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Council Building
2 High Street
Perth
PH1 5PH

Friday, 25 August 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 30 August 2017** at **10:00**.

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

BERNADETTE MALONE
Chief Executive

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

Members:

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

Development Management Committee

Wednesday, 30 August 2017

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
 - (i) MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 2 AUGUST 2017 FOR APPROVAL AND SIGNATURE 5 - 16**
 - (ii) ERRATUM TO MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 24 MAY 2017 - ARTICLE 294 - WELCOME AND APOLOGIES 17 - 18**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - 1 MAJOR APPLICATIONS**
 - (i) 16/01861/FLM - RATTRAY - RESIDENTIAL DEVELOPMENT FOR 217 DWELLINGHOUSES, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS AT LAND 200 METRES NORTH EAST OF LINDALE, GLENALMOND ROAD, RATTRAY 19 - 52**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/267)
 - (ii) 17/00919/FLM - PERTH - ERECTION OF RESIDENTIAL UNITS, COMMERCIAL UNITS (CLASSES 1,2,3 AND 10), FORMATION OF ALLOTMENTS/OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (REVISED SITE LAYOUT AND CHANGE OF HOUSE TYPES) AT BERTHA PARK, 53 - 82**

PERTH

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/268)

2 LOCAL APPLICATIONS

- (i) **16/01975/FLL - BRACO - ERECTION OF A DWELLINGHOUSE AT LAND 90 METRES SOUTH EAST OF THE GARDEN COTTAGE, BRACO, FK15 9LG** **83 - 102**
Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/269)
- (ii) **17/00409/FLL - PERTH - SITING OF 12 CARAVANS/CHALETS, 3 SHOW CARAVANS/CHALETS AND ASSOCIATED WORKS AT LOCHMANOR LODGE ESTATE, DUNNING, PERTH, PH2 0QN** **103 - 118**
Report of Handling by Interim Head of Planning (recommendation - refuse) (copy herewith 17/270)

*Please note that this item has been **withdrawn** from the agenda and will no longer be considered at the meeting of 30 August 2017.

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DEVELOPMENT MANAGEMENT COMMITTEE

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

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, E Drysdale, T Gray, I James, R McCall, R Watters and W Wilson.

In Attendance: N Brian, A Condliffe, A Belford, D Niven, D Salman, J Scott and R Stewart (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle, H Coates and A Jarvis.

Councillor M Lyle, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

. DECLARATIONS OF INTEREST

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

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 5 July 2017 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear a deputation in relation to the following planning application:

Planning Application No.
17/00295/FLL

Art. No.
**(2)(ii)

. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **16/02217/FLM – CRIEFF – Erection of 102 dwellinghouses, landscaping and associated infrastructure on land at Wester Tomaknock, Crieff – Report 17/252 – G. S. Brown Construction Ltd**

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J Scott, Team Leader, advised the Committee that Paragraph 138 of Report 17/252 should read:

“A legal agreement is required to secure infrastructure that will be impacted by the proposal, in this case including:

- *Affordable Housing*
- *Open Space maintenance security*
- *Play Area provision*
- *Primary Education provision”.*

J Scott, Team Leader, requested that, should the Committee be minded to grant the application, condition 24 be updated to read *“notwithstanding the plans hereby approved”* and *“Perth and Kinross Local Development Plan 2014”*.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an updated condition 24 as undernoted:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.
3. Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
4. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Planning

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- Authority, as part of an agreed delivery plan, prior to the completion of the development.
6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The approved play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
 7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.
 8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
 9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Planning Authority for further written approval in consultation with the Council Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.
 10. Prior to the commencement of development, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.
 11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1

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

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

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

12. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
13. There shall be no land raising or the erection of solid boundaries within the 0.5% AP floodplain as shown on drawing number 13019/21/001A.
14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter

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- be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.
15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational, commensurate with the associated stage of the development and prior to the completion of the development.
 16. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.
 17. The conclusions and recommended action points within the supporting biodiversity survey's submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
 18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.
 19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
21. Prior to occupation of any buildings on site a minimum of 30% of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. *WoodStone Build-in Swift Nest Box A*) shall be incorporated at eaves height.
22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Planning Authority, including full boundary treatment details (with elevations).
23. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
24. Notwithstanding the layout and site plans hereby approved, the road layout proposed up to plot 43 and stopping short of the eastern boundary of the site is not approved. A scheme that identifies a vehicular access being provided up to the boundary to connect the application site with the remainder of site H57 as allocated within the Perth and Kinross Local Development Plan 2014 shall be submitted for written approval of the Planning Authority within 3 months of the consent hereby approved. The approved scheme shall thereafter be constructed in full in conjunction with, and no later than, 3 months of the formation of the eastern public access, bounding plots 49 and 50, being formed.

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

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through

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failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
 - In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding

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ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.

- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
- 7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9. No work shall be commenced until an application for building warrant has been submitted and approved.
- 10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.

(2) Local Applications

- (i) **16/01251/AML – BANKFOOT – Erection of 3 dwellinghouses on land 60 metres north west of the former Masonic Hall, Dunkeld Road, Bankfoot – Mr G Fenton**

Resolved:

Grant, subject to the following terms, conditions and informatives, including updated conditions 8, 9 and 10 as undernoted:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the commencement of the development hereby approved, samples of all external finishing materials shall

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- be submitted to and agreed in writing by the Council as Planning Authority. The finishing materials as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. All foul drainage from the proposed development must be connected to the existing public drainage system.
 4. Prior to the commencement of development a detailed scheme of compensatory woodland planting, including timescales for completion shall be submitted for the approval of Planning Authority in consultation with the Forestry Commission. Thereafter the approved scheme shall be implemented in full to the satisfaction of both the Planning Authority and the Forestry Commission.
 5. The detailed sustainable urban drainage system (SUDS) shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any dwellinghouse.
 6. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.
 7. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail.
 8. Prior to the commencement of the development hereby approved, full visibility splays of 2.4m by 43.00m shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained to the satisfaction of the Council as Planning Authority.
 9. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
 10. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
 11. The removal of vegetation, including trees and shrubs shall not take place between 1st March and 31 August inclusive unless a competent ecologist has undertaken a careful and

detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted for the approval of the Planning Authority prior to commencement of works.

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

Justification

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

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

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6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

(ii) **17/00295/FLL – BALADO – Formation of access road, turning head, soakaway and installation of LPG tanks and associated works on land south east of Beaufield, Balado – Mr S Farish**

Mr C Machan, objector to the application, addressed the Committee and, following his representation, withdrew to the public benches.

Resolved:

Refuse the application for the following reason:

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

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DEVELOPMENT MANAGEMENT COMMITTEE – 24 MAY 2017

ERRATUM

ARTICLE 294 – WELCOME AND APOLOGIES

Please note that the item should read:

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

In terms of Standing Order 13, the Committee agreed to record the meeting.”

Perth and Kinross Council
Development Management Committee – 30th August 2017
Report of Handling by Interim Head of Planning

Residential development for 217 dwelling houses, formation of open space, landscaping and associated infrastructure works at land 200 metres north east of Lindale, Glenalmond Road, Rattray.

Ref. No: 16/01861/FLM
Ward No: N3 – Blairgowrie and Glens

Summary

This report recommends approval of the application for a development comprising 217 dwellings on Local Development Plan (LDP) site allocation H63: at land 200 metres north east of Lindale, Glenalmond Road, Rattray.

The development is considered to comply with the Strategic Development Plan TAYplan 2012 and Perth and Kinross Local Development Plan 2014 (LDP). The proposal also complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

BACKGROUND AND PROPOSAL

- 1 The site, which extends to over 11.5 hectare (Ha), is bounded to the south by Glenalmond Road and by Blairgowrie Holiday Park to the west, within the settlement boundary of Rattray. To the far eastern tip is the Rattray burn, with woodland to the northern point, associated with Parkhill Farm. The site is characterised as agricultural land with rough vegetation along the southern and western boundaries, sloping from north down to south, towards Glenalmond Road. Glenalmond Road terminates at Back Row, with a bollard preventing through motorised traffic from passing through. The site sits on the northern edges of Rattray settlement, with a robust existing landscape framework flanking its edges. Core path (BLA 17) exists along the eastern boundary extents.
- 2 The proposal seeks to formally establish detailed planning consent for 217 dwellings, with a full range of dwelling types including a 27% affordable housing element (60 units), which has been indicated at the western edge of the development. A full range of house types have been proposed, including single storey, 1½ storey and 2 storey detached, semi-detached and terraced units of 2, 3 and 4 bedrooms along with cottage flats. In terms of parking, the proposed parking varies across the proposed house types from integral parking, side and front driveway parking and courtyard parking. There will be two vehicular accesses off Glenalmond Road and a third separate pedestrian connection proposed between the two vehicle accesses.

- 3 The proposed external material finishes include light coloured renders, slate grey tiles and dark framed door and window units, reflective of the neighbouring development, including the site across the road, which rises up from Rattray Primary School (Kinloch Gardens) developed by the same applicant.
- 4 The application submission has been supplemented by a suite of information, which was identified at the Proposal of Application Notice (PAN) report stage and pre-application discussions. As part of the application assessment, it was originally considered there was a lack of detailed landscape information. The applicants were requested to and subsequently submitted more detailed landscaping proposals for consideration. Additional flooding and drainage information was also requested and a district heating feasibility study was presented voluntarily following original consultation comments from SEPA.
- 5 The detailed landscape proposals produced include:
 - Native species woodland, shrub and meadowland mix planting around the western, northern and eastern perimeters, with a path network in the northern and eastern extents, including a raised bunded area on the western boundary
 - Formal internal open spaces and structural tree planting, including an oak tree at the eastern point
 - Hedge planting to residential boundaries on key public elevations

Environmental Impact Assessment (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as EIA, is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 A screening request 16/00845/SCRN was made in May 2016, which found that an EIA is not required in this instance, through virtue of the proposals not having significant effects on the environment in relation to its size, nature, dwelling numbers and location.

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. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 10 A PAN (reference 16/00009/PAN) was submitted on 16th May 2016 and outlined a public exhibition was to be held locally on 15th June 2016. The ward Councillors were all notified. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 13 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans
 - The design of development, from initial concept through to delivery
 - The determination of planning applications and appeals
- 14 Overarching topic areas relevant to this application include:
 - Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking

- 15 Specific detailed topic area paragraphs include:
- A successful Sustainable Place
- Paragraphs 123 – 125: Maintaining a 5-year Effective Land Supply
 - Paragraphs 126 – 131: Affordable Housing
 - Paragraphs 135 – 151: Valuing the Historic Environment
- 16 A Low Carbon Place
- Paragraph 152 – 160: Delivering Heat and Electricity
 - Paragraph 190: Planning for Zero Waste
- 17 A Natural, Resilient Place
- Paragraphs 202 – 218: Valuing the Natural Environment
 - Paragraphs 230 – 233: Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268: Managing Flood Risk & Drainage
- 18 A Connected Place
- Paragraphs 286 – 291: Promoting Sustainable Transport and Active Travel
 - Annex B – Parking Policies and Standards
- 19 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 40 Development Management
 - PAN 44 Fitting New Housing Development into the Landscape
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 52 Planning in Small Towns
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 76 New Residential Streets
 - PAN 77 Designing Safer Places
 - PAN 78 Inclusive Design
 - PAN 79 Water and Drainage

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

- 22 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.

Place Standard (2016)

- 23 Place Standard is a tool accessible to all, which can be used to evaluate the quality of a place. This includes places that are well-established, undergoing change, or still being planned. The tool can also help users to identify priorities.

DEVELOPMENT PLAN

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 1 – Location Priorities

- 26 Seeks to focus the majority of development in the region's principal settlements. Blairgowrie and Rattray have been identified as Tier 2 settlements with the potential to make a major contribution to the regional economy and accommodate a smaller share of additional development over the plan period.

Policy 2 – Shaping better quality places

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

Policy 3: Managing TAYplan’s Assets

- 28 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 5: Housing

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

Policy 8 – Delivering the Strategic Development Plan

- 30 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 31 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 32 The LDP sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 33 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 34 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

- 36 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 37 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

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

Policy ED4: Caravan Site, Chalets and Timeshare Developments

- 39 Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses.

Policy RD1 - Residential Areas

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

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy CF3 - Social and Community Facilities

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 47 There is a presumption against development, which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 48 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy NE2A - Forestry, Woodland and Trees

- 49 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 50 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

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

Policy NE4 - Green Infrastructure

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

Policy EP12 - Contaminated Land

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

Housing Land Allocation H63

- 62 Identifies residential site allocation for an indicative number of 160 residential units on a site extending to 11.59 Ha with associated site specific developer requirements.

OTHER POLICIES

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

Perth & Kinross Community Plan (2006 – 2020)

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

Perth & Kinross Corporate Plan 2013-2018

- 65 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy, seeking to create safe and sustainable places for future generations.

SITE HISTORY

- 66 **16/00845/SCRN** EIA screening request was submitted May 2016. Confirmation that no EIA was required June 2016.

16/00009/PAN Proposal of Application Notice (PAN) submitted May 2016. Content of PAN approved July 2016.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 67 Confirmed detail was sufficient to support the detailed planning application, subject to conditional approval. An initial response objected seeking more detail to be produced in relation to flooding, surface water drainage proposals and set out that investigation of district heating feasibility was also required. Additional information submitted has satisfactorily addressed these points.

Scottish Water

- 68 Confirmed no objection to the development, with sufficient capacity identified at Linrathen Water Treatment Works and Blairgowrie Wastewater Treatment Works.

