

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

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

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

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

Ward No: P2- Strathmore

### **Summary**

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

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

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

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

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

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

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

### **Pre-Application Consultation**

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

### **Environment Assessment**

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

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework 4**

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

### **Planning Advice Notes**

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

### **Creating Places 2013**

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

### **Designing Streets 2010**

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

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

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

### **DEVELOPMENT PLAN**

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

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

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

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

## **OTHER MATTERS**

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

## **PLANNING HISTORY**

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

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

## CONSULTATIONS

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

### External

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

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

#### **Internal**

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

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

## **REPRESENTATIONS**

50. No representations have been received.



## ADDITIONAL STATEMENTS

51.

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

## APPRAISAL

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

### Principle

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

### Design and Layout

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

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

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

### **Residential Amenity**

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

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

### **Visual Amenity**

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

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

### **Roads and Access**

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

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

### **Drainage and Flooding**

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

## **Waste Collection**

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

## **Conservation Considerations**

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

## **Natural Heritage and Biodiversity**

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

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

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

### **Developer Contributions**

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

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

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

### **Economic Impact**

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

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

90. None required.

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

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

### **DIRECTION BY SCOTTISH MINISTERS**

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



## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

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

### **Directives**

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

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

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

Reason: To ensure the preservation of the historic environment.

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

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

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

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

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

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

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

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

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

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

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

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

13. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds, and a Dust Management Plan.
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

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

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

14. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) details of any new construction compound.
- (b) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events.
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter Maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Justification**

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

### **Procedural Notes**

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

### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as

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

- a. Displayed in a prominent place at or in the vicinity of the site of the development.
  - b. Readily visible to the public.
  - c. Printed on durable material.
5. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
  6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
  8. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at :  
<https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
  9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
  11. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.



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

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

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

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.
--

All Council Services can offer a telephone translation facility.
--