

Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
(Report No. 23/269)

PROPOSAL:	Erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping
LOCATION:	Land 150 Metres South West of Kintillo Cemetery (H14), Bridge of Earn, Perth

Ref. No: 22/00817/FLM
Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application, subject to conditions. It proposes the erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping.

The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is allocated in the Perth and Kinross Local Development Plan (2019) (LDP2) as H14. The LDP2 allocations total area is 5.2ha with an indicative range of 67-104 residential units. The application site extends to 6.7ha and extends slightly outwith the settlement boundary to the south. Following an amended masterplan, however, there is no longer any built development beyond the settlement boundary. The site is currently an area of agricultural land. The field has a rising topography to the south which would likely increase visual/landscape impact of any development and therefore the extent of the site was limited through the allocation as previously justified through LDP1. Views are quite open from the surrounding area, particularly south and east, so any visual/landscape impact is a key consideration here.
- 2 During the LDP2 consultation process, the landowner sought to extend the site (including increase in capacity range) but the Council argued against this approach and the Reporter ultimately agreed to retain the same site shape/extent as shown in LDP1. The reasoning for retaining the allocation and the site boundary as was originally shown in LDP1 was due to the rise to the ridge line in the south which would make development beyond here more prominent in the landscape and to provide an organic landscape form to this highly visible settlement edge. At examination of LDP2 the Reporter

considered the topography of the site and considered it would be inappropriate to extend the developed over the ridgeline as this would result in an undue increase in the prominence of the development within the landscape setting for the village. Following discussion with the applicant, the proposal has been revised to readjust the layout at the southern part of the site, in particular plots 95-104 so that the dwellinghouses fall within the settlement boundary and the housing retained behind the ridge line.

- 3 The H14 site is located in the southeast corner of Bridge of Earn. It is bound to the north and west by existing housing at Dunbarney Avenue and The Meadows. The recently completed Ogilvie Homes housing development (LDP Site H72), known as Ptak Way and Todd Place, is further to the west. To the northeast of the site is Catalyst Events studio and workshop. To the south is open farmland and to the east lies the Old Edinburgh Road/Wicks o' Baiglie Road and a large Gospel Hall, car parking area and the adjacent Kintillo Cemetery. Further east is the M90 motorway.
- 4 The scale of development proposed here for this site is 110 dwellinghouses which is more than that indicated in the LDP2. Initially, a number of the dwellinghouses were proposed to be built to the south of the road marked "Secondary Lateral Street" (approximately plots 96-104) which fall outside the existing settlement boundary, however, this has since been revised as noted above.
- 5 The area within the settlement boundary to the south is shown in the LDP2 indicative drawing as landscaping to provide a soft edge to the settlement. This landscaping buffer is now brought further south beyond the settlement boundary.
- 6 There is an associated full planning application (22/02020/FLL) for the formation of SUDS drainage outfall and associated works. These proposed works are outwith the red line site boundaries for this current application, however, require planning permission. As such a subsequent application was requested and has since been approved.

Environmental Impact Assessment (EIA)

- 7 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. The site was screened in November 2021 and was found not to require an EIA.

Pre-Application Consultation

- 8 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified traffic congestion, flooding and drainage, village infrastructure (School, Doctors Surgery, Dentist, Shops etc), biodiversity and wildlife, construction impacts (air and noise pollution) as

being matters raised following the consultation events. These matters have been responded to in writing by the applicant and included within a Pre-Application Consultation (PAC) Report submitted with the application.

- 9 The PAC Report notes that one online public event was held and one local exhibition, as permitted by the relevant regulations. The online event was in the form of a dedicated on-line virtual exhibition and consultation hub which was open from 24 November to 15 December 2021 and included a live interactive web-based chat session on 1 December 2021. The second event was a public exhibition held at the Bridge of Earn Institute on 31 March 2022 with notice provided to local MPs and MSPs and Council Members as well as to Earn Community Council. A number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

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

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 3/2010 Community Engagement
 - 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 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

National Planning Framework 4

- 16 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 17 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 18 In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.
- 19 The Council's assessment of this application has considered the following policies of NPF4:
- 20 The principal relevant policies are, in summary;
- Policy 1: Sustainable Places
 - Policy 2: Climate Mitigation and Adaption
 - Policy 3: Biodiversity
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes

- Policy 18: Infrastructure First
- Policy 19: Heating and Cooling
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2019

- 21 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 23: Delivery of Development Sites
 - Policy 24: Maintaining an Effective Housing Land Supply
 - Policy 25: Housing Mix
 - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 34: Sustainable Heating and Cooling
 - Policy 38: Environment and Conservation
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 47: River Tay Catchment Area
 - Policy 50: Prime Agricultural Land
 - Policy 52: Soils
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Pollution
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land

- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

LDP2 Allocation – Site References H14 Old Edinburgh Road/Dunbarney Avenue

23 The site covering an area of 5.2ha is allocated for an indicative capacity of 67-104 units. The Site-Specific Developer Requirements relative to H14 are:

- A landscape framework is required. Developments to be contained north of the ridgeline and a suitable boundary treatment to create village edge, entrance biodiversity and create new habitats.
- Connections and enhancement to be made to the existing core path network are required. In particular, vehicles and pedestrian links are required to Old Edinburgh Road and The Meadows.
- Phased site development to reflect the construction of the new school at Oudenarde.
- Drainage Impact Assessment will be required, including as assessment of any consequent impacts on adjacent properties at Dunbarney Avenue.

