie, Perth, PH1 3HZ







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Planning and Placemaking Committee - 10 January 2024

Scale 1:5000



23/01094/FLL

Change of use, alterations and extension to agricultural steading to form 7 dwellings, erection of a dwellinghouse and associated works at Kinvaid Farm, Moneydie, Perth, PH1 3HZ





Perth and Kinross Council  
Planning and Placemaking Committee – 10 January 2024  
Pre-Application Report by Strategic Lead – Economy, Development and Planning  
 (Report No. 24/15)

**PROPOSAL:** Development of wind farm comprising installation of 8 turbines (up to 48 MW), formation of access road with passing places, ancillary development including crane hard standings at turbine bases, substation, storage compound, formation of a temporary construction compound, laydown area and associated works

**LOCATION:** Land 1.5KM North East of Earnieside Farmhouse, Dunning Glen, Dollar

Ref. No: [23/00018/PAN](#)

Ward No: **P8- Kinross-shire**

### Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for development of wind farm comprising installation of 8 turbines (up to 48 MW), formation of access road with passing places, ancillary development including crane hard standings at turbine bases, substation, storage compound, formation of a temporary construction compound, laydown area and associated works on land 1.5KM North East of Earnieside Farmhouse, Dunning Glen, Dollar, FK14 7LB. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 24 October 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for a wind farm comprising installation of 8 turbines (up to 48 MW), formation of access road with passing places, ancillary development including crane hard standings at turbine bases, substation, storage compound, formation of a temporary construction compound, laydown area and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

## **PRE-APPLICATION PROCESS**

- 4 The PoAN (reference **23/00018/PAN**) confirmed that two public exhibitions will be held at Carnbo Village Hall, Carnbo, Kinross, KY13 0NS on 14 November 2023 and 23 January 2024 between 3.30pm and 7.30pm and two public exhibitions at Dunning Village Hall, Auchterarder Road, Dunning, Perth, PH2 0RJ on 15 November 2023 and 24 January 2024 between 3.30pm and 7.30pm. The MP, MSP's and Ward Councillors for Kinross-shire, Strathallan and Almond and Earn Wards have been notified. We also note the following Community Councils have been notified; Fossoway and District, Milnathort and Orwell, Auchterarder and District, Muckhart, Dunning, Earn, Kinross, Blackford, Glenfarg, Cleish and Blairadam, Dollar, Saline and Steelend, Kelty, Tillocoultry, Coalsnaughton and Devonside, and Clackmannan. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

- 6 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 7 NPF4 was adopted on 13th February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 5: Soils
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 11: Energy
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place



- Policy 20: Blue and Green Infrastructure
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety
- Policy 25: Community Wealth Building
- Policy 26: Business and Industry
- Policy 29: Rural Development

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

- 9 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 31: Other Historic Assets
- Policy 32: Embedding Low & Zero Carbon Energy Generating Technology in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33D: Renewable and Low Carbon Energy: Spatial Framework for Wind Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land

- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

## **OTHER POLICIES**

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

- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

## **NATIONAL GUIDANCE**

11 The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **Planning Advice Notes**

12 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

## **PLANNING SITE HISTORY**

13 [04/00938/FUL](#) - Installation of a 50m wind monitoring mast for a period of 5 years on land on Mellock Hill, North of Craighead Farm, Carnbo, Kinross, approved 15 October 2004.

- 14 [04/02000/FUL](#) - Construction of a wind farm consisting of 24 turbines and ancillary development, including access tracks, temporary hardstandings, wind monitoring mast and site control building, Mellock Hill Wind Farm, Carnbo, Kinross, refused 20 June 2005.
- 15 [05/01585/FUL](#) - Development of a 14 turbine windfarm and associated infrastructure including access tracks, wind monitoring mast, temporary hardstanding, control building, temporary laydown area and excavation of borrow pits, Mellock Hill, Crook of Devon, Kinross, refused 13 December 2005.
- 16 [07/02057/FUL](#) - Formation of new access to public road at Earnieside Farm, Glendevon, approved 7 December 2007.
- 17 [17/00634/FLL](#) - Installation of telecommunications mast, formation of access track and associated equipment, Brunt Hill Wood, Dunning Glen, approved 6 June 2017.
- 18 [22/02148/CONSUL](#) - Request for Consultation (Scoping Opinion), Brunt Hill Wind Farm, North West of Milnathort, closed 16 February 2023.