Blairgowrie and Rattray Community Council (BRCC)

- 69 BRCC submitted an objection, covering the following points:
1. Concerned that the increase in traffic will exacerbate the existing parking and access issues around Rattray Primary School
 2. Seek a more integrated approach to the distribution of the affordable housing element
 3. Proximity of the proposed development from Blairgowrie Holiday Park
 4. Hours of construction should be controlled

Perth & Kinross Heritage Trust (PKHT)

- 70 Content that appropriate archaeological investigation has been undertaken through the trialing works, with no further mitigation or surveys required.

RSPB

- 71 RSPB identified nearby presence of yellowhammer, tree sparrow, spotted flycatcher and grey partridge but were content with the ecology survey report submitted by the applicant and its associated mitigation recommendations.

INTERNAL

Strategy and Policy

- 72 Separate responses were received in relation to the policy position of H63 and the later submission of a district heating feasibility study. General policy position comments touch on connections, layout and building relationships. Fundamentally, there was no questioning or challenging to the number of dwelling houses proposed. Comments received in relation to the district heating

feasibility study requirement noted that the LDP developer requirements did not require a feasibility study to be undertaken and whilst welcomed as best practice, the SEPA position was regarded as premature to the emerging LDP position. Notwithstanding that, what had been submitted was considered to have gone far enough in this regard.

Community Greenspace (CG)

- 73 A number of comments have been received in relation to the proposed open space areas, both formal and informal. From the outset, the main criticism of this detailed application was the omission of any detailed landscape drawings on which to comment. Following a meeting with the applicant, it was agreed that a detailed landscape plan would be submitted. The planting mix proposed is considered appropriate. There have been some outstanding concerns in relation to the open space proposals within the site, including the Council position in relation to adoption and a proposed play area surplus to requirements and too close to neighbouring residential property. Contributions are to be sought in relation to off-site existing play areas at Hatton Road and Glenalmond Road.

Transport Planning (TP)

- 74 Generally satisfied with the detail submitted, with no concerns over the traffic volumes generated from the development in relation to the wider road network. The Transport Assessment (TA) produced was reviewed to provide an adequate degree of detail required in relation to the suitability of the site and the associated detailed access proposals. A follow up response was provided, clarifying that adequate parking provision had been provided within the development, following Council guidance.

Structures and Flooding Team (SFT)

- 75 The general drainage strategy and principles proposed are considered reasonable, however clarification was sought on specific matters. Following both the review of the revised Flood Risk Assessment (FRA) dated February 2017 and subsequent supporting information (8 June 2017), the SFT were satisfied that the flooding and drainage issues are resolved, with appropriate conditions recommended.

Environmental Health (EH)

- 76 Considered the proposals to be acceptable, with no concerns regarding the relationship of neighbouring land uses, simply recommending a condition in relation to hours of construction and an informative to advise the applicant to be aware of potential contamination to the eastern extents of the site.

Biodiversity Officer

- 77 Considered the background biodiversity analysis to be sufficient for this development with the detailed landscaping and open space proposals providing suitable opportunities for biodiversity and ecological enhancement in this regard.

Development Contributions Officer

- 78 Set out contribution requirements, which may be secured through a S.75 Legal Agreement. The requirements relate principally to Affordable Housing, with no contribution required for Primary Education on this occasion as there are currently no capacity concerns at Rattray Primary School.

Community Waste Advisor

- 79 No issue has been identified with adequate provision and arrangements proposed. It has also been encouraged that where opportunity exists, mini glass recycling points are considered to be integrated into the development, highlighted through an informative.

REPRESENTATIONS

- 80 4 representations have been received, consisting of 3 objections and 1 general comment. The following issues were raised in the representations:
- Contrary to Development Plan Policy
 - Inappropriate housing density and over intensive development
 - Lack or loss of car parking
 - Light pollution
 - Loss of open space
 - Noise pollution
 - Out of character with the area
 - Over intensive development
 - Over looking
 - Road safety concerns
 - Traffic congestion
 - School capacity
 - Relationship with holiday park as a business
 - Flooding
 - Relationship of proposed affordable housing element
- 81 The material planning concerns raised are addressed in the Appraisal section of this report.

82 ADDITIONAL STATEMENTS

Environment Statement	Screened- not required
Screening Opinion	Submitted
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted

APPRAISAL

Policy Appraisal

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

Principle

- 84 The application site is allocated in the LDP (H63), within a Tier 2 settlement, as identified through TAYplan Policy 1. The proposed development of the site therefore is considered to be consistent with the objectives of Policy 1 of TAYplan.
- 85 The Glenalmond Road site is allocated for 160 dwelling units under site allocation H63, forming the only new strategic housing site allocation within Rattray under the current LDP. It is worth clarifying at this stage that the housing numbers reflected in the site allocation is purely an indicative figure to satisfy housing land supply requirements for the wider LDP and does not necessarily reflect the fixed site capacity, which is borne out of detailed site layout designs, landscape capacity studies and site context appraisals. The principle of residential development complies with the associated policy objectives in this regard. In addition, the neighbouring use of the Holiday Park, which is covered by Policy ED4: Caravan Sites, Chalets and Timeshare Developments are not considered to conflict with the established residential site allocation.
- 86 There are a number of developer requirements set out in the LDP for this site, as detailed in the following table, that require further consideration:

Site Specific Developer Requirements

87

Ref	Location	Size	Number
H63	Glenalmond Road, Rattray	11.59 ha	160
Site Specific Developer Requirements			
⇒ Flood Risk Assessment.			
⇒ A mix of housing types and sizes.			
⇒ Development on lower slopes of field only.			
⇒ Wastewater Network Investigations may be required resulting in network improvements.			
⇒ Provision of woodland screen planting along the west and north boundary of site incorporating public access.			
⇒ Evaluation of Archaeological potential and mitigation may be required.			
⇒ Enhancement of biodiversity.			
⇒ Financial contribution to education provision in line with the Supplementary Guidance.			

Flood Risk Assessment and Water Storage

- 88 LDP policy EP2 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.
- 89 In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, which is identified to be provided in a variety of forms.
- 90 Historic information of flooding and surface water issues in the area has been referenced. The Rattray Burn flows to the east of the development site, entering a culvert at Kirklands for approximately 100m prior to discharging into an open watercourse in the private gardens at Back Row. The existing culvert is known to struggle to cope and is prone to blockages, which has caused flood water to flow down Parkhill Road. Flooding has previously occurred in December 1999, August 2004 and July 2015. Additional information has been submitted in relation to the overland flow path and details of likely flow paths at plots 144 to 147 along Glenalmond Road.
- 91 The preference of both SEPA and the SFT is to avoid any development within the flow path. More recent drainage plans show the layout of an intended swale, explaining that additional storage will be provided. It is also clarified that likely flows entering the site are difficult to predict as it is dependent on the existing condition of the culvert, however based upon the hydrological analysis, flows are generally calculated as low. The area at the eastern boundary of the site has been identified to be lowered, offering additional storage compared to the pre-development layout. It is imperative that the existing relief level from the site remains, ensuring that the flooding mechanism and capacity in this area remain the same, with additional storage incorporated within the development.
- 92 Overall, the SFT and SEPA have no objection to the proposals following the submission of additional details in relation to the FRA and drainage strategy, with the details now considered to accord with LDP policies EP2 New Development and Flooding and EP3 – Water Environment and Drainage.

Design, Scale and Layout

- 93 In respect of placemaking Policies PM1A and PM1B, the movement corridors, layouts and open spaces are considered to respond well to the surrounding site context, and within the associated site constraints. There have been efforts to avoid a car dominated layout, including proposed landscaping edges within an open space hierarchy framework. It has been considered appropriate to look to further control some of the residential boundary detailing through a suspensive condition (6).
- 94 The individual dwellings are of an appropriate scale with associated proportionate garden ground, including some contemporary touches in their finishes and approach. The overall housing mix types and heights provides variety and enhances the character of the area. A limited palette of external finishing materials is proposed within the design and access statement, including a range of light coloured renders, darker fenestration features and a simple grey slate coloured roof tile.
- 95 As per the LDP developer requirements, the dwellings have been proposed on the lower slopes of the field, with the finished floor levels several metres below that of the northern extents of the neighbouring holiday park.
- 96 The massing and scale of the proposed dwellings are considered appropriate, responding to the established neighbouring residential character area to the south. The proposed density of development is considered acceptable at this location. . Not including the significant structural landscaping element of the peripheries, this site layout has been calculated at approximately 29 units per Ha, which is closely comparable to neighbouring residential areas, including a recent nearby development by the same applicant.
- 97 In general terms, the proposed dwellings will benefit from reasonable garden ground, with none of the properties calculated to adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing. The proposed landscape framework surrounding the site, particularly to the north and west are deemed appropriate in this site context and sufficient overall to ensure no adverse impact to neighbouring properties and businesses, particularly following the establishment of identified planting. It has been considered appropriate to seek that the peripheral landscape framework planting is introduced and established at the earliest possible juncture, controlled through a recommended suspensive condition to agree detailed phasing.
- 98 Some of the representation submitted against the proposal suggested that the number of dwellings proposed (217) was too high and contrary to the LDP allocation of 160. As aforementioned and consistent with all other sites allocated in the current LDP, this figure has been acknowledged to be purely indicative and is not a barrier to development coming forward with higher or indeed lower densities. Fundamentally, the final site capacity was established through an appropriate detailed site appraisal, taking cognisance of the wider site context and the market. In this case, pre-application discussions took place

regarding the site and the overall relationship with neighbouring development in establishing an appropriate site density.

- 99 Overall, the proposals are considered appropriate in terms of the overall design, mix, house types, open space, movement patterns and associated landscaping satisfying the policy objectives of Designing Places, Designing Streets alongside the LDP Placemaking Policies, including a positive contribution to the quality of the surrounding built and natural environment.

Affordable Housing

- 100 Affordable Housing Policy RD4 requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. The application proposes the provision of 60 affordable units on site, approximately 27%. Detailed options will be secured through the conditional requirement for a detailed phasing plan (condition 5) and within a S.75 legal agreement. In response to representation comments received, the identified situation and concentration of the affordable housing element to the west of the site is not considered inappropriate in this context and does not require to be amended, responding well to the site characteristics, the wider established character areas and neighbouring residential development of this scale and nature.

Core Paths, Pedestrian and Cycle Routes

- 101 The site is well served by the existing road network and by pedestrian opportunities. An existing core path BLAI/17, also known as Kirkland's rights of way exists on the eastern boundary. Additional path links are proposed within the residential development and then linking into the open spaces to the north and east and linking up with core path BLAI/17. Specification of the informal paths will need to be agreed through condition 4 to ensure they are appropriate for all users. It is also deemed appropriate to require a signage strategy (condition 8) to guide through the development, advising of and encouraging pedestrians to link up into the open space network to the north.
- 102 Overall, the proposals are considered to comply with the site specific requirements in relation to core paths/ rights of way and pedestrian and cycle route opportunities, consistent with LDP Policies TA1B and CF2, with no significant or adverse impact calculated.

Biodiversity

- 103 When applying the tests of the LDP in terms of Policy NE3 Biodiversity, the Council has an obligation to protect and enhance all wildlife and wildlife habitats and consider whether the development would be likely to have an adverse effect on protected species.

- 104 The proposed development is on existing fields currently used for growing arable crops, as such there is likely to be low impact on biodiversity. The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings. The landscape proposals provide a good mix of planting, with mixed native species hedging and woodland planting as well as meadow grass planting.
- 105 In summary, the Council's Biodiversity officer has confirmed that the habitat and ecological survey undertaken is satisfactory, appropriately identifying the presence of key biodiversity features and good future biodiversity opportunities. Overall, the proposed approach and background findings are considered to be consistent with LDP Policies NE3, NE4 and ER6.

Landscape, Open Space and Visual Impact

- 106 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened. The applicant is proposing to take on the management of the open spaces themselves. The Council's CG team have a preference to take on public open space but have agreed that a private factoring arrangement can be considered in this regard, provided that the Council and future residents are protected financially in the case of any default. This could be adequately controlled by condition, S.75 legal agreement and/or bond as appropriate.
- 107 Through the close proximity of existing play areas at Hatton Road and Glenalmond Road (for which the Planning Authority are seeking a £10,000 contribution towards), the proposed play area within the development is deemed surplus to requirements. Notwithstanding it being an element that the applicant is keen to deliver, CG have also suggested that the proposed play area appeared too close to the proposed neighbouring dwellings (as per the Council standards) and compromising the wider open space area proposed. As a result of all of the aforementioned, it was deemed appropriate to condition out (11) the surplus on site play area proposal, and instead focus on the associated upgrade and maintenance of the neighbouring facilities, enabling a more appropriate open space area within the site, which still has the potential to provide informal play opportunities.
- 108 The site specific developer requirements for the LDP allocation require development on the lower slopes, landscaping and the provision of woodland screen planting along the western and northern boundaries. An appropriate open space hierarchy is proposed in this context with over 2 Ha given over to formal and informal open space use around the sites outer edges, providing wider setting benefits. This, together with the proposed screen planting along the western and northern boundaries, with the wider public access benefits being proposed to the north, is considered to satisfactorily address the specific requirements for the site. Wider LDP aspirations for enhancement to the setting of the development and setting and increased public access opportunities are also achieved. . It has been considered appropriate however

to promote and secure the early planting of the outer landscape framework through condition (5 and 7) to realise immediate and quicker realisation of these benefits. The applicant has indicated in the submitted landscape proposals to also provide a bund within the screen planting area on the western boundary. It is however considered that the width of the area (in excess of 25 metres) and the planting proposed is sufficient and therefore this addition would not be necessary. Furthermore, any bund of a significant height could cause an overbearing effect on existing and proposed properties with the possible loss of sun and day light to these properties. It is for these reasons recommended that this does not form part of any approved scheme.