OTHER POLICIES

24 **Statutory Supplementary Guidance**

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

25 **Non Statutory Guidance**

- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

Site History

26 [21/00011/PAN](#) A Proposal of Application Notice (PoAN) for residential development, access, landscaping, suds and associated works (allocated site H14) was considered sufficient in June 2021.

- 27 [21/01941/SCRN](#) EIA Screening Opinion for residential development, access, landscaping, suds and associated works (allocated site H14). EIA not required November 2021.
- 28 [21/00014/PAN](#) A Proposal of Application Notice (PoAN) for residential development, access, landscaping, SUDS and associated works (part allocated as site H14) was considered sufficient in November 2021.
- 29 [22/02020/FLL](#) Full Planning Permission for the formation of SUDS drainage outfall and associated works (pending consideration).

CONSULTATIONS

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

External

- 31 **Perth And Kinross Heritage Trust:** No objection subject to condition.
- 32 **Transport Scotland:** No objections.
- 33 **Earn Community Council:** Concerns have been raised regarding primary education provision and subsequently contrary to LDP2, traffic management, flood risk/drainage. Concern was also expressed about the design and appearance of the dwellinghouses and the impact on the Health Service.
- 34 **Scottish Water:** No objections. Advise of water and wastewater capacity in the area and that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water. Scottish Water records indicate that there is live infrastructure in the proximity of the development, therefore, the applicant must contact Scottish Water for an appraisal of the proposals.
- 35 **Scottish Environment Protection Agency:** No objections.
- 36 **Scottish Forestry:** No Comments.

Internal

- 37 **Structures And Flooding:** No objections subject to conditions.
- 38 **Environmental Health (Noise Odour):** No objection on noise or air quality grounds, however, related standard conditions recommended for dust management and hours of operation for noisy working during the construction phase.
- 39 **Transportation and Development:** No objections subject to conditions.

- 40 **Development Contributions Officer:** Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 41 **Community Waste Advisor:** No objection, however, provided detailed advice on the requirements for bin provision, vehicle and operative access, road specifications and vehicle turning requirements.
- 42 **Biodiversity/Tree Officer:** No objections subject to condition.
- 43 **Community Greenspace:** No objections, subject to condition.
- 44 **Planning and Housing Strategy:** Initially commented that the number of dwellinghouses proposed exceeds the indicative range in LDP2 and that whilst the submitted planning statement considers that there are no detrimental impacts from the proposed development and that the small increase still results in an appropriate density, this increase in dwellinghouses extends to outside the settlement boundary which contravenes Policy 6 (Settlement Boundary). A reduction in the number of houses to within that range would allow the proposal to be retained within the settlement boundary. Amendments were made to the site layout, in particular the southern part of the site (plots 95-104) which provided a reshuffle of these plots and therefore allowing the built development to be retained within the settlement boundary. The landscape buffer shown in LDP2 settlement map and indicative drawing has been pushed south outside the settlement boundary but forms a more substantial buffer to the development than originally proposed and closer to that indicated in LDP2 illustrations. Whilst, the landscape buffer is outwith the settlement boundary, it is accepted that the proposed landscaping and footpath provision/connection in to the Ogilvie site will result in a better planning solution for the area. Whilst the proposal is a departure from LDP2, it is considered to be minor and is acceptable.
- 45 **Environmental Health (Contaminated Land):** Historical mapping indicates that the site was previously occupied by railway land in addition to a cemetery immediately east. There is the potential for the site to be impacted by contamination as a result of this former land use. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use. No objection to the proposal, however, a condition is recommended.

Representations

- 46 10 representations were received. The main issues raised within the representations are:
- Contrary to LDP
 - Inappropriate housing density
 - Over intensive development
 - Lack or loss of car parking
 - Light pollution

- Noise pollution
- Loss of open space
- Loss of trees
- Overlooking
- Capacity issues at Dunbarney Primary School
- Impact on Health Service
- Flooding and drainage
- Design and appearance
- Traffic congestion/road safety concerns
- Loss of agricultural land

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

ADDITIONAL STATEMENTS

48

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none"> • Drainage Impact Assessment/Flood Risk Assessment • Archaeological Desk Based Assessment • Air Quality Impact Assessment • Noise Report • Transport Assessment • Arboriculture Assessment • Pre-Application Consultation (PAC) Report • Design and Access Statement

