

Perth and Kinross Council  
Planning & Development Management Committee – 15 December 2020  
Report of Handling by Head of Planning & Development (Report No. 20/244)

**PROPOSAL:** Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139)

**LOCATION:** Land south of Benton Road, Auchterarder

Ref. No: [20/01513/AMM](#)  
Ward No: P7 - Strathallan

### Summary

This report recommends approval of the application for the erection of 29 dwelling houses, within a wider development which is part of an allocated housing site, forming part of a larger area benefiting from an extant detailed permission for 116 dwellings. The proposals are considered to comply with the relevant provisions of the Perth and Kinross Local Development Plan 2 (2019), whilst there are no material considerations apparent which otherwise outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to 1.072 hectares (Ha) and is situated on the north-eastern edge of Auchterarder. It forms part of a wider development area, originally identified as part of the 'Auchterarder Framework' for the northern expansion of Auchterarder. A Planning Permission in Principle (PPP) (Ref: 16/01809/IPM) incorporates the site and sees an associated Section 75 legal agreement. A subsequent Approval of Matters Specified in Conditions (AMSC), across a large 4.45 Ha area was granted in January 2019. This AMSC permission allows 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works. The current application now seeks a material change to the currently approved house types on 29 of the previously approved plots.
- 2 The proposed change of house types across the affected plots are:
  - 'Argyll' and 'Castlewellan' house types replaced by 'Carinhill', 'Berwick' and 'Burford', all of which are variations of a 3 bedroomed dwelling;
  - 4 bedroomed 'Hampfield' replaced with the 'Longrush', a 6 bedroom property (one 'bedroom' identified as a 'study/office'); and
  - 4 bed 'Hollandswood' replaced by either the 3 bed 'Dursley' or 5 bed 'Laurieston'.

Overall, the proposed change of house types will result in a net increase of 9 bedrooms across the 29 plots.

## **IMPACT ASSESSMENT (EIA)**

- 3 An EIA Report was not required to be submitted with the proposal, as the scale of development falls below the EIA thresholds. The wider 116 dwelling development was however screened in 2018 and not considered to require EIA (Ref: 18/00274/SCRN).

## **NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) (2014) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

### **Planning Advice Notes**

- 8 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 75 Planning for Transport;
- PAN 77 Designing Safer Places.

### **Creating Places 2013**

- 9 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**

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

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

- 11 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**

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

- 13 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area, as set out in the plan, states that:

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
  - Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 4: Homes
  - Policy 6: Developer Contributions
  - Policy 8: Green Networks

## **Perth and Kinross Local Development Plan 2 (2019) (LDP2)**

- 15 The Perth and Kinross LDP 2 (2019) (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

Policy 1: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 15: Public Access  
Policy 17: Residential Areas  
Policy 20: Affordable Housing  
Policy 23: Delivery of Development Sites  
Policy 25: Housing Mix  
Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments  
Policy 41: Biodiversity  
Policy 52: New Development and Flooding  
Policy 53: Water Environment and Drainage  
Policy 56: Noise Pollution  
Policy 60: Transport and Accessibility Requirements

## **SITE HISTORY**

- 16 [08/01133/IPM](#) Planning Permission in Principle for a Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development was approved on 31 October 2013.

[08/01279/FLM](#) Detailed Planning Permission for 147 dwellinghouses and associated engineering operations was approved on 15 November 2013.

[08/01591/FUL](#) Detailed Planning Permission for the formation of roads and associated infrastructure was approved on 17 October 2008.

[09/01290/FLM](#) Detailed Planning Permission for 261 dwellinghouses was approved on 30 January 2014.

[12/01156/ADV](#) Advertisement Consent relating to house sales was approved on 23 August 2012.

[16/01809/IPM](#) A S42 application seeking the deletion of condition 14 of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) was approved on 3 August 2018.

[17/00009/PAN](#) A Proposal of Application Notice (PoAN) relating to a prospective residential development, formation of open space, landscaping and associated infrastructure works was submitted, reviewed and the approach set out then advised by PKC as being sufficient on 29 November 2017.

[17/01418/FLM](#) An application for the erection of 116 dwellinghouses and associated works (revised design - Phase 2) was withdrawn on 27 September 2017.

[18/00274/SCRN](#) A Screening Opinion, relating to what would become application 18/01591/AMM or 'Phase 2' of the residential development within the wider development site was sought and PKC advised that no EIA Report was required on 5 March 2018.