- 109 Overall, the proposed landscape approach is considered both reasonable and proportionate. Significant landscape enhancement will be secured, particularly around the outer edges of the site, providing a reasonable buffer, benefitting neighbouring amenity and consistent with the LDP site requirements, effectively ensuring the visual amenity of the area is protected and enhanced, consistent with LDP Policies ER6, CF1 and CF3.

Sustainable Construction

- 110 LDP Policy EP1 requires sustainable design and construction to be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting a standard set out in the associated table (Bronze, Silver, Gold or Platinum). The energy output and requirements for this site has been closely considered both through the initial submission and the additional voluntary submission of an energy statement pertaining to district heating feasibility.
- 111 In terms of the individual dwellings, a range of best practice elements are being introduced to ensure that sustainable design and construction is built into the development, including from the initial consideration of the layout and orientation, then within the buildings themselves, employing a fabric first approach employing high levels of insulation and overall U-values (the effectiveness of a material as an insulator) alongside hybrid heating solutions including air source heat pumps. The proposals for these dwellings are considered to satisfy the terms of policy LDP EP1 in this regard.

Investigation of district heating system and combined heat and power infrastructure utilising renewable resources.

- 112 Following on from sustainable construction considerations, SEPA originally objected to the planning application submission through the failure to provide any feasibility or investigation through an energy statement in relation to a district heating system for the site and/or serving its surroundings.
- 113 Whilst not a requirement of the LDP, the applicant produced an energy statement, setting out District Heating feasibility investigations to address the holding objection received from SEPA. The feasibility study considered district heating to be currently unfeasible. Perth and Kinross Council have not specified any policy or site specific requirement in the LDP for the development

of site H63 to assess the feasibility of district heating, as with other strategic development sites. The submitted energy statement has however been reviewed and there are no objections to the assumptions made in the statement that district heating is not to be taken forward for the site. In line with SEPA follow up recommendations, it has however, been considered appropriate to ensure the site is future proofed in relation to the wider development area for potential district heating infrastructure (condition 25).

Traffic and Transport

- 114 LDP Policy TA1 requires that local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 115 The TA includes modelling scenario options, which is a robust analysis of how the wider Blairgowrie transport network would cope with the proposed development. The TA shows that the development would provide a negligible increase in traffic across the network with a 5.4% increase in the AM peak and a 4.5% increase in the PM peak. It also identified that there would be no discernible differences in journey times or queue lengths on any of the main corridors in the network. Junction analysis of the two proposed access points were also carried out quantifying that the proposed access junctions would operate and cope well within capacity.
- 116 Concerns have been raised about vehicle parking in and around the primary school; however, it is not considered that this would be exacerbated by this development. The development is within reasonable walking distance of the school for pupils and parents to walk or cycle, being approximately 300 metres north of Rattray Primary School. There is adequate connectivity throughout the site as previously set out, taking into account the constraints placed upon it by topography and neighbouring site context, to maximise non-vehicular travel to school. It is accepted that a restriction on the use of cars to drop off pupils cannot be enforced through any permission granted here.
- 117 A detailed parking layout plan was produced by the applicant that clearly demonstrates that the Council's parking guidelines are being fully satisfied. Through the guidelines, 479 spaces would be required as a result of both the house types proposed and the 217 units overall. In total 493 parking spaces have been identified to be proposed and all are considered deliverable.
- 118 In summary, the proposed details submitted are consistent and sufficient with that required by LDP Policies TA1A and TA1B to support the development.

Primary Education

- 119 In relation to primary education provision, a capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Rattray

Primary School and notwithstanding the developer requirements set out in the LDP: Education & Children's Services have no capacity concerns in this catchment area at this time.

Cultural Heritage and Archaeology

- 120 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and, where it is likely that archaeological remains exist, the developer will be required to arrange for an archaeological evaluation to be carried out. An archaeological evaluation has been carried out with a required 10% trenching sample of the proposed 11.59 Ha development area. Evidence of 19th century improvement occurred in the form of ceramics and glass, which were observed in almost all of the trenches. No archaeologically significant features or material was recovered during the evaluation.
- 121 In respect to archaeology and the planning process, as outlined by SPP paragraphs 135-151, the proposed development does not raise issues. No archaeological mitigation is required.

Waste Collection

- 121 Waste collection is considered to be appropriately addressed through the provision and access to individual properties. It is recommended that up to three mini glass recycling points are considered to be integrated within the site by the developer, covered via an informative.

Contaminated Land

- 122 The previous agricultural use of the site has not thrown up any significant contamination issues. An inspection of the proposed development site did not raise any real concerns, although there is a record of an area of potentially infilled ground to the eastern extents of the site. There is the potential for the infill material to contain contaminants, which could impact the proposed development site. It is recommended through an informative therefore that the developer should make contact with the Council contamination officer at the earliest opportunity if any contamination is discovered on site during construction works.

Noise

- 123 Given the site location and the associated mix of surrounding land uses, it is considered that there are minimal noise issues long term with the site and EH have not raised any concern. In association, the relationship and relative environment with the Holiday Park has been considered as part of the assessment, but is not deemed to have an adverse impact in this regard, with general compatibility between the two land uses.

Amenity

- 124 Most of the objection to this proposal relates to the proximity to the neighbouring Holiday Park and the proposed siting of the affordable housing elements. It is calculated that in excess of 25 metres will be achieved to the boundary of the Holiday Park from the closest proposed residential units. The higher end holiday chalets identified in the representation are located beyond the boundary and sit several metres above that of the finished floor level of the proposed dwellings most closely relating to the boundaries of the Holiday Park. The current detailed landscape proposals have now omitted a path from within the western elements, tying in further to the north. As a result of both the relative topography and proposed planting strategy along the affected boundaries, the relationship of the Holiday Park with this allocated housing site is not considered to have been compromised in this regard.
- 125 In general terms, it is not considered that the proposed residential units will result in any adverse impact through overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – a guide to good practice 1991' sets guidelines on how to assess the potential impact. These standards are guidelines as suggested. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties, both existing and proposed.
- 126 It has been acknowledged that whilst contextually reflecting residential character to the south, there are six detached plots with a useable rear garden ground below the 100 square metres (sqm) generally pursued (93sqm). It has however been accepted this relates to a minor proportion of the proposed detached house types. In addition the more modest house types including semi-detached and terraced properties do not generally achieve a rear garden area of 100sqm in these cases; there is currently no established guidance on a minimum rear garden ground for anything other than detached properties. Notwithstanding, it is consistent and fundamental to seek an outside area capable of performing minimum standards expected of private external space in the form of providing for airing clothing, recycling waste provision and space for a modest storage shed and sit out area. In general terms, the associated open space appropriately reflects the wider plot proportion split, with the built development footprint around 30% of the overall plot. The private garden ground proposed within this layout is considered adequate to cater for occupants needs within the associated house type.
- 127 Overall, the policy criteria of both Policies RD1 and ED4 are considered to have been satisfied through the detailed proposals.

Developer Contributions

- 128 A legal agreement will be required to secure infrastructure associated with site H63, under the terms of Policy PM3 Infrastructure Contributions. Matters to be secured and covered within the S.75 in this regard are set out in the following Legal Agreement section of this report.

Economic Impact

- 129 During the construction period jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Additional residents to the area will also support existing local employment and services in the area.
- 130 The Perth and Kinross Retail Study (2014) estimates that average convenience goods available expenditure in 2019 (per household) will be in the region of £2000 per annum and the average comparison goods available expenditure will be in excess of £3600 per annum. Applying these figures to the overall scale of development proposed here, the estimated annual expenditure on convenience and comparison goods could conservatively be calculated to be in excess of £ 1 million.
- 131 It is accepted that there will be some impact on the existing Holiday Park in respect of what is being proposed, particularly through the construction phases, although ultimately this is not considered to adversely compromise the ongoing operation of the Holiday Park in the long term Overall, the economic benefits of this allocated housing site are considered to be significant and not adversely compromising the ongoing viability of the neighbouring land uses, which are considered to be mutually compatible.

LEGAL AGREEMENTS

- 132 A legal agreement is required to secure infrastructure that will be impacted by the proposal, in this case including:
- Affordable Housing
 - Open Space maintenance security
 - Off-site Play Area contributions

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 134 The proposals will lead to the creation of additional residential dwellings to meet forecast population growth and housing need, providing jobs during the construction period and workforce potential thereafter. The proposals will also assist in meeting local and national targets in achieving sustainable, economic development.
- 135 The proposal is considered to provide a good standard of layout, which complements and works with its surroundings in terms of the existing neighbouring development, land uses and through significant landscaping proposals in securing a robust long term edge of settlement landscape buffer, appropriate in this context. Whilst the detailed proposals identify 57 units in addition to that referred to in the LDP site allocation, this figure was arrived at through a number of detailed considerations including a site capacity assessment, which was not undertaken at the time of producing the LDP. There is not therefore considered to be any significant departure from policy in relation to the consideration of all associated LDP policy criteria elements.
- 136 Overall, the proposed development is considered competent and compliant with the key principles of the LDP and is recommended for approval, subject to conditional control and an associated legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

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

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

- 3 The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no working on a Sunday.

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

- 4 Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of all public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 5 No development shall commence until a detailed delivery plan confirming the phased delivery of the site, landscaping (including of public open spaces) and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

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

- 6 In association with condition 5, and notwithstanding the details on Drawing No. SP005.16 SL-01 Revision D, prior to the commencement of development additional detailed landscape drawings shall be submitted for further written approval by the Planning Authority which should include the deletion of the bund in the western boundary screen planting. Once approved, the landscaping elements shall be implemented in accordance with the delivery plan.

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

- 7 In association with condition 5 and 6, the areas of peripheral public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed in advance of the occupation of any phase of development, in accordance with the required phasing programme and agreed in writing with the Planning Authority prior to the commencement of the development.

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

- 8 Prior to the commencement of development, an onsite signage strategy for the direction and routes through the site to the identified public recreational access areas within the northern and eastern extents of the site, shall be submitted for further written approval prior to the Planning Authority. The strategy shall include details for the timing and delivery of the scheme and shall thereafter be provided in accordance with the approved details.

Reason: In the interests of promoting recreational amenity facilities to the wider area, and to ensure a satisfactory standard of environmental quality.

- 9 In association with condition 7, the remaining detailed landscaping and planting proposal specification as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 10 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 satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 11 The proposed on site play area is not approved as part of this application.

Reason: To ensure a satisfactory standard of environmental quality is achieved and to ensure no adverse impact on neighbouring residential amenity.

- 12 A detailed open space plan, which clearly sets out areas proposed for adoption and proposed to be taken on by private factoring arrangement, shall be submitted to the Planning Authority for further written approval in consultation with the Council Community Greenspace Team.

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

- 13 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.

- 14 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the,

construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

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

- 15 In association with Condition 14, no removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

- 16 In association with Condition 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.

- 17 Prior to the completion of the development, a minimum of 1 Swift brick and 1 bat brick shall be incorporated into at least 50% of the approved 2 storey buildings at eaves height.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

- 18 In line with the planting specification, all proposed semi-natural habitats, shall include planting proposals of locally native species and local provenance.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

- 19 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further 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.

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

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

- 21 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

- 22 The overland flow path of surface water from Parkland Road onto the development site at the North East corner, which is being routed to onsite SUDS shall be maintained in perpetuity.

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

- 23 No built development should be constructed over an existing drain (including any field drain) that is to remain active.

Reason: In order to take account of the surface water runoff from the local environment, including 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.

- 24 The applicant is advised to design in future proofing measures for the development to be capable of connecting to a wider heat network as part of any potential future district heating system. This includes: appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

Reason: In the interests of sustainability, to ensure any potential for district heating opportunities are futureproofed.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 138 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.

- 5 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 - 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 - 9 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 10 The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
 - 11 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.
 - 12 The applicant is recommended to incorporate mini glass recycling points in strategic areas within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the

development. Further details of the requirements can be sought in discussion with the Council Waste Services Team.