APPRAISAL

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

Principle

- 50 The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards providing high quality, affordable and sustainable homes (Policy 20, 24 and 25 of the LDP2 and Policy 16 of the NPF4), liveable places (design, quality and place) (Policies 1, 2, 55-58 of the LDP2 and Policy 14 of the NPF4), impacts on prime agricultural land (Policy 50 of the LDP2 and Policy 5 of the NPF4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policy 17 of LDP2 and Policy 15 of the NPF4), historic assets and places (Policies 26A and 26B, of the LDP2 and Policy 7 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4 and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
- 51 The principle of residential development on the site is well established through the allocation in LDP2 (and previous Local Development Plan). The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.
- 52 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

LDP Allocation and Site Density

- 53 It is noted within the representations received reference to the proposed number of dwellinghouses exceeding that within LDP2 and therefore contrary to the LDP. As with other sites in the LDP, this figure is indicative and is not binding, therefore it is not a barrier to development looking at higher or lower densities.
- 54 The site capacity range of 67-104 units covers H14. The Site-Specific Developer Requirements does identify H14 as requiring development to be contained north of the ridge line and a suitable boundary treatment to create village edge, connections and enhancements to be made to the existing core path network and the requirement for a Drainage Impact Assessment.
- 55 The applicant has taken account of some initial feedback following submission regarding the built development outwith the settlement and south of the ridge line and therefore the layout has been amended. Policy 6: Settlement Boundary of the LDP2 restricts built development to within the settlement and Policy 16(a) of NPF4 accords with this. Following revisions, there is no longer built development outwith the settlement boundary and the housing will be retained behind the ridge line.
- 56 The proposed site is within an established residential area of Bridge of Earn and is in an accessible location as it is close to the public transport network and the services provided within the village. The proposed density of 110 units can be physically accommodated within the site, along with the

proposed woodland strip, enhanced core path provision, a SUDs pond and open space that can be enjoyed by all residents in the area, further demonstrating the sites capacity for the number of dwellings proposed. A good level of rear private amenity space will be provided along with landscaped frontages. Seventy-three of the proposed dwellinghouses will be 1, 2 and 3 bedroom units which will help meet current market demand for smaller sized, easy to maintain dwellings especially for first time buyers or those downsizing. All properties will have an acceptable amount of garden ground whilst not adversely impacting on any of the surrounding properties in terms of overlooking or overshadowing. The scale of development for this site is acceptable.

- 57 The proposed development accords with NPF4 Policy 16(a) and LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.

Design and Layout

- 58 The applicant has submitted a supporting Design and Access Statement, as required for an allocated site under LDP2 and a Supporting Planning Statement.
- 59 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure. Also relevant is the masterplan for the site which sets out the key principles for the development.
- 60 Through Designing Places (2001) The Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 61 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social places, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting usable street layouts.
- 62 NPF4. Policy 14 encourages, promotes and facilities well designed development that makes successful places by taking a design-led approach. Development proposals will be supported where they are consistent with the six qualities of successful places; health, pleasant, connected, distinctive, sustainable and adaptable.
- 63 Permeability of places is a crucial component in good street design. Internal permeability is important, however, any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car

rather than other modes. In this case the proposal includes two vehicular accesses and five pedestrian/cyclist access points and is thereby considered to be a permeable and well-connected site that accords with the National Roads Development Guide 2014, NPF4 Policy 13 and LDP2 Policy 60B.

- 64 When considering the layout of any new development, one of the key issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrian and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Frontages are planned to overlook all streets, footpaths and open spaces to ensure passive surveillance. The proposal is, therefore, in compliance with PAN 77 – Designing Safer Places, NPF4 Policy 13 and LDP2 Policy 1.
- 65 The proposals consist of single storey, two storey, detached, semi-detached, terraced and flatted properties providing a good mixture of house types. Whilst the proposal to include shared surfaces is limited, it provides good linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with footpaths located towards the village centre, public transport connections and the surrounding neighbourhood. The use of parking courts within the development is welcomed and ensures that the proposal is not car dominated.
- 66 In terms of the proposed design of each house type, there is an acceptable range of design and materials proposed. The Planning Support Statement describes the house designs as being a contemporary re-interpretation of historic form designed to complement the local area. Houses are designed with a lower eaves height so that the proportion, gable width and roof pitch have a cohesive character fitting to the rural nature of the area and the scale of traditional rural buildings. External finishing materials comprise of a combination of white render with facing brick and dark grey windows and doors. Smooth grey coloured concrete interlocking roof tiles are proposed for the roof covering. Feature panels of facing brick are incorporated to break up areas of singular material. The colour of facing brick has not been confirmed, however, this can be controlled by condition (Condition 37).
- 67 In terms of housing mix, the development proposes a mix of 2-4-bedroom properties as follows:

Open Market

- 2 x 1 bedroom ground floor apartment
- 2 x 1 bedroom first floor apartment
- 2 x 2 bedroom end terrace dwellinghouse
- 2 x 2 bedroom mid terrace dwellinghouse
- 18 x 3 bedroom semi-detached dwellinghouse
- 24 x 3 bedroom detached dwellinghouse

- 33 x 4 bedroom detached dwellinghouse
Total = 83

Affordable Housing

- 2 x 1 bedroom ground floor apartment
- 2 x 1 bedroom first floor apartment
- 4 x 2 bedroom semi-detached bungalow
- 2 x 3 bedroom semi-detached bungalow
- 3 x 2 bedroom mid-terraced dwellinghouse
- 2 x 3-bedroom semi-detached bungalow
- 4 x 3 bedroom end terrace dwellinghouse
- 4 x 3 bedroom semi detached dwellinghouse
- 4 x 4 bedroom semi detached dwellinghouse
Total = 27

- 68 NPF policy 16 supports development proposals that improve affordability and choice including a range of size of homes whilst LDP2 Policy 25: Housing Mix specifies for all proposals on sites with a total capacity of 20 or more homes, at least 10% of their homes should be one or two bedroom homes. As noted above, a total number of 16 one and two bedroom homes are proposed, therefore, the proposal is in compliance with these policies.
- 69 The site has been well laid out and designed, taking into account the key constraints and opportunities of the. The site provides good connectivity, both within the development and with the surrounding area, including providing access to existing core path provision. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters such as hierarchy of streets, broad development parameters of the site, connectivity, use of landscaping and external finishes, etc. The site also incorporates a range of 2–4-bedroom units, with the affordable housing units integrated well within the site. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and contribute positively to the quality of the surrounding built and natural environment in compliance with relevant NPF4 and LDP2 policies.

Landscape and Visual Amenity

- 70 In terms of the impact on visual amenity of the area, a residential development will inevitably change the visual appearance of the area, however, the application site has been identified for residential use in the LDP, therefore this degree of change was envisaged in the site allocation.
- 71 The landscaping proposed to the south is outwith the settlement boundary, however, it provides a good connection with the adjacent development and associated landscaping although not as organic an edge as is envisaged in LDP2. The applicant states that the requirement for the SUDS pond in the north is the reason why the landscaping needs to be pushed outside the settlement boundary, however, retaining the numbers to those indicated in the

capacity range would have limited the need for this change. The applicant states that the landscaped buffer present an opportunity to create a defined and attractive settlement edge for Bridge of Earn on the southern boundary of the site. It will allow the continuation and consolidation of a new southern edge to the settlement by creating a robust and attractive landscaped boundary to the site which offers integration and a strong landscape structure.

- 72 When comparing the option of reducing the units to within the capacity range and what is proposed here for planting and a footpath outwith the boundary will result in a better planning solution and betterment for this area of Bridge of Earn with most of the southern boundary being well screened from the M90 and provide a clear consistent boundary.
- 73 Whilst the proposal represents a minor departure from LDP2, it provides a better planning, landscape and connectivity solution for this part of Bridge of Earn and as such is considered on this occasion to be an acceptable departure and therefore supportable.
- 74 The Landscape Appraisal submitted for the site sets out how the southern and eastern areas of landscaping will be managed and incorporated into site. The proposed landscape framework will ensure a robust, multi-functional landscape that provides an attractive range of opportunities for outdoor enjoyment and for biodiversity. The design and layout of the site, along with the proposed landscaping to the south and proposed woodland strip that bounds the site to the east is considered to be acceptable in landscape terms and will not cause any unacceptable visual impacts. The Council's Tree Officer has reviewed the landscape plan and considers it to have thought through the functionality of the sites open spaces. The species selection is excellent, with a good use of native trees and shrubs. In addition, the extensive use of suitable garden and street trees is supported, cross referencing with the drainage plan does not show conflict with underground services. The proposal meets the objectives of Policies 4, 6 and 14 of NPF4 and LDP2 Policies 1, 39 and 40B.

Residential Amenity

- 75 Residential amenity requires to be considered under NPF4 Policy 14 and LDP2 Policies 1 and 17.

Privacy, Daylight and Overshadowing

- 76 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with NPF4 Policy 14 and LDP2 Policy 17.

Noise

- 77 The applicant has submitted a noise impact assessment with this application. Noise monitoring was undertaken at the location of the most likely exposed

proposed dwellinghouse at Plot 88 to road traffic noise from the M90. The NIA concluded that road traffic sound levels are within the current planning guidance criteria limits and therefore no need for further mitigation measures.

- 78 Environmental Health colleagues were consulted and in light of the above have no adverse comment to make in relation to noise and that the residential amenity of the proposed dwellinghouses will not be adversely affected by road traffic noise from the existing M90. There are therefore no conflicts with NPF4 Policy 14 and LDP2 Policy 56.