[18/00799/MPO](#) A Modification of Planning Obligation (MPO) application associated with permission 08/01133/IPM to substitute that 2008 application reference with 16/01809/IPM, was approved on 27 June 2018.

[18/01591/AMM](#) Approval of matters specified in conditions associated to 16/01809/IPM was issued on 7 February 2019, allowing the erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works.

[20/00983/FLL](#) An application for the erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139) was withdrawn on 6 November 2020. This has been replaced by the subject application.

## **CONSULTATIONS**

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

### **External**

- 18 **NHS/HSCP** – No objection. Advise of no change in impact from the previously approved scheme, as number of dwellinghouses remains the same.
- 19 **Scottish Water** – No objection.

### **Internal**

- 20 **Transport Planning** – No objection. Advise that the proposals are consistent with the general layout parameters of the extant permission, with updated drawings provided to reflect the current Roads Construction Consent (RCC).
- 21 **Development Negotiations Officer** - No objection, confirm contribution requirements are identified and secured through the extant S75 obligations.
- 22 **Structures and Flooding** – No objection.

## **REPRESENTATIONS**

- 23 One representation raises the following points:

- Inappropriate land use;
- Inappropriate housing density;
- Over intensive development;
- Lack or loss of Car Parking;
- Traffic congestion;
- Adverse impact on visual amenity;

- Out of character with the area;
- Loss of open space;
- Flood risk.

- 24 Noting the above matters, as the application proposes the same number of dwellings within the same plots, as such it is not deemed proportionate to respond in detail to all points. Particularly no discernible change from the approved position is proposed in relation to: flood risk; density/intensity of development; land use; loss of open space; lack or loss of car parking; or traffic congestion or established character. Such matters were previously reviewed in detail in relation to planning permission 18/01591/AMM. In respect of the current application therefore, the relevant points for detailed consideration below, include: the impact on visual amenity and any resultant change to the character of the area.

### **ADDITIONAL STATEMENTS**

25	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

### **APPRAISAL**

- 26 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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**

- 27 The site benefits from PPP permission (16/01809/IPM) and also detailed planning permission through MSC approval (18/01591/AMM). These allow for 116 dwellinghouses across a larger site, referred to as Phase 2. The current proposals replicate the number and extent of plots, as well as the general scale of development, as approved by 18/01591/AMM. These arrangements were considered to align with the land use and scale of development envisioned by the Auchterarder Framework and the PPP.
- 28 The principle of residential development on this site is therefore established and continues to be acceptable in terms of Development Plan strategy. Rather

this application seeks to change the detail of how the site is to be developed, proposing revised house types for 29 plots. The general road layout and open space relationship remains consistent with that of the extant permission and associated Roads Construction Consent (RCC).

- 29 However detailed consideration is required to review the new house types proposed in their immediate and wider site context.

### **Design and Layout**

- 30 Condition 1 of the PPP requires the siting, design and external appearance of buildings to be subject to approval.
- 31 As aforementioned, the proposed layout is consistent with planning permission 18/01591/AMM and continues to fit well with the site characteristics and responds well to the surrounding built development.
- 32 The material finishes continue to include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors, thus is considered to remain appropriate.
- 33 The revised house types are, however, materially different from the extant permission but continue to be comfortably accommodated within the existing plots and wider site layout. The most significant changes are at: plot 36, which sees a 5 bed full two level property replaced by a 3 bed home set over 1 ½ stories. Whilst the new 'Longrush' house type introduces raised roof levels, through a steeper/traditional 45-degree roof pitch, and providing living accommodation within the roof space; thus, creating accommodation over 3 levels.
- 34 However, it is considered that all the now proposed house types sit comfortably within their plots, the street scene and relate well to the general form and scale of house types already approved on the corresponding plots. Particularly when considered as part of the wider street scene, the Longrush would sit at key focal points and would not dominate or detract from neighbouring dwellings. It has also been advised that the Longrush house type was deliberately introduced to offer new ways of working and living, in response to Covid-19. Particularly, it is considered that this 6 bedroom dwelling offers flexibility for dedicated homeworking/office opportunities, which were not previously identified as a customer priority or desire.
- 35 Taken as a whole, and within the wider site context, the proposed design, scale and form of development is considered to be acceptable and correspondingly in accordance with LDP placemaking policy and the PPP.

