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Council Building
2 High Street
Perth
PH1 5PH

7 January 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 16 January 2019 at 10:00**.

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

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

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

Planning and Development Management Committee

Wednesday, 16 January 2019

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTES**
 - 4(i) MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 24 OCTOBER 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 20**
 - 4(ii) MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 21 NOVEMBER 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 21 - 26**
 - 4(iii) MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 18 DECEMBER 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 27 - 64**
- 5 APPLICATIONS FOR DETERMINATION**
 - 5(1) MAJOR APPLICATIONS**
 - 5(1)(i) 18/01591/AMM - AUCHTERARDER - ERECTION OF 116 DWELLINGHOUSES, FORMATION OF VEHICULAR ACCESSES, OPEN SPACES AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/01809/IPM) (PHASE 2), LAND EAST OF STEWART MILNE HOMES, HUNTER STREET, AUCHTERARDER Report of Handling by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 19/7) 65 - 94**

5(1)(ii)	18/01592/AMM - AUCHTERARDER - ERECTION OF 12 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED BY CONDITIONS 16/01809/IPM) (PHASE 3A), LAND NORTH EAST OF STEWART MILNE HOMES, HUNTER STREET, AUCHTERARDER	95 - 120
	Report of Handling by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 19/08)	
5(2)	PROPOSAL OF APPLICATION NOTICE (PAN)	
5(2)(i)	18/00012/PAN - PERTH - LOW CARBON ENERGY PARK INCLUDING SOLAR, HEAT PUMP, BIOMASS AND COMBINED HEAT AND POWER GENERATION, POWER DISTRIBUTION AND STORAGE WITH ASSOCIATED VEHICLE ACCESS AND SERVICE INFRASTRUCTURE, LAND AT COTTON WOOD, LAMBERKINE WOOD, COLDWELLS WOOD, BROXDEN WOOD, GALLOWSPARK WOOD AND EAST LAMBERKIN FARM, PERTH	121 - 132
	Report of Handling by Interim Development Quality Manager (copy herewith 19/9)	
5(2)(ii)	18/00013/PAN - KINROSS - RESIDENTIAL DEVELOPMENT (DENSITY AND RE-MIX OF PHASE 2), LAND NORTH WEST OF LATHRO FARM, KINROSS	133 - 144
	Report of Handling by Interim Development Quality Manager (copy herewith 19/10)	

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
24 OCTOBER 2018

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 24 October 2018 at 10.00am.

Present: Councillors B Brawn, H Anderson, M Barnacle, H Coates, D Doogan (substituting for Councillor B Band), E Drysdale, T Gray, D Illingworth (substituting for Councillor R McCall); A Jarvis, W Robertson (substituting for L Simpson), R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, D Salman, L Reid, A Rennie and R Stewart (all Housing and Environment); C Elliott, D Williams and L Potter (all Corporate and Democratic Services).

Apologies: Councillors B Band, I James, R McCall and L Simpson.

Councillor B Brawn, Vice-Convenor, Presiding.

601. WELCOME AND APOLOGIES

The Convenor welcomed everyone present to the meeting.

602. DECLARATIONS OF INTEREST

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

603. MINUTES

The minute of meeting of the Planning and Development Management Committee of 26 September 2018 (Arts. 518-522) was submitted, approved as a correct record and authorised for signature.

604. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.

18/00094/IPM
18/00408/FLM
18/01054/FLL
18/01094/FLL
18/01353/FLL

Art. No.

605(1)(i)
605(1)(ii)
605(2)(i)
605(2)(ii)
605(2)(iii)

605. APPLICATIONS FOR DETERMINATION

(1) Major Applications

Prior to the consideration of Arts. 605(1)(i) and 605(1)(ii), it was agreed due to the nature of both applications to consider deputations and questions from members for both applications together, before considering separate decisions for each application.

Prior to the consideration of Arts. 605(1)(i) and 605(1)(ii), J Scott, Team Leader provided an update to members that, (i) for Art 605(1)(i) on page 52, recommended condition 3, line 5, the word 'does' should be deleted; (ii) both applications for the site history, application 18/00307/LBC had not in fact been granted and is awaiting determination; (iii) for both applications highlighting and summarising a letter by Burness Paul, agents for the applicants, received and given to the Committee shortly before consideration of the applications; (iv) for Art 605(1)(ii), page 82, paragraph 136, refers to bat surveys not being undertaken in the Birnam and Elcho wards, which is incorrect, having both been surveyed in 2017; (v) for Art 605(1)(i) a survey to update the 2016 bat surveys for the Main Building had not been sought by officers; (vi) for both applications it was accepted that a Species Protection Plan for bats had previously been requested by officers; and (vii) Nonetheless the issues in respect of bats have not been addressed and the reasons proposed remain valid and officers are satisfied that the Report of Handling accurately addresses all other matters.