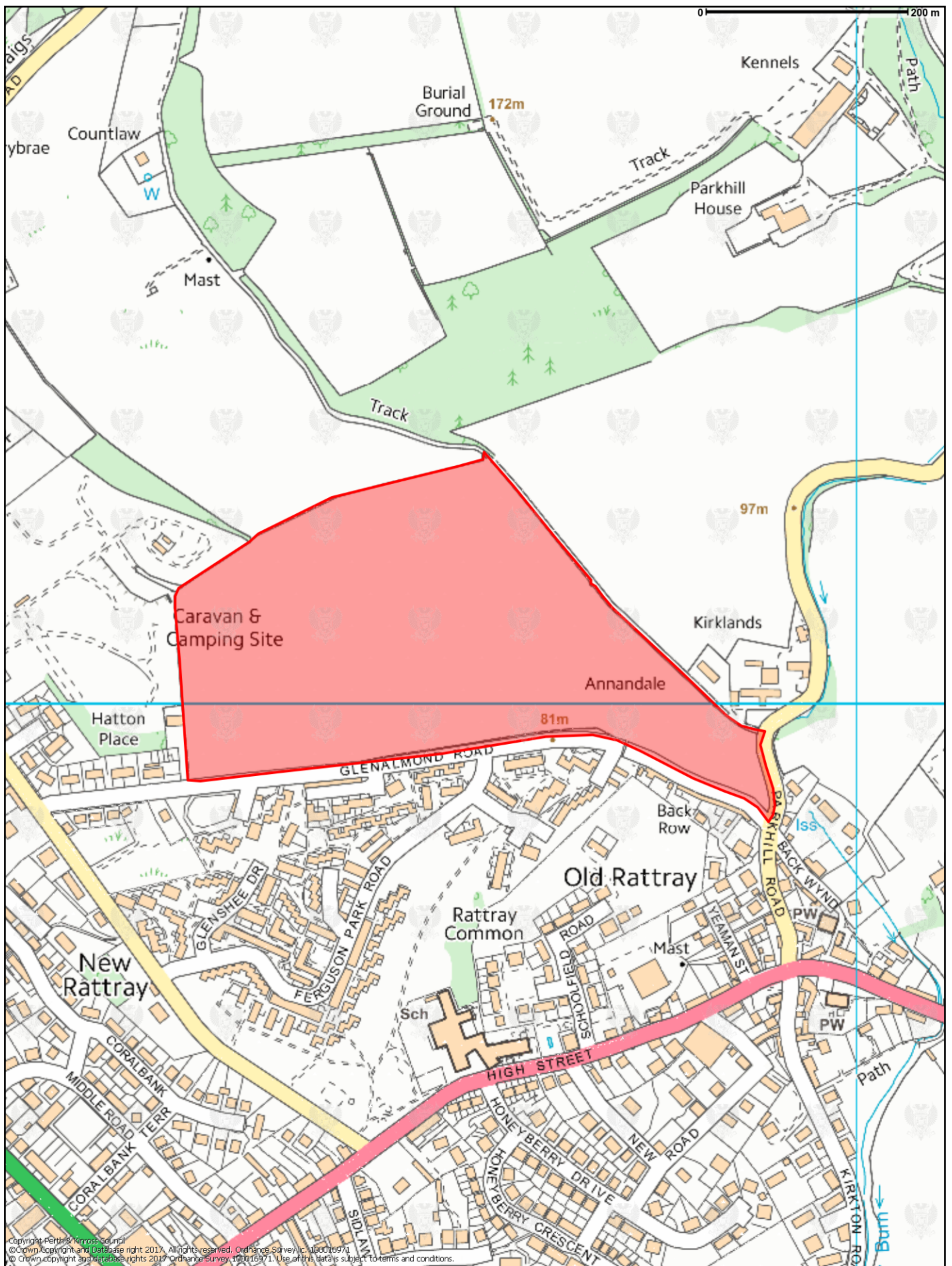
Background Papers: 4 letters of representation
Contact Officer: Callum Petrie
Date: 17 August 2017

Nick Brian
Interim Head of Planning

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Development Management Committee



16/01861/FLM

Erection of 217 dwellinghouses, formation of open space, landscaping and associated infrastructure works, Glenalmond Road, Rattray



Perth and Kinross Council
Development Management Committee – 30 August 2017
Report of Handling by Interim Head of Planning

Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) at Bertha Park, Perth.

Ref. No:17/00919/FLM
Ward No: N5 – Strathtay

Summary

This report recommends approval of this detailed application for revisions to the site layout and change of house types on land at Bertha Park.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents both see the Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

BACKGROUND AND PROPOSAL

- 1 The Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and woodland.
- 2 The site is located with the lowland river corridor landscape character unit. The developable land is elevated above the River Almond and contained by Bertha Wood and Bertha Loch to the north. The A9, the Perth to Inverness Railway line and the River Tay are to the east. Inveralmond Industrial Estate is to the south. The Gellyburn watercourse and the village of Almondbank are located to the west.
- 3 An in-principle application for the whole of the Bertha Park site was reported to Development Management Committee on the 11 May 2016. The report recommended approval subject to conditions and the satisfactory conclusion of a legal agreement which was endorsed by committee.
- 4 The detailed application for the central phase of the Bertha Park Site (phase 1) has been approved ref 15/01109/FLM. It comprises circa 1061 houses and employment land encompassing various uses including community, retail, health services, food & drink, office, etc. It also included an area of phase 2 which will allow the extraction of economically viable minerals to ensure they are not sterilised.
- 5 This proposal relates to a central residential area within the wider Bertha Park site. The proposal is to change the house types on a number of the plots and alter the site layout. The number of dwellings has been increased by 10 comprising of smaller units to meet changing demand.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 8 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans
 - The design of development, from initial concept through to delivery
 - The determination of planning applications and appeals.
- 9 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
 - Paragraphs 126 – 131 Affordable Housing
- 10 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 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 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage

- PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 1: Location Priorities

- 17 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2: Shaping better quality places

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

Policy 3: Managing TAYplan's Assets

- 19 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 4: Strategic Development Areas

- 20 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the Tayplan. This includes a strategic development area to the west/ north west of Perth for 4000+ homes and 50ha of employment land.

Perth and Kinross Local Development Plan 2014

- 21 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 22 The LDP sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."*
- 23 The relevant policies are;

PM1A – Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

- 26 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

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

Policy RD1 - Residential Areas

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

Policy CF1B - Open Space Retention and Provision

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

Policy EP2 – New Development and Flooding

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

OTHER GUIDANCE

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

PLANNING SITE HISTORY

- 33 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 34 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.
- 35 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.
- 36 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements, application approved by Development Management Committee, March 2015.
- 37 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. EIA Screened on the 15 July 2015, not required.
- 38 15/01112/IPM Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth, approved at Development Management Committee May 2016.
- 39 15/01109/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land ant Bertha Park to the North West of Perth approved at Development Management Committee September 2016.

CONSULTATIONS

EXTERNAL

Scottish Water

- 40 No objection, no capacity issues.

Transport Scotland

- 41 No objection to revisions.

Scottish Environmental Protection Agency (SEPA)

- 42 No objection to revision of 15/01109/FLM as long as the previously requested planning conditions are attached to any new grant of consent.

RSPB

- 43 No objection, presence of swifts highlighted.

INTERNAL

Transport Planning

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

Environmental Health

- 45 No objection, noise condition required in relation to air source heat pumps.

Structures and Flooding Team

- 46 No objection but note that any flooding/drainage conditions attached to previous consent should also be applied.

REPRESENTATIONS

- 47 One letter of representation has been received with the following issues raised;
- Query regarding the submission of the woodland management plan.

- 48 This comment is not related to the application under consideration. The woodland management plan has been submitted and agreed with SNH under the previous application.

49 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Not required

APPRAISAL

Policy Appraisal

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

- 51 The most relevant policies of the Development Plan are TAYplan Strategic Development Plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance and are listed in the policy section above.
- 52 The LDP allocates the Bertha Park site for 3000 plus houses and 25 hectares of employment land under reference H7. There are a number of site specific developer requirements associated with the allocation which have been reviewed in the assessment of the previous detailed application.
- 53 The principle of the development has already been assessed against the Tayplan and the LDP and considered acceptable subject to conditional control and the conclusion of a legal agreement. This application is to assess the changes to the house type and site layout only.
- 54 As the revisions proposed are minor related to changes of house type and site layout. It is considered that they would not raise any policy concerns.

Design

- 55 The previously approved layout for this part of the site comprises of 72 dwellings and 4 flatted blocks. The revisions now proposed see the provision of more semi-detached units within smaller plots which increases the overall number of units to 82 with the 4 flatted blocks retained. To accommodate the changes the site layout has been slightly altered along with a small revision to the road layout.
- 56 It comprises of smaller units to meet changing demand and an alteration to the road layout of a cul-de-sac to accommodate site layout changes. The overall house designs and finish materials have not changed.

Private Amenity Space

- 57 The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new occupants. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future.
- 58 The changes to the proposal with the inclusion of additional units the plot sizes and resultant garden ground is still considered acceptable.

Overlooking

- 59 In this case I do not consider the proposed residential units will result in overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings which meet the guidelines of 9metre window to boundary distances and 18m to directly facing windows.

Overshadowing, loss of sunlight and daylight.

- 60 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.. Taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties and the extent of overshadowing of amenity ground is considered acceptable between properties.

Noise

- 61 There is provision for air source heat pumps (ASHP) in several of the properties forming this application and these must be considered particularly in relation to night time noise levels.
- 62 The model of ASHP proposed as part of this application is the Daikin Altherma which has a listed sound power level of 62dBA. Some of the properties are as close as 5 m which would give an external sound pressure level of 43dBA, which would be around 28dBA internally. This is close to World Health Organisation guidelines on noise to prevent sleep disturbance and there could be a cumulative effect. The Environmental Health Team have no objection but recommend a condition in relation to noise to protect residential amenity (condition 42).

Flood Risk

- 63 SEPA and the Councils Flood Team have no objection to the proposed amendment to the previous planning permission (15/01109/FLM) as long as the previously requested planning conditions are attached to any new grant of consent and are therefore included in the recommendation in this report.

Traffic and Road Safety

- 64 The proposal involves a minor alteration to an already approved cul-de-sac and the number of parking spaces is acceptable. The previously requested planning conditions are included in the recommendation on this report.

Biodiversity

- 65 The application is for changes to house type and therefore will not further affect the biodiversity of the site.
- 66 The recommendations for the previous application, 15/01109/FLM shall still apply and the conditions contained in the approval for that application are still applicable and are included in the recommendation on this report.

Developer Contributions

- 67 The Section 75 Legal Agreement in relation to 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on 3000 dwellings regardless of the final dwelling number on site.

Economic Impact

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

Conditions

- 69 As the development comprises of part of a larger application site all previous conditions attached to 15/01109/FLM shall be repeated on this new permission.

LEGAL AGREEMENTS

- 70 None required.

DIRECTION BY SCOTTISH MINISTERS

- 71 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

RECOMMENDATION

A Approve the application subject to the following conditions

Conditions

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

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

- 2 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted to and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

- 3 Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised.

- 4 Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

- 5 No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.
Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

- 6 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by this planning authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

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

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

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

- 8 Development shall not commence apart from the extraction of the economic mineral resource until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

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

- 9 Development shall not commence apart from the extraction of the economic mineral resource until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

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

- 10 Prior to commencement of any works apart from the extraction of the economic mineral resource, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

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

- 11 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 12 Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.

Reason: To ensure the delivery of recreational facilities for the occupants of the development.

- 13 Prior to the commencement of development apart from the extraction of the economic mineral resource a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.

- 14 Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines and substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) Details of areas of public open space.
- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

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

- 15 Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:

- a) All existing paths, tracks & rights of way.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

- 16 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 17 No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 18 No development shall commence apart from the extraction of the economic mineral resource until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 19 No development shall commence apart from the extraction of the economic mineral resource until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: - To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 20 No development associated with the extraction of the economic mineral resource shall take place until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: - To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 21 No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 22 Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 23 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

- 24 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.

- 25 Prior to the commencement of development apart from the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 26 Two months prior to the commencement of the development, apart from the extraction of the economic mineral resource an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish

Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 27 Two months prior to the commencement of the extraction of the economic mineral resource, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the extraction of the economic mineral resource area, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to extraction of the economic mineral resource area. The ECOW shall undertake a watching brief throughout the extraction of the economic mineral resource area and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 28 No development shall take place apart from the extraction of the economic mineral resource until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 29 No development associated with the extraction of the economic mineral resource shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 30 No development shall take place apart from the extraction of the economic mineral resource, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following;
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from

the proposed development.

- 31 No development associated with the extraction of the economic mineral resource shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following;
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 32 No development apart from the extraction of the economic mineral resource shall take place until 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. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the 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.

- 33 No development shall commence apart from the extraction of the economic mineral resource until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

- 34 No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the Masterplan.

- 35 No development apart from the extraction of the economic mineral resource shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

- 36 No development associated with the extraction of the economic mineral resource shall take place until the developer has secured the implementation of a programme of archaeological works for the economic mineral resource extraction area in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

- 37 Prior to the commencement of the development apart from the extraction of the economic mineral resource, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

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

- 38 Prior to the commencement of development apart from the extraction of the economic mineral resource, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the planning authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.

Reason: To prevent disturbance from noise.

- 39 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason: To prevent disturbance from noise and odour.

- 40 All plant or equipment including any ventilation system associated with operation of the commercial areas 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 41 Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00

Reason: To prevent disturbance from noise.

- 42 Noise from any air source heat pump or other external residential plant 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 43 For commercial and industrial areas all external lighting to be installed 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.

Reason: To prevent disturbance from lighting.

- 44 Prior to the commencement of development apart from the extraction of the economic mineral resource, 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;

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

Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.

- 45 Prior to the completion or bringing into use 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 before the development is brought into use or occupied.