### **Residential Amenity**

- 36 LDP2 Policies 1 and 17 generally seek to protect residential amenity. Policies 55 and 56 also require consideration of potential light and noise pollution. Analysis has found no concerns with existing and proposed residential amenity

levels aligned with those of the extant planning permission. Therefore, the proposals are considered to continue to comply with LDP2 policy.

### **Overlooking**

- 37 Consistent with the extant layout, the house designs and orientation would not result in overlooking to neighbouring properties, particularly in maintaining a minimum 18 metre window-to-window separation at the rear.

### **Overshadowing, loss of sunlight and daylight.**

- 38 An appropriate level of daylight and sunlight is maintained for all properties as is the extent of overshadowing between properties.

### **Landscape and Visual Amenity**

- 39 LDP2 Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy, and 42: Green Infrastructure, are all relevant considerations in relation to landscape and visual amenity.
- 40 Beyond the proposed change of house types, there are no material changes to that of detailed permission 18/01591/AMM. As an example, the balance and allocation of the different open spaces and planting proposals remain aligned and therefore are considered to remain satisfactory and compliant with LDP2 policy.
- 41 Wider landscape capacity and visual amenity considerations associated to the change of house types relate mainly to the introduction of the Longrush house type and its higher roof impact on the streetscape. As set out above, the introduction of this new, taller house type is not considered a significant variation from the extant permission and would not adversely compromise the visual amenity or wider landscape.

### **Roads and Access**

- 42 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the number of parking spaces has not changed (45), which is deemed acceptable and aligned with the appropriate standards. The general road layout is also consistent with that of the extant permission. During the processing clarification was sought to ensure the currently approved RCC was reflected in the proposed road layout. This saw the initial submission updated, reverting the road layout back to that of the approved RCC. There are therefore no implications regarding traffic and road safety resulting and thus the proposals are considered to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

### **Drainage and Flooding**

- 43 LDP2 Policy 53 requires all new development to employ SUDS measures. In this respect drainage arrangements remain as secured under the wider



approved permission. Conditional control can however be applied to ensure SUDS requirements are met.

- 44 As such the proposals are considered to continue to satisfy both the conditions of the PPP and the requirements of LDP2 Policy EP53, in respect of surface water drainage.

### **Energy and Low Carbon Technology**

- 45 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% energy requirements through renewable technologies. Control is therefore recommended through a suspensive condition (Condition 5).

### **Waste Collection**

- 46 No change is proposed from the arrangements related to the extant permission, with waste collection considered to be appropriately addressed through both the provision of areas within plots for bin storage and acceptable access to individual properties by refuse collection vehicles.

### **Natural Heritage and Biodiversity**

- 47 It considered that there will be no additional impact on biodiversity as a result of the development, in comparison to that of permission 18/01591/AMM. Particularly that wider site is either completed or well into the construction phases and the detailed landscaping proposals are consistent with that supported and approved as part of extant planning permission 18/01591/AMM.

### **Economic Impact**

- 48 The impact to the local economy, both during construction and occupation is anticipated to be moderate through additional available expenditure on local facilities and services.

### **Developer Contributions**

- 49 A Section 75 legal agreement is in place via the PPP (16/001809/IPM) and will secure necessary infrastructure for the site and surrounding area. For this area known as 'Hunters Meadow', it covers:

- Community Facilities.
- Sports Facilities
- Open Space
- Roads/Transport
- Affordable Housing

### **LEGAL AGREEMENTS**

- 50 As above, this is in place via 16/01809/IPM (originally 08/01133/IPM).

## **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 In summary, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the application seeks permission for a change of house types for 29 of the 116 dwellinghouse benefitting from an extant planning permission. These proposals are considered to continue to comply with the approved TAYplan 2016 and Local Development Plan 2 (2019), in respect of development within a defined settlement boundary.
- 53 Overall, it is considered competent and compliant with the key principles of LDP2 and consistent with the terms of the PPP and is recommended for approval. Account has been given to the matters raised in the representation received. But there are not considered to be any identified material considerations which would warrant a refusal of the application.
- 54 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **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 the development is carried out in accordance with the approved drawings and documents.

2. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.

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

3. 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; to ensure a satisfactory standard of local environmental quality and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

5. 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 and in accordance with Policy 32 of Perth and Kinross Local Development Plan 2 (2019) (LDP2).

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is continued to be encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspaces. Access gaps in

wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>

11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

Background Papers: 1 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 3 December 2020

**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.
--

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