Air Quality/Dust

- 79 An Air Quality Impact Assessment (AQIA) was submitted and reviewed by colleagues in Environmental Health. The AQIA assessed the impact on air quality on existing and new receptors, due to the proposed development, from road traffic emissions generated by the development and the pollutants of concern are Nitrogen Dioxide (NO₂), Particulate Matter (PM₁₀ & PM_{2.5}). It was concluded as negligible significance for all pollutants.
- 80 The AQIA has not assessed the impact of dust from groundworks and construction operations for the development, however, Appendix 3 of the report gives recommended mitigation measures to prevent or minimise the release of dusts during the construction or groundwork phases of the development. As such condition 9 asks that a Dust Management Plan be prepared and submitted prior to commencement of works. Subject to condition, the proposal complies with NPF4 Policy 14 and LDP2 Policy 57.

Roads and Access

- 81 A Transport Statement has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 82 A number of representations have raised concerns in relation to road issues with 4 accesses proposed onto The Meadows comprising of a footpath opposite Ptak Way, secondary vehicular access, sub-station access and new house driveway.
- 83 The applicant is proposing two vehicle accesses connecting to the existing public road network, with one opposite 28 and 29 The Meadows and the other vehicle access on Wicks O'Baiglie Road opposite The Gospel Hall. The applicant will be providing footways on both sides of the vehicle access onto Wicks O'Baiglie Road and on the northern side of the vehicle access onto The Meadows. An additional footway link will be provided onto Dunbarney Avenue, albeit the applicant has not shown this to connect into an existing footway, rather a grass verge, but this will be addressed in the Road Construction Consent application, nevertheless, this footway link will provide a shorter route for anyone going to the facilities on Wicks O'Baiglie Road, such as The Gospel Hall or playing fields.

- 84 To the south of the site, the applicant is proposing to provide additional recreational paths, which will link to the existing paths at the end of The Meadows and create a new link onto Wicks O'Baiglie Road, which has been designated as Walking and Cycling Friendly Road, with a reduced speed limit of 40mph. For the avoidance of doubt the recreational paths to the south of the site, will not form part of the road's adoption.
- 85 A Construction Traffic Management Plan will be required prior to commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic. This should help alleviate any concerns for existing residents.

Parking

- 86 The level of car parking proposed by the applicant is acceptable and meets the standards of the National Roads Development Guide, whereby:
- 1 bedroom property will be provided with 1.5 spaces
 - 2-3 bedroomed property will be provided with 2 car parking spaces
 - 4 bedroomed property will be provided with 3 car parking spaces'
- 87 If the property requires the garage for car parking, the garage will have a minimum internal dimension of 3 x 7 metres which also complies with the National Roads Development Guide.
- 88 Perth and Kinross Council Placemaking Guide 2020, page 39 specifies for off-street parking that parking within the plot should not dominate the front garden of houses. Similarly Designing Streets specifies that car parking should be level with, or behind the main building line which is more aesthetically pleasing in streetscape terms. It further references that parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance.
- 89 Many of the parking spaces are situated to avoid a car dominated street view, although this is not carried through the entire site, more so to the affordable housing section in the west of the site. Whilst some revisions were made to parking at plots 13-16 and 21, revisions were not extended to plots 53-71 as the applicant's desire was to maintain the landscape buffer along The Meadows, particularly as the new housing will sit at a lower level than The Meadows.

Street Lighting

- 90 Perth & Kinross Council's Street Lighting Partnership have advised that an approved street lighting design will be required, including the extension of existing street lighting on Wicks O'Baiglie Road to encompass the sites principal access and any adjustments required for the existing street lighting on The Meadows or Dunbarney Avenue. A condition is recommended to secure the delivery of a suitable street lighting system (Condition 13).

Public Transport

- 91 Consultation has been undertaken with the Public Transport Unit and they do not consider that bus service infrastructure is possible within the development site but the upgrade of the existing shelter 64802272 – Kintillo, Kintillo Road at Kintillo Place to support residents in the use of public transport. Replacing the existing shelter to provide additional capacity to a new 3 bay cantilever shelter with a 24/7 electrical supply for courtesy lighting and supply and install an RTPI bracket and display.
- 92 Following discussion in terms of the location of the upgraded bus shelter, it was felt that it would be more beneficial to have a shelter at the Ember Stop. Ember operates an all-electric Express Coach Service between Dundee and Edinburgh. This serves a bus stop on the A912 in Bridge of Earn, just off Wicks O’Baiglie Road and this would benefit from having a bus shelter, 24/7 electricity supply and RTPI Digital Displays at that location. The Applicant was agreeable to this as an alternative option to upgrading the Kintillo Road bus shelter. It would benefit not only Kintillo residents but the wider Bridge of Earn community wishing to access the Ember express services. The Developer has to pay for all costs including the implementation of the bus shelter. A condition is recommended for the shelter to be installed prior to the occupation of the 10th dwellinghouse (Condition 15).