## **CONSULTATIONS**

- 19 As part of the planning application process the following would be consulted:-

### **External**

- Scottish Environment Protection Agency
- NatureScot
- Perth and Kinross Heritage Trust
- Fossoway and District Community Council
- Milnathort and Orwell Community Council
- Auchterarder and District Community Council
- Muckhart Community Council
- Dunning Community Council
- Earn Community Council
- Kinross Community Council
- Cleish and Blairadam Community Council
- Blackford Community Council
- Glenfarg Community Council
- Dollar Community Council
- Saline and Steelend Community Council
- Kelty Community Council
- Tillycoultry, Coalsnaughton and Devonside Community Council
- Clackmannan Community Council
- Dundee Airport
- Edinburgh Airport
- Ministry of Defence – Wind Team
- National Air Traffic Services
- Civil Aviation Authority

- RSPB
- Scottish Water

### **Internal**

- Environmental Health – Private Water Team, Noise and Contaminated Land
- Community Greenspace including Access
- Transportation and Development
- Structures and Flooding
- Biodiversity Officer

### **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

- 20 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape
  - f. Water Resources and Soils
  - g. Air Quality
  - h. Transport Implications
  - i. Tourism and Economy
  - j. Impact on Agriculture
  - k. Archaeology and Cultural Heritage

### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 21 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Leisure/Economic Impact Assessment
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Tree and Woodland Survey
  - Habitat Survey
  - Archaeological Assessment
  - Sustainability Assessment
  - Noise Assessment

## CONCLUSION AND RECOMMENDATION

- 22 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
Contact Officer: Kirsty Strong – Ext 01738 475333  
Date: 21 December 2023