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

- 46 Prior to the commencement of development apart from the extraction of the economic mineral resource a Feasibility Study shall 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, identifying any 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

73 None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
- 10 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

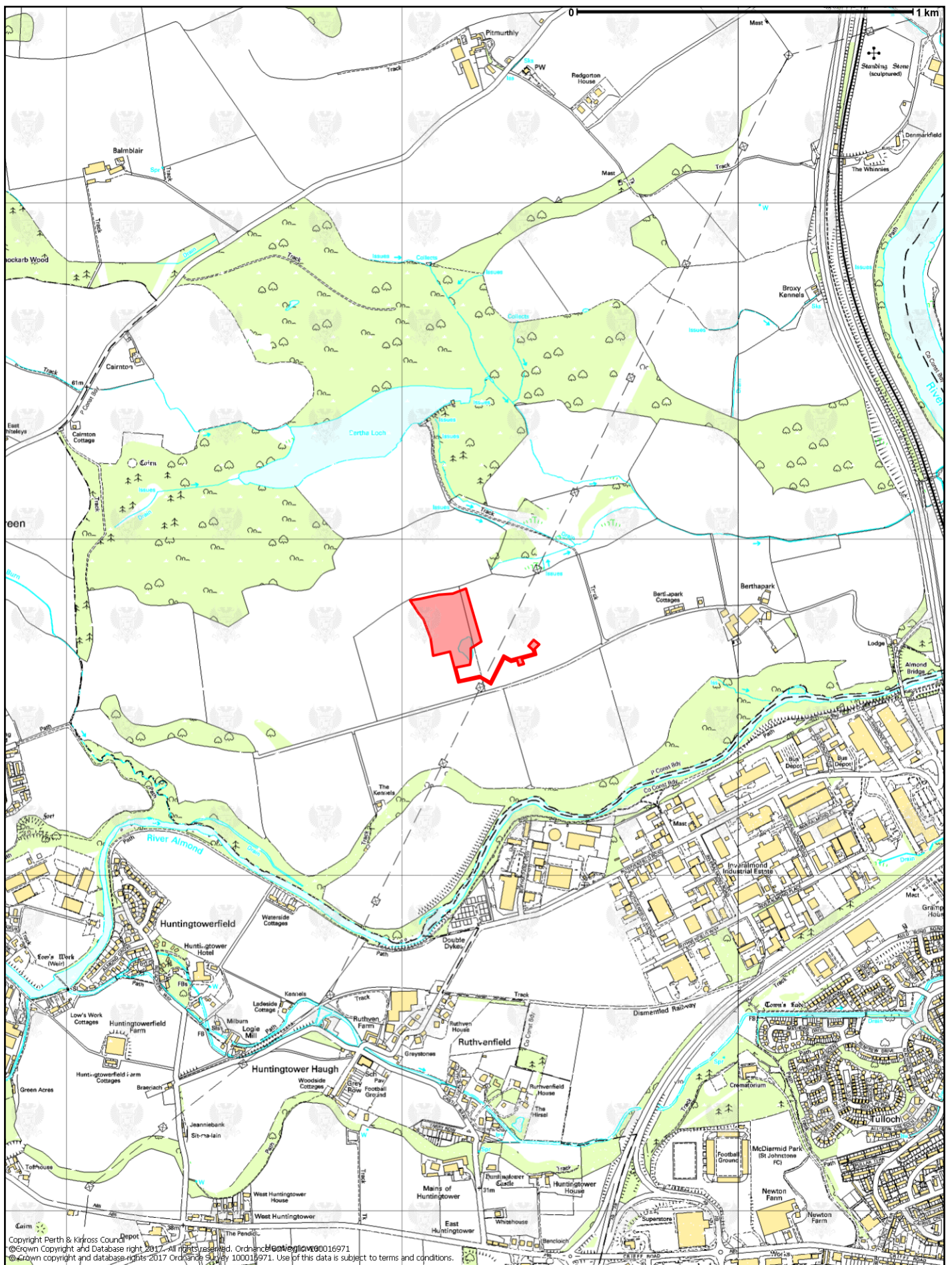
Background Papers: One letter of representation has been received
Contact Officer: Joanne Ferguson – Ext 75320
Date: 17 August 2017

Nick Brian
Interim Head of Planning

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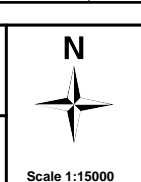
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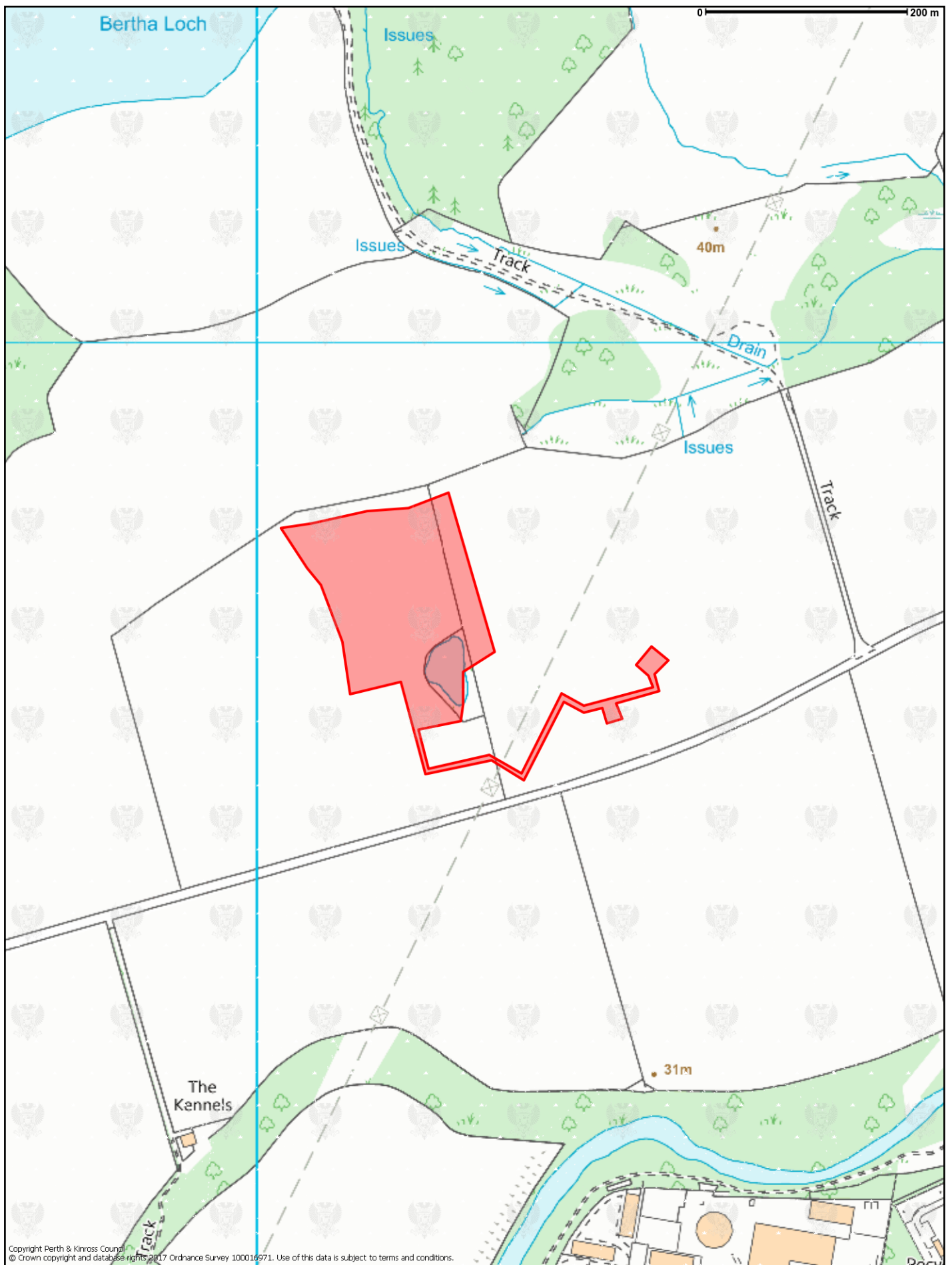
Development Management Committee



17/00919/FLM

Erection of residential units, commercial units (Classes 1, 2, 3 & 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) land at Bertha Park, Perth





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**Development Management
 Committee**



Scale 1:5000

17/00919/FLM

Erection of residential units, commercial units (Classes 1, 2, 3 & 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) land at Bertha Park, Perth



Perth and Kinross Council
Development Management Committee – 30 August 2017
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse at Land 90 Metres South East Of The Garden Cottage,
Braco, FK15 9LG

Ref. No: 16/01975/FLL
Ward No: N7 - Strathallan

Summary

This report recommends a conditional approval of a detailed planning application for the erection of a new dwelling on a rural site adjacent to The Garden Cottage, Braco, as the development is considered to comply with the Development Plan, and the Council's Housing in the Countryside Guide 2012.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain a detailed planning permission for the erection of a single dwelling within an area of extended residential garden ground associated with a dwelling called 'The Garden Cottage', which is located on the south side of the A922 Crieff to Braco public road. A detached garage was initially proposed as part of the proposal, however this element has been removed and an amended block plan submitted.
- 2 The site is approx. 0.65ha in size with the principal area relating to a fairly regular shaped site measuring approx. 90m (east to west) by 70m (north to south) - which comprises a grassed open area and tree belts along its edges. The site lies to the south of a small group of dwellings approx. 4km to the north of Braco and to the south of the A922 which runs between Crieff and Braco. To the north and north-west of the site are the curtilages of the neighbouring properties. To the west of the site is an agricultural field, whilst to the south and east is an area of coarse land with a scattering of trees. The new dwelling and its curtilage will be set in an opening surrounded by trees which has been used as an extended garden area associated with the applicant's own dwelling, 'The Garden Cottage', and which I understand was formally used as a tennis court. The opening is surrounded by mature trees which enclosure the main part of the site on all sides. The trees largely comprise native and exotic conifers, but other species such as Yew, Birch and Gean are also present.
- 3 The proposed dwelling will offer living accommodation over two levels, with the upper level contained within the roof space via the use of a mix of dormer windows and roof lights. The vehicular access to the site will be partly from an existing private access (the east to west section) which joins the A922, and (for the southern section) a combination of a new access and the upgrade of existing partly surfaced access which then leads east into the main body of the site.

- 4 To facilitate the new access, a small section of an existing stone wall is to be removed at the point when the access turns south. Whilst no trees are required to be removed to accommodate the footprint of the dwelling, the new access would also require 12 trees to be removed. A tree survey of these trees was submitted during the course of the application. The survey was carried out by a suitability qualified consultant.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of relevance to this planning application is;

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 7 Of relevance to this application are Paragraphs 109 – 134, which relate to enabling the delivery of New Homes.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014

- 10 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 Within the LDP, the site lies within the landward area where the following policies are applicable to a new residential proposal.

Policy PM1A - Placemaking

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

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

Policy RD3 - Housing in the Countryside

- 15 The development of single houses or groups of houses which fall within the six identified categories will be supported. One of those categories is development which extends an existing building group into a definable site.

Policy NE2B – Tree Surveys

- 16 Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

Policy NE3 – Biodiversity

- 17 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.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2016

- 18 This document sets out the Council's policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development. This document also sets out the Council's policy on affordable housing provision.

Housing in the Countryside Guide 2012

- 19 This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met. Such criteria include the opportunity for the expansion of existing building groups into definable sites providing that certain criteria can be met.

SITE HISTORY

- 20 Three previous planning applications (05/02225/OUT, 05/02226/OUT and 05/02227/OUT) – each for the erection of single dwellings in outline, were refused planning consent in 2005. The area covered by these three applications is comparable to the site which is subject to this current planning application. The reasons for each of the refusals were;
- 1 *The proposal is Contrary to the Council's Policy on Housing in the Countryside (2005), in that a satisfactory access cannot be provided and as the proposals conflict with other policies contained in the Strathearn Area Local Plan 2001.*
 - 2 *In the interests of pedestrian and traffic road safety, as the development would lead to an unacceptable increase in vehicular traffic using the existing access road which is substandard in terms of visibility and geometry.*
 - 3 *The proposal is Contrary to General Policy 2 of the Strathearn Area Local Plan 2001 in that the development does not pay due regard to the density of existing development within the locality, does not have a satisfactory road access and is not large enough to satisfactorily accommodate the proposals without the loss of established landscaping to the detriment of both the visual and residential amenity of the surrounding area.*
 - 4 *The proposal is Contrary to General Policy 1 of the Strathearn Area Local Plan 2001, which seeks to ensure that the quality of the natural environment is maintained or improved, and existing biodiversity is conserved.*

CONSULTATIONS

EXTERNAL

- 21 None .

INTERNAL

- 22 **Developer Contributions Officer** has indicated that no Developer Contributions are required in relation to Primary Education, A9 Junction Improvements or Transport Infrastructure.
- 23 **Transport Planning** have visited the site, and confirmed that the existing access with the public road is acceptable for the development which is proposed.
- 24 **Bio-Diversity Officer** has commented on the proposal and is satisfied that there is unlikely to be any impact on protected species, but suitable Informatives and conditions should be attached to any permission in relation to tree protection measures and to remind the applicant/developer of their requirements under the Wildlife and Countryside Act.
- 25 **Perth and Kinross Heritage Trust** have commented on the proposal in terms of archaeology issues and the impact on the setting of an adjacent scheduled monument and have raised no objections.

REPRESENTATIONS

- 26 Nine letters of representations have been received, all of which are objecting to the proposal. The main issues raised within these objections are;
- Proposal is contrary to the Local Development Plan
 - Proposal is contrary to the Housing in the Countryside Guide 2012
 - Roads safety concerns
 - Impact on residential amenity
 - Inappropriate house type
 - Loss of trees
 - Impact on wildlife
 - Impact on environmentally sensitive sites
 - Impact on Historic Garden and Designed Landscape
 - Unsustainable location
 - Impact on archaeology / scheduled monument(s)
 - Impact on the setting of listed building(s)
 - History of refusals on the site
 - Drainage concerns
 - Concerns over the use of the garage
- 27 The above matters are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

28

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

APPRAISAL

- 29 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP). In terms of other material considerations, consideration of the sites previous planning history and compliance with the other relevant Council's policies are material considerations.