Visibility Splay

- 93 The visibility splay onto the existing public road network is to an acceptable standard. It is noted that on the Wicks O’Baiglie Road the applicant is proposing to plant a native hedge along the edge of the public road network, this may have implications for the visibility splay. A condition is, therefore, recommended for planting and fence lines to be clear of the splay (Condition 17).

Road Width

- 94 The applicant has proposed to ensure that the width of Wicks O’Baiglie Road is a minimum width of 6 metres from south of 52 Wicks O’Baiglie Road to a distance of 6 metres south of the vehicle access bellmouth into the development, where the width of the road will taper back to the original width over a distance of at least 25 metres. A condition is recommended for securing a minimum road width of 6 metres, prior to the commencement of works within the site, to ensure the road is a suitable width for construction traffic (Condition 17).
- 95 Both Transport Scotland and PKC Transport Planning offers no objection to the proposal. The proposal accords with NPF4 Policies 13 and 14 and LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot, bicycle and public transport subject to planning conditions. The transport network can accommodate the proposed level of traffic generation with minimal impact. Its location should provide a realistic choice of more sustainable modes of transport and thereby help reduce travel demand by car.

Open Space and Play Area

- 96 Due to site levels, the SUDs pond is located at the northern edge of the site with an area of open space and landscaping proposed at the southern edge with footpath link into Site H72 both of which will be utilised by existing and future residents. Community Greenspace confirmed during pre-application discussions that only one of the two allocated sites at this location will be required to provide a play area provided it was easily accessible from the other. Site H72 has a play area with play equipment and a footpath is located within the landscape buffer at the southern end of that site, therefore, the footpath proposed at the southern side of this application will link into it. As such there is no requirement for a play park in this application. The applicant has, however, proposed an area of open space designed to provide play, seating and open grass spaces. As such the proposal complies with NPF4 Policy 21 and LDP2 Policy 14B.

Drainage and Flooding

- 97 The site is not located within SEPA fluvial flood extents. SEPA surface water maps show minimal impact at the northern end of the site, however, it is considered reasonable that this can be managed by the proposed drainage infrastructure. A SUDs facility is proposed to be located at the north end of the site.
- 98 The drainage plan indicates that the SUDs pond will discharge into the existing ditch north of the Kintillo football pitch. The drainage plan assumed this flows into the Yellow Burn but there was no confirmation. Perth & Kinross Council (PKC) Flood Team carried out drainage investigation works in February 2023 which confirmed that this ditch flows into the Yellow Burn culvert (beneath Horsemill Place) which then discharges into the River Earn. PKC Flood Team will, however, require confirmation that the developer has obtained the necessary approval from appropriate landowners to install this outfall and ensure that this ditch will be cleared of any debris/vegetation prior to the commencement of any works. Condition 5 and Informative 18 adequately addresses this requirement.
- 99 Initially, PKC Flood team reviewed the drainage calculations (submitted as part of the FRA) and raised no issues, however, NPF4 came into force in February 2023 and the climate change percentage in the submitted FRA did not comply with the new legislation. Accordingly, the FRA was updated to comply with the new climate change percentages (53%/39%). The detailed design plan for the proposed SUDs will require to be submitted prior to commencement of development, however, this can be controlled by condition (Condition 6).
- 100 It is also worth noting that the outfall is located outwith the red line site boundaries for this application, therefore, a secondary application has been submitted, planning reference 22/02020/FLL, and approved.
- 101 Overall, the proposal is compliant with NPF4 Policy 22 and LDP2 Policy 52 and 53.

Natural Heritage and Biodiversity

- 102 The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 103 The Council's Biodiversity Officer has reviewed the submitted Ecological Survey and Biodiversity Action Plan and in so far as biodiversity is concerned, has no objections subject to conditions (Conditions 23-27). The proposed development, therefore, complies with Policy 41 of LDP2 and Policy 3 of NPF4.

Waste Collection

- 104 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

Health Care

- 105 Concerns were raised in the letters of representations regarding the closure of the GP practice in Bridge of Earn and the lack of Health Centre provision. NHS/HSCP were asked to provide comments in this regard and advised that they acknowledge that the development will place additional pressure on health facilities, however, recognise that the site is an allocated site in the LDP2 and has PPP consent and therefore it is too late to resist allocated sites on NHS/HSCP grounds.

Sustainability

- 106 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. It is noted air source heating is suggested to be used; and that the designs include a range of low and zero carbon generating technologies, which is welcomed. However, the specific requirements of Policy 32 have not been formally addressed in terms of the 10% requirement for the deployment of Low and Zero Carbon Generating Technology in New Development (LZCGT). Solar PV panels on each home are recommended along with air source heat pumps (ASHP). Unless ASHP are the main source of heating for each dwelling (or building in the case of flats) a calculation will be required to be provided before occupation to demonstrate compliance with Policy 32. As required under Policy 32 the applicant will need to demonstrate compliance in terms of what LZCGTs will be deployed. As such a condition shall be imposed to ensure this requirement is met. (Condition 32).