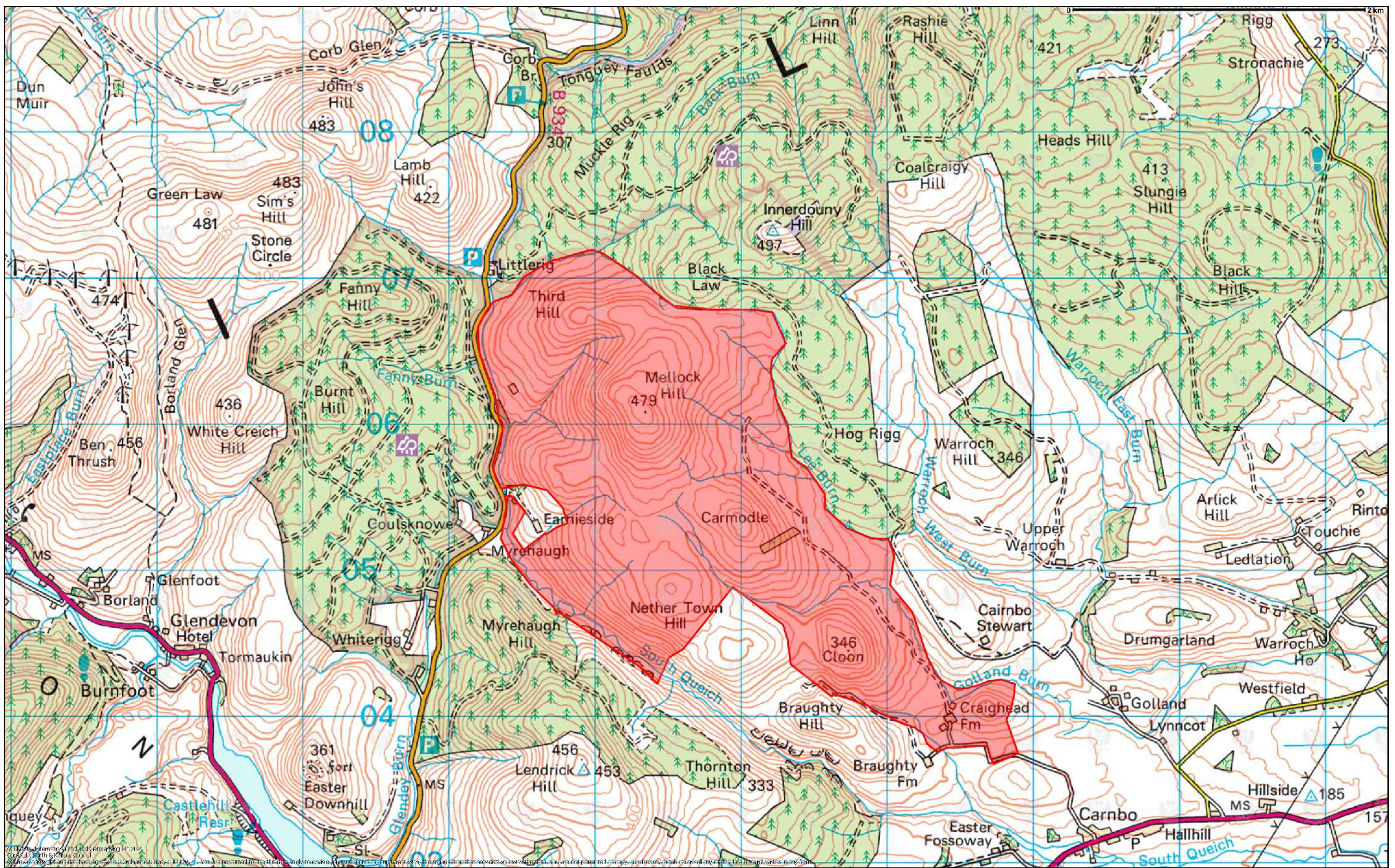
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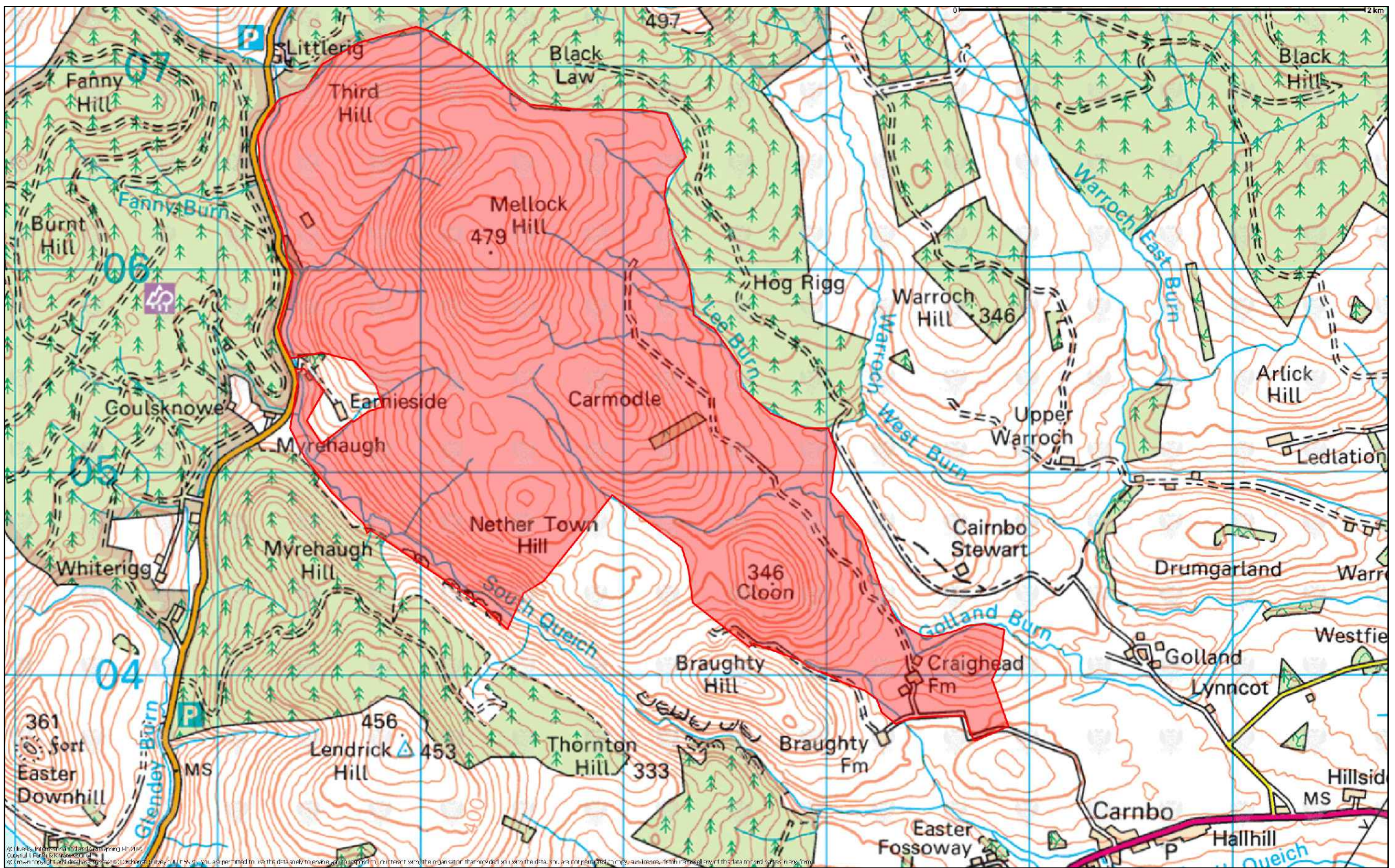


23/00018/PAN  
Development of wind farm comprising installation of 8 turbines (up to 48 MW), formation of access road with passing places, ancillary development including crane hard standings at turbine bases, substation, storage compound, formation of a temporary construction compound, laydown area and associated works on land 1.5km North East of Earnieside Farmhouse, Dunning Glen, Dollar, FK14 7LB



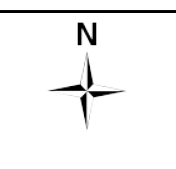






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23/00018/PAN  
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