Mr G Fleming, objector to the application, followed by Mr F Littlejohn, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

- (i) 18/00094/IPM - PERTH - Residential development (in principle) for up to 70 dwellings, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/335 – Rivertree Residential**

Resolved:

Defer, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

- (ii) **18/00408/FLM - PERTH - Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works, former Murray Royal Hospital, Muirhall Road, Perth – Report 18/336 – Rivertree Residential**

Resolved:

Defer, for (i) an unaccompanied site visit; (ii) further information and to allow for further possible discussions between the applicant and Development Management on traffic issues; (iii) clarification and possible further discussions between the applicant and Development Management on the issues raised in the Burness Paul letter; (iv) further information on the possible phasing of the development; and (v) further information on tree management.

- (iii) **18/01002/AMM - ABERFELDY - Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) – Phase 3, land south of 8 The Beeches, Aberfeldy – Report 18/337 – Duntaylor Developments Ltd**

Anne Condliffe, Team Leader, advised that should the application be granted then on page 110, Informative 4 should be amended to refer to 2013 regulations, not 2008.

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for their further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.
Reason: In the interest of pedestrian and cycle safety.
3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 3 to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety, residential amenity.

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4. All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, 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 Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety.
5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: In the interests of pedestrian and traffic safety.
6. Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - e) 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;
 - f) details of information signs to inform other road users of construction traffic;
 - g) arrangements to ensure that access for emergency service vehicles are not impeded;
 - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
 - i) traffic arrangements in the immediate vicinity of temporary construction compounds;

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- j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.
- The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety.
7. 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 unless otherwise agreed in writing by the Council as Planning Authority.
Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
8. 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 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 local planning authority.
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
9. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
Reason: In order to prevent animals from being trapped within any open excavations.
10. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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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, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).

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

12. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

13. 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: To ensure there is adequate provision for waste disposal and recycling.

14. The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

15. The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period to the satisfaction of the Council as Planning Authority.

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

Justification

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

Procedural Notes

Primary school financial contribution of £71,060 (11 x £6,460) is required and can either be paid up front (within 28 days) or via a Section 75 legal agreement. Should the applicant not wish to pay the contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.

Any 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 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 38 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing

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- road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR
 8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
 10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
 11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 12. Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
 13. No work shall be commenced until an application for building warrant has been submitted and approved.
 14. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council,

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Pullar House, 35 Kinnoull Street, Perth PH1 5GD
Background

(2) Local Applications

- (i) 18/01054/FLL - KINROSS - Part demolition of buildings, erection of 2no. dwellinghouses and 4no. flats and associated works, Kirklands Garage, 10 High Street, Kinross, KY13 8AW – Report 18/338 – Kirklands Development Group**

David Niven, Team Leader updated the Committee that (i) on page 133, recommended condition 7 should be amended to refer to having effect prior to occupation of the first flat; and (ii) some referencing of recommended conditions in the appraisal section was listed incorrectly. The correct references were narrated.

Mr G Mullen, objector to the application, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillor T Gray and H Anderson)

Grant, subject to the following terms, conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason – To ensure the development is carried out in accordance with the approved drawings and document.**
- 2. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (ref 18/01504/29) shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason – In the interests of protecting environmental quality and of biodiversity.**
- 3. Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority.
Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).**

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

- 4. Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.

- 5. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of road safety; to ensure the provision of adequate offstreet car parking facilities.

- 6. Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 7. Prior to the occupation of the first flat, the cycle parking facilities shown on the approved drawings for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8. The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 9. The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.**

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 10. The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.**

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

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

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

- 12. Development shall not commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify; The nature, extent and type(s) of contamination on the site.**

- Measures to treat/remove contamination to ensure the site is fit for the use proposed.**
- Measures to deal with contamination during construction works.**
- 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 and approved in writing.

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

Justification

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

Procedural Notes

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

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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 and should be returned to snn@pkc.gov.uk
6. 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.

- 7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.**
- 8. 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.**
- 9. The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.**
- 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.**

Amendment (Councillor M Barnacle and W Wilson)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan 2014, Policy PM1A as the application does not contribute positively to the surrounding built and natural environment due to the massing of and the flat roof of the building to the rear, and due to the contemporary design not fitting the area;
- (ii) Perth and Kinross Local Development Plan 2014, Policy RD1 as the application does not protect residential amenity as the building to the rear would overlook the private space of the neighbouring property, Laurelbank;
- (iii) Perth and Kinross Local Development Plan 2014, Policy TA1B on the basis that inadequate parking provision is provided given the existing situation within Kinross High Street; and
- (iv) Perth and Kinross Local Development Plan 2014, Policy HE3A as the rear flatted development does not preserve

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or enhance the character or appearance of Kinross Conservation Area due to its contemporary design, its massing, and its scale.