Archaeology

- 107 The proposed development site lies in an area that is archaeologically sensitive. The location of the development lies on the post glacial shoreline and recent archaeological research carried out by the Tay Landscape Partnership on a similar site to the west of Bridge of Earn located a significant Mesolithic camp site (MPK20049), the first monument site of its type found in Perth and Kinross. The applicant has submitted a desk-based assessment and fieldwalking were undertaken as part of the pre-application works. The results of this survey concluded that further archaeological work was advised and a draft WSI for trial trenching was submitted to Perth and Kinross Heritage Trust (PKHT) for comment.
- 108 As such, PKHT recommend that an archaeological evaluation should take place to assess the presence/absence, character and significance of archaeological deposits on the site and in line with Scottish Planning Policy (SPP) have recommended a condition for a programme of archaeological works be attached to any consent (Condition 36). Whilst the consultation response makes reference to SPP, which is no longer a material consideration, the recommended condition is still relevant to accord with Policy 7 Historic Assets and Places of NPF4 and LDP2 Policy 26B.

Contamination

- 109 Colleagues in Environmental Health were consulted and advised that historical mapping indicates that the site was previously occupied by railway land in addition to a cemetery immediately east. There is the potential for the site to be impacted by contamination as a result of its former use. As such it is necessary for an assessment of the site to be made to determine its suitability for the proposed use. This can be addressed through the use of a condition (Condition 35).

Developer Contributions

- 110 LDP2 Policy 5 – Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.

Education Provision

- 111 The proposed development will result in the current primary school being over capacity. As a result, a financial contribution (£426,030) is required for 82.5 dwellings (110-27.5 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.

Affordable Housing

- 112 The Council's Affordable Housing Officer has confirmed that 25% will be required for affordable housing. The proposal is for 110 dwellinghouses which generates a requirement for 27.5 homes. The Accommodation Schedule plan

shows 27 affordable homes provided on-site. Payment of a commuted sum for the remaining 0.5 units is acceptable. As a result, a financial contribution of £14,000 is required. Delivery of the affordable housing units and the contribution will be dealt with via the Section 75 Legal Agreement.

Transport Contribution

- 113 A financial contribution is required towards the cost of delivering the transport infrastructure improvements needed for the release of all development site in and around Perth. As a result a financial contribution $((82.5 \times £3,657) + (27.5 \text{ (affordable units)} \times £1,828) = \underline{£301,702.50} + \underline{£50,270}$.

Statement of Community Benefit

- 114 NPF4 Policy 16 requires development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The Applicant has submitted a Statement of Community Benefit which concludes that the proposed development will have a positive benefit on the local community. It will provide a broad range of new homes of varying sizes and tenures. It will be accompanied by areas of extensive open space and associated facilities and in addition to this it will provide a new bus shelter at the Ember stop all to the benefit of the community. The proposed development, therefore, is in compliance with NPF4 Policy 16.

Economic Impact

- 115 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

VARIATION OF APPLICATION UNDER SECTION 32A

- 116 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to:
- Change in finishing materials.
 - Revision to house types for plots 3 and 4.
 - Removal of green strip to the rear of plots 45-51.
 - Reconfiguration of layout at the southern part of the site, in particular plots 95-104 (new vehicular access onto The Meadows for plot 104)
 - Revision to garages on plots 1 and 10.
 - Change to orientation of plot 8.
 - Revisions to plots 53-67.
 - Revision to garage positions on plots 90-93.
 - Plots 18 and 19 extended.

LEGAL AGREEMENTS

- 117 A draft Heads of Terms is being agreed with the applicants and a Section 75 Legal Agreement is in the process of being prepared and will assess the following matters;
- On-site Affordable Housing provision (27 units) and commuted sum (£14,000)
 - Transport Infrastructure contribution (£351,972.50)
 - Commuted sum for Primary School Education provision (£426,030)
 - Open Space Provision and Maintenance
 - Play Area Provision and Maintenance
 - Planting framework
- 118 Maintenance arrangements (in perpetuity) of the agreed open space areas can be maintained by a private factor, rather than adopted by the Council. The exception to this is above ground SUDs and play areas, which must be adopted by the Council. As such an option for private factoring has been included in the Heads of Terms.

DIRECTION BY SCOTTISH MINISTERS

- 119 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

- 120 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered a minor departure from the development Plan, specifically Policy 6 of Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 121 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period.

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

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

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

3. No development shall commence until a detailed phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Council as Planning Authority. The phasing strategy shall include the following details:
 - (i) The timing and number of dwellings to be developed in each phase;
 - (ii) The timing and delivery of infrastructure, open space and landscaping;
 - (iii) The timing and location of any temporary construction compound;
 - (iv) The timing and delivery of the affordable housing units.

Once approved, the development shall proceed in accordance with the approved delivery phasing strategy to the satisfaction of the Council as Planning Authority.