Policy

- 30 The principal Development Plan land use policies directly relevant to this proposal are largely contained in the LDP. Within that Plan, the site lies within the landward area where *Policies PM1A (general development) and RD3 (Housing in the Countryside)* are directly applicable.
- 31 *Policy PM1A* seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the associated supplementary planning guidance (SPG) would be applicable to new proposals in the landward area. The most recent SPG on housing in the countryside is the 2012 version.
- 32 In addition to these key land use policies, *Policies NE2B (tree surveys) and NE3 (bio-diversity)* are applicable to the proposal.
- 33 It is noted that within the letters of representations mention has been made of the relevance of *Policy TA1B (Transport Standards)* of the LDP. Whilst the general aims of this policy should be noted i.e. to ensure that all new developments do not adversely affect the local road network or jeopardise road and pedestrian safety, this policy is only directly applicable to new proposals which generate 'significant' new travel movements - which would not be the case here.
- 34 For reasons stated below, I consider the proposal to be consistent with the relevant LDP policies and the SPG on Housing in the Countryside.

Land Use Acceptability

- 35 The site lies within the landward area of the adopted LDP, where *Policy RD3* is directly applicable. *Policy RD3* specifically relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG). The HITCG 2012 offers a more detailed policy background to that of the text contained in *Policy RD3*, and is the most recent expression of Council opinion towards new housing in the open countryside. The acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the requirements of the HITCG 2012.
- 36 As the proposal is not a conversion of a traditional, non-domestic building, is not a replacement of an existing house, is not a development on a former brownfield site and is not an infill site between two existing buildings, the only section of the HITCG 2012 which this proposal can be reasonably assessed against is that of the building group's category. The HITCG 2012 offers support for new developments both within and adjacent to existing building groups providing that the development proposed does not have an adverse impact on the character or amenity of the existing group and that the development proposed takes place within a definable site which is capable of absorbing the proposed development.
- 37 A building group for the purposes of new housing in the countryside is defined as being three or more buildings of a reasonable size in a coherent group. To the north of the site, there are a number of existing dwellings which in my view collectively make up an existing building group. The key question for this proposal is therefore whether or not the site can be considered to be a reasonable extension of that group into a definable space which does not adversely affect the character or amenity of the existing group.
- 38 The main part of the site, where the dwelling is proposed to be located is set within an area of open space which is surrounded by trees on all sides. Whilst some trees are proposed to be removed to allow for a new access to be delivered, the siting of the dwelling will take place in an area which will allow for the majority of trees along the edges of the site to be retained, which in turn provides a good level of natural containment and landscape framework for the development proposed. I therefore consider the proposed site to be a natural extension of the existing building group, into a site which has a good (and existing) landscape framework which is capable of absorbing the development proposed.
- 39 In terms of impacting on the character of the existing group, the proposed site relates well to the neighbouring plots in terms of its size, and the location of the dwelling is such that the proposed dwelling would not be isolated or remote from the existing buildings. Nevertheless, whilst close to the existing buildings and their curtilages, the existing tree cover along the boundaries would provide for a suitable visual barrier between the existing dwellings and proposed dwelling which would reduce any visual / residential amenity impact on the existing residents. I therefore consider the proposal to be consistent with the requirements of the HITCG and *Policy RD3* of the LDP and that the proposal

would constitute an extension of the existing building group into a definable site, which would not adversely affect the character or amenity of the existing group.

Design and Layout

- 40 In terms of the design and layout of the proposed dwelling I have no concerns. The traditional style of the house type proposed is perfectly suitable in this rural environment, and would be in keeping with other dwellings in the area – although due to the existing woodland cover intervisibility between the existing dwellings and proposed dwelling would be limited. In terms of the siting of the dwelling on the site, the position of the dwelling is also considered to be appropriate and will ensure that the mature trees which align the sites boundaries can be maintained, and that a suitable level of usable private amenity space is provided.

Visual Impact

- 41 In terms of the visual impact of the proposal, the tree cover along the southern and western edges of the site will provide screening from the adjacent public road. It would be the case that the dwelling may be visible through the trees and through the new opening for the access; however this visibility would be minimum and would not result in an adverse impact on the character of the area.

Residential Amenity

- 42 In terms of the impact on existing residential amenity, I have no concerns. Whilst I note the concerns raised within the letters of representations concerning residential amenity issues, the location of the dwelling on the site and the extent of existing tree cover will ensure that existing residential amenity is protected, and that unacceptable overlooking or loss of privacy will not occur.
- 43 In terms of being able to offer a suitable level of usable amenity space for future occupiers of the dwelling, a sufficient level of usable amenity space is available without the need to remove further trees.

Roads and Access

- 44 Within the letters of representations, the key area of concern focuses on the suitability of the existing access with the public road and its ability to accommodate more vehicular movements. I am also aware that one of the reasons for refusal on the previous planning applications related to road safety concerns at the access with the public road. From studying the previous files, there have been no physical improvements to the access in terms of its geometrics since the previous planning applications were considered in 2005; however there has been a change in the way that visibility requirements are assessed with the publication of Designing Streets and also the National Roads Development Guide.

- 45 Transport Planning are aware of the site history, the level of representations received and have visited the site to assess the visibility in both directions and to consider the geometrics of the existing junction - which already serves a number of dwellings. After reviewing the existing arrangement, they are satisfied that there is adequate visibility in both directions to accommodate one additional dwelling, but they would have concerns if more dwellings were to be proposed.
- 46 Accordingly, whilst I appreciate the concerns of the local residents I am satisfied that the proposed existing access with the public road is suitable to accommodate the proposed dwelling.
- 47 In terms of the internal arrangements, whilst the existing private access already serves a number of properties, in this rural location it would not be reasonable to seek the upgrade or adoption of the shared section of the existing private access (east to west section). It is also the case that for an application for the erection of a single dwelling, it would be unreasonable to request significant improvements which would not be proportionate to what is being proposed.

Drainage and Flooding

- 48 As the site is located outwith any publicly sewered area, the dwelling would be drained via a new private drainage system. Difficulties do sometimes occur for private drainage systems in rural areas which have poor ground conditions; however these challenges are not routinely matters for planning to become heavily involved and are normally matters which are addressed thoroughly through an assessment of the technical standards when an associated building warrant application is submitted for consideration. I therefore am satisfied over drainage matters.
- 49 In terms of flooding, the site is not within an area which is vulnerable to flood waters and surface water disposal will be via an appropriately designed soakaway system. Consequently, I have no concerns in relation to either drainage or flooding matters.

Protected Species

- 50 Within the letters of representations, it has been raised that the proposal would adversely impact on bats and their roosts, which are protected under the Habitats Directive. The trees which are proposed to be removed as part of this development are not typically used by bats. After reviewing the tree survey, the Council's Bio-Diversity Officer is of the opinion that there is no need for an ecological survey of the site as the likelihood of bats on the site is low, however it would be the case that some birds may be using the affected trees for nesting purposes. He has recommended that standard Informatives are attached to any decision notice which reminds the applicant of their responsibilities in terms of the Wildlife and Countryside Act.

Archaeology

- 51 Within the representations the impact on local archaeology has been raised as an area of concern. Whilst the Roman road is close by, it is the view of the PKHT that there is no need for any archaeological work prior to development of this site. This is due to a combination of the nature of the Roman archaeology which is associated with the Roman road to the north west of the development site, the fact that there are no records of any activity in the area of the proposed development and because the site has been previously developed in the past by virtue of the former tennis court.

Impact on Scheduled Monuments

- 52 To the south of the site there is the Scheduled Monument of Shielhill, which is associated with the Roman road. However, due to the distance and the limited intervisibility between the monument and the site, the proposal would have limited impact on the scheduled monument of Shielhill.

Contaminated land

- 53 There are no known contaminated land issues associated with the site, or any previous land uses which would raise a concern.

Provision of Waste / Recycling Storage

- 54 The waste and recycling of the existing residents is presented at the end of the existing private access in an informal arrangement, and this will be the same arrangement for any new dwelling. However, there may be some scope for a more formal collection area to be created close to the road end, and the approval of this planning application would be an opportunity to advance this. To this end, an appropriately worded condition is recommended to be attached to the consent which would require details of any proposed storage area to be submitted for the further approval in writing by the Council prior to any works commencing.

Impact on Historic Garden and Designed Landscape

- 55 Within the representations it has been suggested that the proposal would have an adverse impact on the setting of Braco Castle and its grounds which is a Historic Garden and Designed Landscape. The site is significantly divorced from Braco Castle and its grounds, and therefore any development on this site would not result in an adverse impact on the historic interests associated with the castle.

Impact on Trees

- 56 As part of the proposal, 12 trees are proposed to be removed and these trees have been surveyed as part of an arboriculture assessment. Of the 12 trees, only two were identified as 'A' category trees of high quality and value and these were Douglas Firs. The remainder of the trees have been identified as being of low value. Whilst some of the trees would be visible from outwith the site, collectively the proposed tree removals would have a minor impact on the visual amenity of the area - which would be compensated by new replanting on a 1 for 1 basis. The trees which are proposed to be retained will all be protected by restrictive planning conditions for both during the construction phase and thereafter, to ensure firstly that they are not needlessly damaged during the construction phase and to ensure that the level of screening and privacy that currently exists is subsequently maintained for the benefit of the affected neighbours.
- 57 Additional conditions relating to the surfacing / construction of the new access where it affects trees that are proposed as being retained will be sought to ensure that low impact construction is proposed to ensure that unnecessary damage and compaction of existing tree roots is avoided.

Future use of the garage

- 58 Within the letters of representation concerns have been raised over the proposed future use of the detached garage. The applicant has removed the garage from the proposal, and an amended block plan reflecting this change has been submitted.

Impact on Environmentally Sensitive sites

- 59 The Carsebreck and Rhynd Lochs Site of Special Scientific Interest, and the Shelforkie Moss Special Area Conservation (SAC) are located approx. 2km to the south of the site. Bearing in mind this distance, the proposed dwelling is unlikely to affect the environmental interests of either designation and that an Appropriate Assessment in relation to the SAC is not necessary.

Impact on Listed Buildings

- 60 Within the representations, concerns have been raised regarding the impact that the proposal would have on the setting of existing listed buildings. There are no listed buildings which are affected by the proposal.

Impact on Existing Boundary Wall

- 61 Within the representations concerns have been raised regarding the structural impact that the new access would have on an existing garden wall. Whilst it is not envisaged that any structural damage will occur to the wall during the construction of the small section of new access, any damage caused by the applicant during construction would be their responsibility. However, this would be a civil matter between the interested parties involved.

Private Water / Drainage

- 62 The development is within an area where there are known private water supplies. To ensure that the development does not adversely affect any existing private water supplies, a standard Informative note will be attached to any consent. Likewise, to ensure that no existing private foul drainage systems of neighbours are affected by the development and remain accessible for future maintenance, a standard Informative note in relation to this matter is proposed to be attached to this consent.

Previous Refusals

- 63 Whilst the 2005 planning applications was considered by the Council over 12 years ago, they are still (to a degree) material considerations, particularly bearing in mind the similarities between the Council's Housing in the Countryside Policies in 2005 and now. However, there are material differences between the proposal(s) from 2005 and the one which is now under consideration. The proposals in 2005, whilst submitted individually, were ultimately a proposal for three dwellings on the site subject of this current application, and was assessed as such in terms of compliance with the relevance Housing in the Country policies and also its access arrangements. It would remain the case in 2017 that such a proposal would be unacceptable from a land use point of view due to the density being out of character with the existing building pattern, and the access being unsuitable for three dwellings. It would also be the case that the erection of three dwellings on the site would require substantial tree removal, which is not necessary for the proposal currently under consideration.

Sustainable Location

- 64 Within the letters of representation a concern has been raised that the proposal should not be supported as the site is not in a sustainable location. The site is rural, remote and located away from local amenities and would probably require any new occupier to have a car to allow them to function on a day to day basis. However, the development of single houses in the countryside do not normally raise issues regarding sustainability, and the assessment of the acceptability of such proposals is based on compatibility with the Council's relevant Housing in the Countryside policies.

Developer Contributions

Primary Education

- 65 The local primary school (Braco) is not currently operating at over its 80% capacity. There is therefore no requirement for any Developer Contributions in relation to Primary Education.

Transport Infrastructure

- 66 As the site lies outwith the catchment area for Transport Infrastructure, no contributions in relation to Transport Infrastructure are required.

A9 Junction Improvements

- 67 As the site lies outwith the catchment area for A9 Junction Improvements, no contributions in relation to A9 Junction Improvements are required.

Affordable Housing

- 68 As this proposal is for a single dwelling, there is no requirement for any onsite affordable housing provision or financial contribution.

Economic Impact

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

LEGAL AGREEMENTS

- 70 None required.

DIRECTION BY SCOTTISH MINISTERS

- 71 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

- 72 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, whilst I appreciate the concerns raised within the letters of representations and especially those in relation to concerns over the existing access with the public road, the proposal complies with the relevant provisions of the LDP and there are no material considerations that would justify departing therefrom. On that basis the planning application is recommend for approval, subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions;

- 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.

- 2 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. The scheme as agreed shall be implemented prior to the occupation or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the commencement of any works on site, precise details of the new section of access shall be submitted for the approval in writing by the Council as Planning Authority. The details must demonstrate fully that the new surface will not have an adverse impact on the roots of adjacent trees. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that the retaining trees are not damaged by the new access.

- 5 Prior to the commencement of works on site details of a) any new waste and recycling facility enclosures / storage areas and b) proposed locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. The residential unit hereby approved shall not be occupied until the agreed details have been provided in full.

Reason – In order to ensure that suitable provision is made for waste and recycling bins.

- 6 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 – In order to ensure that unnecessary damage to trees does not occur.

- 7 All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason – In order to protect existing visual and residential amenity.

- 8 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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 order to ensure that an appropriate level of replacement planting is implemented.

B Justification

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

C Procedural Notes

None required.

D Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (*see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

- 6 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. 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.

- 7 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.