In terms of Standing Order 58 a roll call vote was taken.

3 members voted for the Amendment as follows:
Councillors Barnacle, Watters and Wilson.

9 members voted for the Motion as follows:
Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray, Jarvis, Illingworth and Robertson.

Resolved:
In accordance with the Motion.

- (ii) **18/01094/FLL - CRIEFF - Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works, The Caledonain Bar, 35 James Square, Crieff, PH7 3EY – Report 18/339 – Belhaven Pubs**

Mr P Houghton, on behalf of objectors, addressed the Committee, and, following his representation, withdrew to the public gallery.

Resolved:
Refuse, for the following reason:
The Proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 on the basis that the amenity of the flats above the site would not be protected and may be subject to high levels of noise as a result.

- (iii) **18/01353/FLL - PERTH - alterations and extension to dwellinghouse, 63 Viewlands Road West, Perth, PH1 1NA – Report 18/340 – Mr M MacDonald**

Mr B DeCecco, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillor W Wilson and M Barnacle)

Refuse, on the basis that the application is contrary to:

- (i) Perth and Kinross Local Development Plan, Policy PM1A as the proposal does not contribute positively to the surrounding built and natural environment due to the height of the proposal, the overshadowing of neighbouring properties, and the loss of privacy to neighbouring properties;

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- (ii) Perth and Kinross Local Development Plan, Policy PM1B(c) due the appearance and height of the proposal in relation to surrounding properties; and
- (iii) Perth and Kinross Local Development Plan, Policy RD1 as the proposal does not protect existing residential amenity, particularly 65 Viewlands Road West and 28 Fairies Road due to overshadowing and loss of privacy

Amendment (Councillor T Gray and R Watters)

Grant, subject to the following terms, conditions and informatives:

Condition

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.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant will be required.

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In terms of Standing Order 58 a roll call vote was taken.

9 members voted for the Amendment as follows:
Councillors Anderson, Doogan, Brawn, Coates, Drysdale, Gray,
Jarvis, Illingworth and Watters.

3 members voted for the Motion as follows:
Councillors Barnacle, Robertson and Wilson.

Resolved:

In accordance with the Amendment.

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PERTH AND KINROSS COUNCIL  
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## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 21 November 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, A Jarvis, L Simpson, W Robertson (substituting for W Wilson) and R Watters.

In Attendance: A Condliffe, D Niven, J Scott, D Salman, L Reid, C Stewart and R Stewart (all Housing and Environment); G Fogg, D Williams and L Aitchison (all Corporate and Democratic Services).

Apologies: Councillors I James and W Wilson.

Councillor B Brawn, Vice-Convener, Presiding.

### 669. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### 670. DECLARATIONS OF INTEREST

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

### 671. MINUTES

The signing of the minute of meeting of the Planning and Development Management Committee of 26 September 2018 (Arts. 601-605) was deferred to the next meeting.

### 672. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

| Planning Application No. | Art. No.    |
|--------------------------|-------------|
| 18/01144/FLL             | 673(1)(ii)  |
| 18/01492/FLL             | 673(1)(iii) |

### 673. APPLICATIONS FOR DETERMINATION

#### (1) Local Applications

- (i) **18/01091/FLL – BLAIRGOWRIE – Erection of 3 dwellinghouses, land west of Darkfaulds Cottage, Blairgowrie – Report 18/380 – Kepranich Developments**

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

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**Conditions**

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

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

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

3. 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.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

5. A minimum of 1 swift brick or swift nest box shall be incorporated into each dwellinghouse. Prior to commencement of the development hereby approved details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity.

6. A minimum of 1 bat brick or bat nest box shall be incorporated into each dwellinghouse. Prior to commencement of the development hereby approved

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details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity. B

**Justification**

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

**Procedural Notes**

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

**Informatives**

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

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5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. 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.
7. Trees and scrub are likely to contain nesting birds between 1 March and 31 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.
8. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.

**(ii) 18/01144/FLL – MEIGLE – Erection of 29 dwellinghouses and 4 flats, formation of SUDS, landscaping, roads infrastructure and associated works (allocated site H68), land north west of Park House, Ardler Road, Meigle – Report 18/381 – Hadden Homes Ltd**

Mr D Heather-Hayes, objector, addressed the Committee, and, following his representation, withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**Conditions**

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

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2. The waste storage area hereby approved shall be used solely for the purposes ancillary to the business on the site of Bridge House (granted under application 95/01473/FUL), and shall not be used by any member of the public or other business, or sold or let separately from the Bridge House, all to the satisfaction of the Council as Planning Authority.  
Reason - In order to safeguard the residential amenity of the area.
3. The hours of operation of the waste storage area shall be restricted to between 0830 hours and 1700 hours Monday to Friday only, with no operations permitted on Saturdays and Sundays.  
Reason - In order to safeguard the residential amenity of the area.
4. There shall be no burning of materials on the site at any time.  
Reason - In order to safeguard the residential amenity of the area.