Reason - In order to ensure the satisfactory implementation and completion of the development.

Drainage and Flooding

4. The drainage outfall as agreed as part of planning permission 22/02020/FLL or any other agreed in writing scheme by the Council, shall be implemented as part of the SUDs basin delivery to the satisfaction of the Council as Planning Authority.

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

5. Prior to the commencement and completion of works, the watercourse to the northeast of the site, which the SUDs basin outfalls into, shall be cleared of vegetation and debris to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

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

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

Residential Amenity

9. Prior to the commencement of the development a Dust Management Plan shall be submitted to and agreed in writing by the Council as the Planning Authority and Environmental Health. The plan shall include measures for the control of dust, monitoring, and complaints procedures, at the construction stages of the development.

Reason - In the interests of residential amenity.

10. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

Reason: In the interests of residential amenity.

Roads and Transport

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

Reason - In the interests of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.

12. Prior to commencement of works on site, the width of Wicks O'Baiglie Road shall be widened to a minimum width of 6 metres from south of 52 Wicks O'Baiglie Road to a distance of 6 metres south of the vehicle access bellmouth into the development, where the width of the road will taper back to

the original width over a distance of at least 25 metres. The road widening shall be constructed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.

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

13. Prior to commencement of works, a street lighting design must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

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

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

Reason - In the interest of proper site management.

15. Prior to the occupation of the tenth dwellinghouse, the developer shall install a bus shelter at Old Edinburgh Road (NaPTAN ID 73729586) with a 3 bay bus shelter supplied and installed with passenger information board, LED spotlights (one per bay), a 28in Ultra-Wide Display Screen for Real Time Passenger Information installed on the approach side of the shelter and a 24/7 electrical power supply to a Haldo pillar adjacent to the shelter to provide power for the LED lighting and Real Time Passenger Information display. The design and specification shall be to the satisfaction of the Council as Planning Authority, in consultation with Perth & Kinross Council's Public Transport Unit. In the event that it is not possible to install at this location, an alternative shall be agreed in writing with the planning authority.

Reason - In the interest of sustainable travel.

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

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

17. Prior to the commencement of the development hereby approved, full visibility splays for the vehicle access onto Wicks O'Baiglie Road of 120 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres from the edge of the carriageway, measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

18. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason – In the interests of pedestrian and cycle safety.

19. The occupation of the tenth dwellinghouse hereby approved shall not occur until the proposed footpath connection surrounding the SUDS at the northern side of the site and linking to both Dunbarney Avenue and Wicks O' Baiglie Road, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.

Reason - In the interest of sustainable transport.

20. The occupation of the fifty-fifth dwellinghouse hereby approved shall not occur until the proposed footpath connection at the southern side of the site, linking this site to both Wicks O' Baiglie Road and The Meadows and the footpath connection to the west of the site linking to The Meadows, opposite Ptak Way, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.

Reason - In the interest of sustainable transport.

21. The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety, residential amenity.

Biodiversity

22. Prior to the commencement of development a Construction Environmental 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) shall be submitted for the approval of the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

23. The conclusions and recommended action points within the supporting Ecological Survey and Biodiversity Action Plan submitted and hereby approved (document number 90 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

24. An updated ecological survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and

works shall not commence until after such written agreement has been issued by the Council.

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

25. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, wildlife kerbs shall be installed adjacent to all road gullies within 500metres of a SUDS pond or watercourse. Thereafter, the kerbs shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

26. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs. Thereafter, the hedgehog highways shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

27. 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 the interests of protecting environmental quality and of biodiversity.

Trees and Landscape

28. 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.

29. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the

earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

30. The areas of public open space indicated in the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted and agreed in writing by the Planning Authority, prior to the commencement of development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

31. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority.

Reason - In the interests of the character and appearance of the development.

32. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to, and agreed in writing by, the Council as Planning Authority. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented and adhered to.

Reason - To ensure satisfactory management of the scheme.

Sustainability

33. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

a) the technology types;

- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

Waste

34. Prior to the commencement of development 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.

Reason - In the interest of the sustainable disposal of waste.

Contamination

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

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

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

Reason - In order to deal with any potential contamination of the site as a result of its former use.

Archaeology

36. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been

submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

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

Materials

37. 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 completion or bringing into use of the development, whichever is the earlier.

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

B JUSTIFICATION

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant Policy 6 of the LDP2.

C PROCEDURAL NOTES

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

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended

to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be 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. Please note that a fee is chargeable for the processing of RCC applications.
8. Prior to the commencement of works a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the C416 Wicks O'Baiglie Road between the A912 and the M90 overbridge,

a distance of approximately 1 km, whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth & Kinross Council.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to revise layout, materials and garages.
12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

15. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4

month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

16. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
17. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
18. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
19. 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: 10 letters of representation
Contact Officer: Gillian Peebles
Date: 14 September 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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