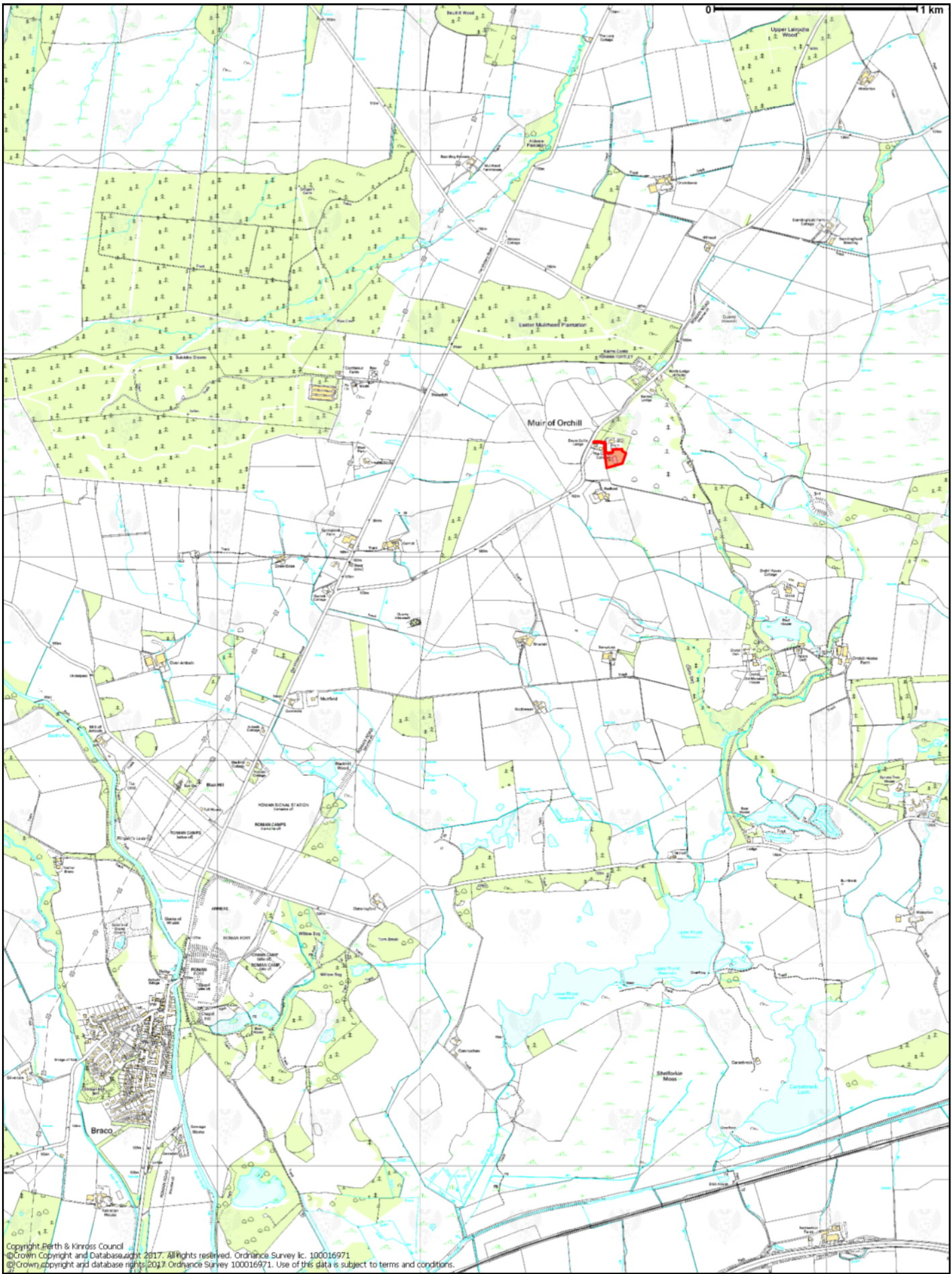
Background Papers: 9 letters of representations.
 Contact Officer: Andy Baxter – Ext 75339
 Date: 17 August 2017

NICK BRIAN
Interim Head of Planning

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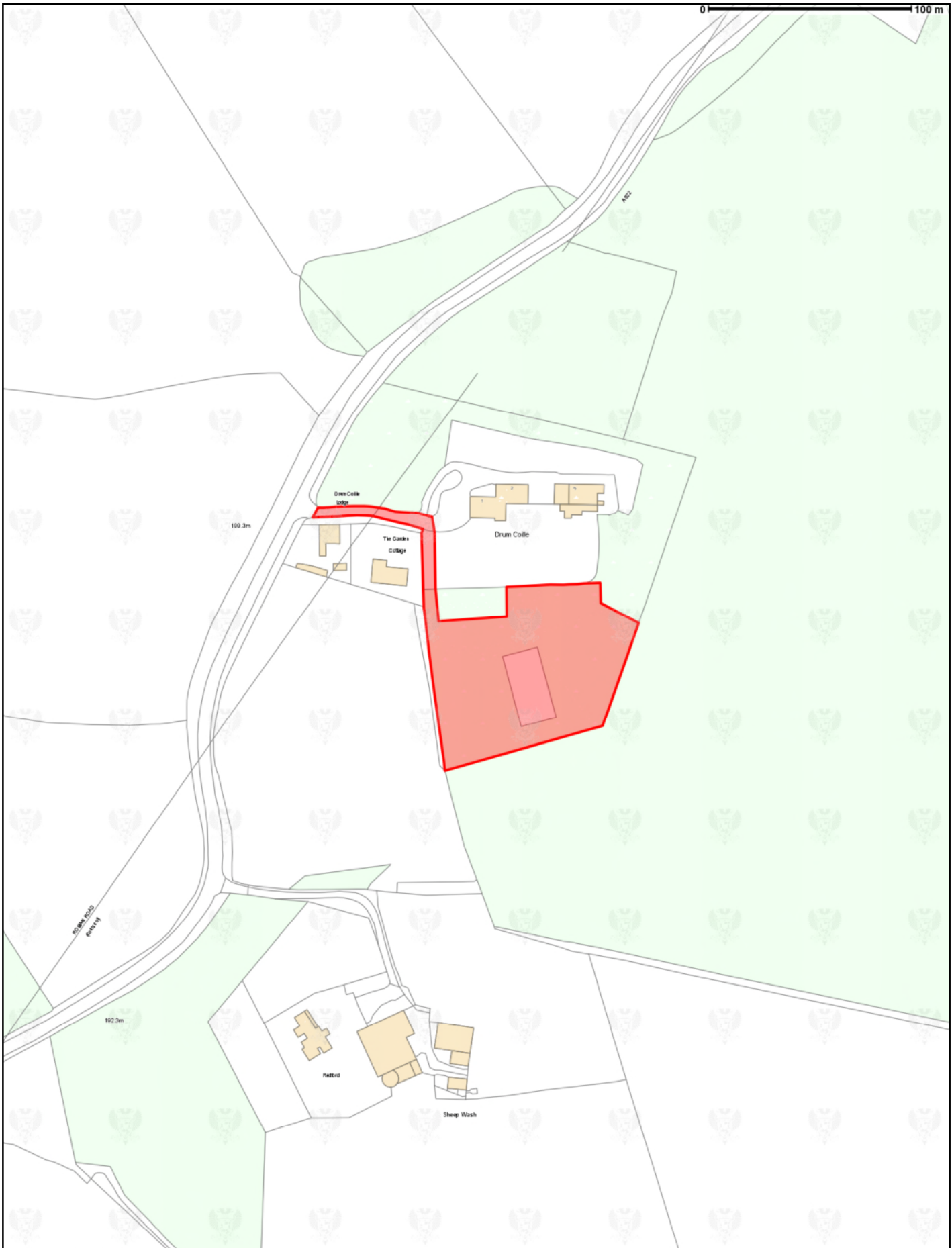
Development Management Committee



16/01975/FLL

Erection of a dwellinghouse at land SE of The Garden Cottage, Braco





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Development Management Committee



16/01975/FLL

Erection of a dwellinghouse at land SE of The Garden Cottage, Braco



Perth and Kinross Council
Development Management Committee – 30 August 2017
Report of Handling by Interim Head of Planning

Siting of 12 caravans/chalets, 3 show caravans/chalets and associated works at Lochmanor Lodge Estate, Dunning, Perth, PH2 0QN

Ref. No: 17/00409/FLL
Ward No: N7 - Strathallan

Summary

This report recommends refusal of the application to site 12 caravans/chalets, 3 show caravans/chalets for a temporary period and associated works at Lochmanor Lodge Estate, Dunning. The development proposal is not considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND PROPOSAL

- 1 The application site is a 3.1ha relatively flat area of ground on the east side of the B9141 to the north of Dunning. The site comprises an existing caravan/chalet site which includes a small loch and an area of grassland, an existing dwellinghouse, maintenance shed, office, garage and outbuildings.
- 2 The site is bounded by the Duncrub Burn and farmland to the north, the B9141 to the west and farmland to the east and south. A small burn branches off the Duncrub Burn to the north west of the site and runs southwards down the west boundary. The site is partially screened by hedging along the roadside to the south west and partially screened by the trees along the northern, southern and eastern boundaries.
- 3 Planning consent was granted in July 2014 under 13/01780/FLL to increase the existing tourist facility on the site from 12 touring caravans up to 30 touring caravans and providing a new access further to the north of the existing access. A further application was granted at Development Management Committee in June 2015 for change of use of agricultural land to form extension to Caravan Park including an additional 18 pitches, new access and landscaping to provide a total of 30 chalet/lodge pitches with associated works and landscaping.
- 4 This application is for a further 12 caravans/chalets which will take the total site numbers to 42. In addition to this 3 show caravans are proposed at the site entrance.
- 5 The units proposed consist of two types Rivington and Rivendale lodges which are approx 12m x 38m and 12m x6m. These models are the same as the two existing lodge types on the site. The lodges are proposed to infill gaps between the existing / approved lodges with some repositioning of existing lodges required. The proposal includes a landscaping scheme and new/altered road layout.

- 6 The access to the site is a new access recently constructed which was approved under planning consent 13/01780/FLL. A sewage treatment plant was also previously approved to the north west of the site which will discharge to the adjacent watercourse.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Promoting Rural Development : paragraphs 74 – 83
 - Supporting Business and Employment : Paragraphs 92 – 108
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 3: Managing TAYplan’s Assets

- 13 To assist in growing the year-round role of the tourism sector.

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 16 The relevant policies are;

PM1A – Placemaking

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

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

Policy ED3 - Rural Business and Diversification

- 20 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and

existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy ED4C - Caravan Sites, Chalets and Timeshare Development

- 21 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out.

Policy NE4 - Green Infrastructure

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

Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 – New Development and Flooding

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

OTHER GUIDANCE

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

PLANNING SITE HISTORY

- 26 05/02112/FUL Increase possible capacity of existing caravan site for touring caravans from 8 caravans to 12 caravans 5 May 2006 Application Permitted under delegated powers
- 27 13/01780/FLL Planning consent was granted by the Development Management Committee in July 2014 to increase the existing tourist facility

from 12 touring caravans up to 30 touring caravans and providing a new access to the site further to the north of the existing access.

- 28 14/01922/FLL Planning consent was granted by the Development Management Committee in June 2015 for change of use of agricultural land to form extension to caravan park including an additional 18 pitches, new access and landscaping to provide a total of 30 chalet/lodge pitches with associated works and landscaping

CONSULTATIONS

EXTERNAL

Scottish Water

- 29 No objections with regards to infrastructure capacity.

Dunning Community Council

- 30 No objection, but note that the use should be for holiday purposes only.

Scottish Environmental Protection Agency (SEPA)

- 31 SEPA objects to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

INTERNAL

Transport Planning

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

Structures and Flooding

- 33 Initially no objection, however having noted the SEPA response, agreed with their objection.

REPRESENTATIONS

- 34 Five letters of representation have been lodged, three in support and two objections. In addition a letter of comment has also been received from Dunning Community Council. The following issues were raised:

Objections

- Flood risk
- Contrary to Policy
- Loss of landscaping
- Overdevelopment

- Use as permanent dwellings
- Adverse impact on visual amenity
- Road safety concerns/traffic volumes
- Ecology impacts

Support

- Additional provision of holiday accommodation
- Employment opportunities

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

36 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None

APPRAISAL

Policy Appraisal

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.
- 38 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance and are listed in the policy section above.
- 39 The site has an established holiday use and this application is to assess the additional units on the site and whether the site has the capacity to accommodate an increase in the number of units.
- 40 The principle of a holiday use on the site is established and Policy ED3 Rural Business and Diversification is supportive of the expansion of existing businesses in rural areas.

- 41 Policy ED3 outlines criteria for development that requires proposals are satisfactorily accommodated within the landscape capacity of any particular location.
- 42 Policy ED4C relates to Chalets, Timeshare and Fractional Ownership developments. The policy states that proposals should not constitute either over-development of the site or its setting.
- 43 It is considered in policy terms that the existing landscape framework and site area cannot accommodate the increase in development satisfactorily. For reasons detailed in further sections of the report the proposal is not considered to comply with local development plan policy.

Design and Layout

- 44 The site has a large overall area, however, the developable area is compromised by the loch to the north and the previous landscaping requirements required under permission 14/01922/FLL. This current proposal seeks to infill many open spaces and landscaped areas with chalets.
- 45 The three show lodges are to be located at the site entrance. These would not be permanently sited and would therefore be acceptable on a temporary basis only.
- 46 The site features a looped access road with an offshoot extended to the far northeast to serve four new units. These new units would be located on the edge of the loch with the access road and parking to the east. This area of the site is narrow, confined by the loch and the boundary planting. I consider that the number of lodges combined with the access road, parking, entrance steps and decking do not sit comfortably within this area of the site and constitute an overdevelopment of this area.
- 47 The landscaping plan approved on the previous permission specifically included substantial areas of planting on the south and east boundary of the site with three lodges removed from the original submission to accommodate the further landscaping. The intention behind this was to ensure that the peripheral and internal landscaping provided a sufficient and appropriate level of framework, commensurate with the amount of development in this location.
- 48 This proposal has six new units shown along the south boundary. Three of which were requested to be removed in the last submission. The siting of these lodges would result in a loss of previously agreed areas of planting and is considered to be detrimental to the overall amenity of the site in terms of the loss of key areas of landscaping.
- 49 Finally two further lodges are proposed within two small landscaped areas located close to the existing/proposed access roads. The siting within these areas results in a poor setting for each lodge detrimental to the amenity of the lodges and the wider character of the area from the loss of open space.

- 50 Overall, the inclusion of additional units and the resultant loss of key components of the landscaping are seen to be detrimental to the character, quality and appearance of the site to an unacceptable degree.

Residential Amenity

- 51 The proposal includes new units to the north east of the site where none exist currently. It is considered, however, that chalets are sufficiently distant enough from any neighbouring residential properties to avoid any detrimental impact on residential amenity in terms of overlooking or overshadowing.

Flood Risk

- 52 SEPA has objected to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 53 Part of the site lies within the medium likelihood (0.1% annual probability or 1 in 1000 year) flood extent of the Duncrub Burn as shown on the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
- 54 The three show lodges are located within the 1 in 1000 year flood extent on the SEPA flood maps. These are proposed as temporary structures and will not provide any overnight accommodation. However, if granted, these units will require to be anchored to prevent the lodges moving during a flood event as they are within the functional floodplain.
- 55 Four lodges (Lodges 31 to 34) located to the north east of the site are also within the 1 in 1000 year flood extent of the SEPA Flood Maps. However, the other eight lodges (Lodges 35 to 42) are outwith the flood extent. Regarding the four lodges within the flood extent area insufficient information to assess the flood risk for lodges has been submitted. Consequently, SEPA has maintained their objection to this development until further information is provided to show these four lodges will not be at risk. To overcome the SEPA objection, the agent has indicated that they may submit revised plans omitting these four lodges from the proposal. If revised plans are submitted in this form it would likely allow SEPA to remove their objection and consequently allow any reason for refusal on flooding grounds to be removed.

Drainage

- 56 A new sewage treatment plant and soakaway for the development is shown in the northwest corner of the site approved under a previous application.
- 57 SEPA records indicate that the proposed development site has recently been issued with a CAR Licence for the discharge of treated effluent to the Duncrub Burn. At present there is only one septic tank in place serving a number of existing newly built units which are not yet licenced. However it is understood that this will change this year when the sewage treatment plant is installed. The local SEPA team is in contact with the applicant regarding this matter.

Biodiversity

- 58 No trees are proposed for removal and the landscaping reductions from the previous submission have not yet been planted. It is therefore considered that the development of the site would not have a significant impact on biodiversity including protected species. However the loss of previously approved planting will result in a reduction in the biodiversity opportunities.

Road and Access

- 59 A new access has been formed into the site under the previous permission. The proposal shows new access tracks to be formed and parking areas are shown for each new lodge.
- 60 It is considered that the number of units proposed would not have a significant impact on the road network.

Developer Contributions

Transport Infrastructure

- 61 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.
- 62 The 3 temporary caravans/chalets are not considered against the Guidance.
- 63 The 12 additional permanent caravans/chalets are considered as holiday homes in terms of the Guidance and are included under the residential development rate. The trip rates associated with Holiday Homes are lower than normal residential properties so the contribution will be applied at the Affordable Housing rate of £1,319 per unit. The total required should planning permission be granted is £15,828.

Economic Impact

- 64 The extension of the existing caravan site for holiday chalet purposes will attract further tourism into the local area and increased spending on local goods and services.

LEGAL AGREEMENTS

- 65 The applicant would be required to enter into a Section 75 Legal Agreement or make the developer contribution payment upfront if consent is granted.

DIRECTION BY SCOTTISH MINISTERS

- 66 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

- 67 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 development is considered to be contrary to the Development Plan by virtue of the increase in the number of units and loss of the previously approved landscaping being detrimental to the overall amenity of the site and its setting.

RECOMMENDATION

A Refuse the application subject to the following

Reasons

- 1 The proposal is contrary to Policy ED3 Rural Business and Diversification criteria (b) of the Perth and Kinross Local Development Plan 2014 as the proposal would not be satisfactorily accommodated within the landscape capacity.
- 2 The proposal is contrary to Policy ED4C Chalets Timeshare and Fractional Ownership criteria (a) of the Perth and Kinross Local Development Plan 2014 as the proposal by virtue of the number of units and loss of landscaping constitutes an overdevelopment of the site and its setting.
- 3 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the density and siting of the development would not respect the character and amenity of the place.
- 4 The proposal is contrary to Policy NE4 Green Infrastructure of the Perth and Kinross Local Development Plan 2014 as the proposed number and position of the caravans/lodges reduces the amount of green infrastructure which was previously agreed to mitigate the impact of development on the site.
- 5 The proposal is contrary to Policy EP2 New Development and Flooding of the Perth and Kinross Local Development 2014 as the siting of lodges 31 - 34 may place buildings and persons at flood risk.

B JUSTIFICATION

The proposal is considered not to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

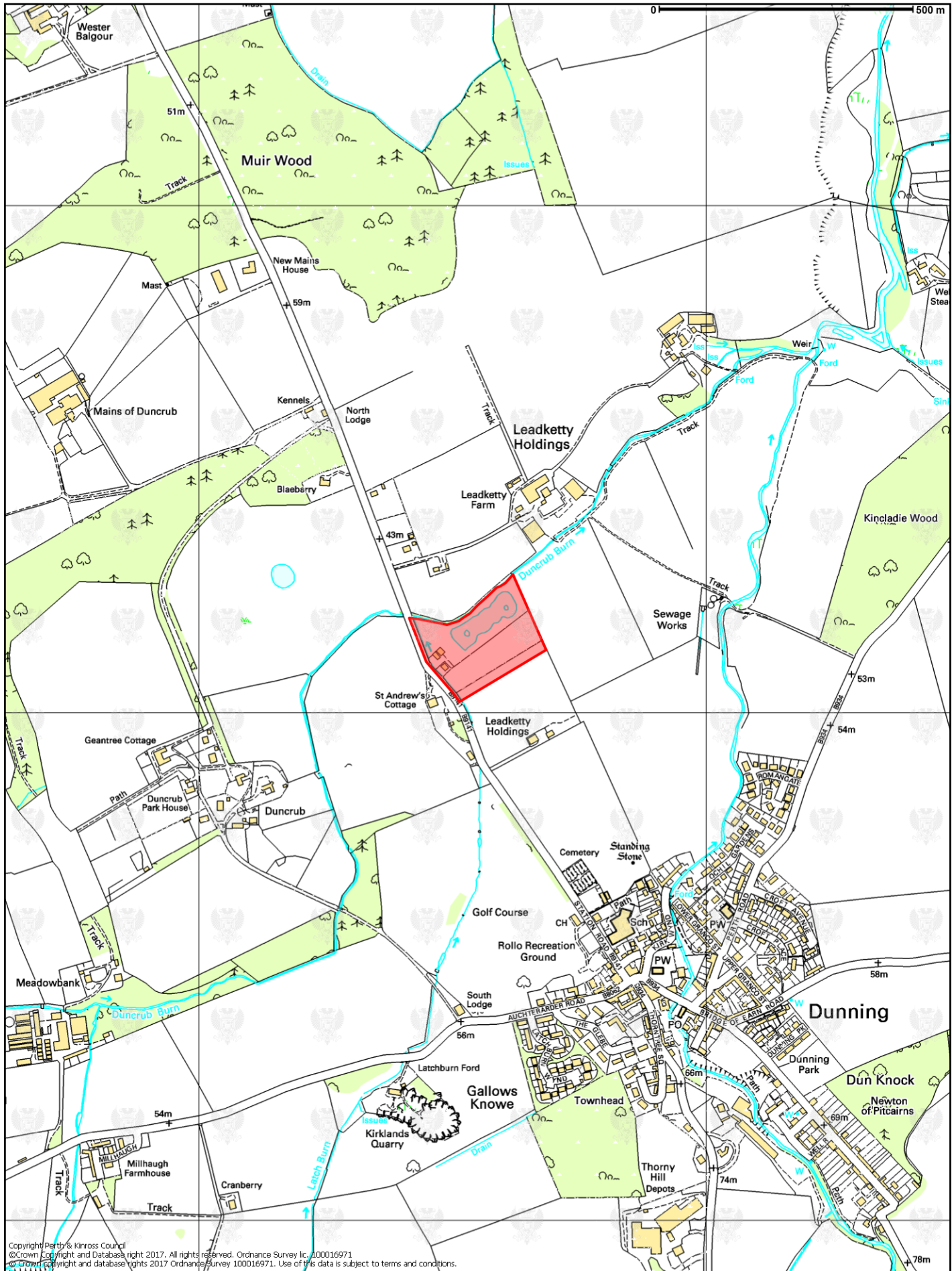
D INFORMATIVES

None.

Background Papers: 6 letters of representation
Contact Officer: Joanne Ferguson – Ext 75320
Date: 17 August 2017

Nick Brian
Interim Head of Planning

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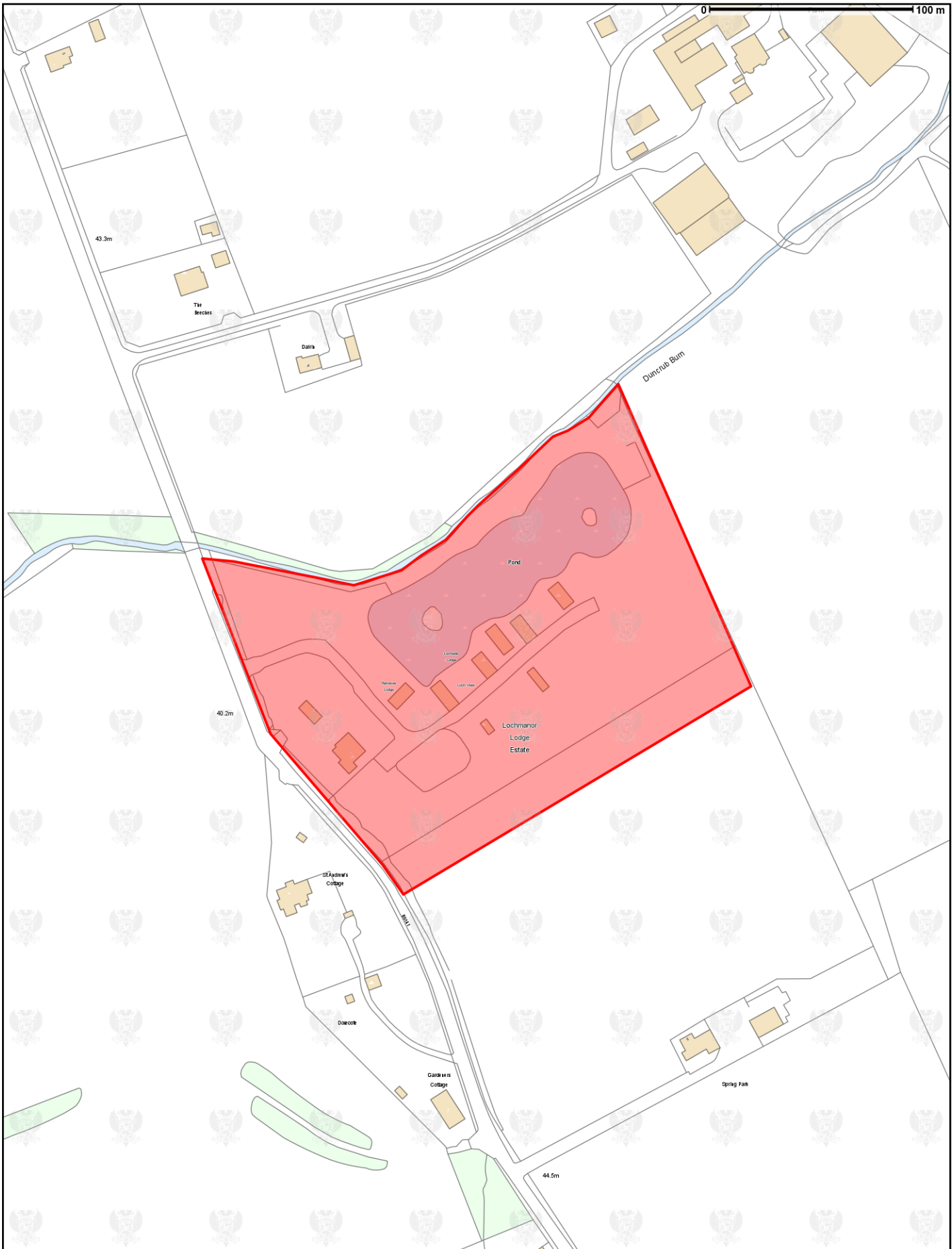
Development Management Committee



17/00409/FLL

Siting of 12 caravans/chalets, 3 show caravans/chalets for a temporary period and associated works at Lochmanor Lodge Estate, Dunning, Perth





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Development Management Committee



17/00409/FLL

Siting of 12 caravans/chalets, 3 show caravans/chalets for a temporary period and associated works at Lochmanor Lodge Estate, Dunning, Perth