**Justification**

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

**Informatives**

1. The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
2. 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.
3. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s).

- (iii) **18/01492/FLL – Keltybridge – Change of use and alterations to garden ground to form waste recycling business (class 6) comprising the siting of a skip, erections of a wall, fence and replacement gates, formation of raised hardstanding, steps and associated works (in retrospect), Bridge House, Main Street, Keltybridge, Kelty, KY4 0JH – Report 18/382 – Crombie Plumbing & Heating Ltd**

Mr I Cunningham, objector, followed by Mr N Gray, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors W Robertson and M Barnacle)**

**Refuse on the grounds that:**

- (i) to approve could set a precedent for comparable use of accesses such as this access.**
- (ii) the Council does not have the ability to control the scale of the operation.**
- (iii) the proposal constitutes a contravention of policy of Local Development Plan Policies PM1A and TA1B(a).**

Amendment (Councillors T Gray and E Drysdale)

Grant, subject to the terms, conditions and informatives set out in Report 18/382.

In terms of Standing Order 58 a roll call vote was taken.

9 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, B Brawn, H Coates, A Jarvis, L Simpson, R Watters and W Robertson.

3 members voted for the Amendment as follows:

Councillors E Drysdale, T Gray and R McCall.

**Resolved:**

In accordance with the Motion.

COUNCILLOR BAND LEFT THE MEETING AT THIS POINT

**(2) PROPOSAL OF APPLICATION NOTICE (PAN)**

- (i) 18/00011/PAN – PERTH – Residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services, former Hillside Hospital, Dundee Road, Perth – Report 18/383 – Westwood Limited**

A Condliffe informed members that, with regards to paragraphs 42 and 43 of Report 18/383, there would be a view to add air quality as a key issue, which would be assessed through an air quality assessment being a required additional statement.

Councillor Drysdale requested consideration of access to and exit from Dundee Road, the safety of the junction accessing to and exiting from Dundee Road. Councillor Drysdale also requested a full traffic assessment, incorporating full consideration beyond the immediate site, and also consideration to be given to the Cross Tay Link Road in respect of construction timing and phasing.

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 18 December 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, M Barr, D Littlejohn, D Salman and L Reid (all Housing and Environment); G Fogg, D Williams and L Aitchison (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

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

. MINUTES

- (i) The signing of the minute of meeting of the Planning and Development Management Committee of 25 October 2018 (Arts. 601-605) was deferred.
- (ii) The signing of the minute of meeting of the Planning and Development Management Committee of 21 November 2018 (Arts. 699-673) was deferred.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.
18/01214/AMM
18/01770/FLL

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

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **18/01038/AMM - PERTH - Erection of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, sustainable urban drainage system (SUDS) pond, play area, open space, landscaping and associated works (matters specified in conditions 16/01348/IPM) (Phases 2-5), land south west of Dobbies Garden Centre, East Huntingtower, Perth – Report 18/399 – Barratt North Scotland**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes for Phases 2-5 shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan. The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.
Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.
3. No dwelling shall be occupied until the agreed level of financial contribution with Transport Scotland to address

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the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

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

4. 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 by the applicant, 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 - The site lies adjacent to areas of archaeological significance.

5. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

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

Reason - To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

7. Prior to commencement of development, full surface water drainage proposals to identify details proposed to mitigate plots at a level below the road shall be submitted

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to and approved in writing by the Council as Planning Authority in consultation with the Flood Authority. The details as approved shall be implemented in full, concurrent with development and completed prior to the occupation the relevant dwellinghouse to which the drainage measures relate.

Reason - To alleviate flood risk at affected properties.

8. No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85/Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

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

9. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

10. The conclusions and recommended action points within the supporting updated Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

11. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land including the A9 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished

12. All existing trees and hedgerows shown to be retained (as detailed on plan refs: 18/01038/39 and 18/01038/40) shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No

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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.

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

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

14. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

15. Prior to the commencement of development hereby approved, the developer shall submit a glazing specification for all windows to bedrooms for the entire development, for the written approval of the Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq,16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the Planning Authority, prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

16. Prior to the commencement of development hereby approved, the developer shall submit a scheme including a plan of the affected properties for the proposed means of ventilation for all bedrooms that are required to be closed to achieve internal sound levels, as detailed below, for the written approval of the Planning Authority. This shall enable each bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. The sound insulation performance for the ventilation system shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

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- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved scheme of ventilation shall be installed to the satisfaction of the Planning Authority prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

17. Prior to the commencement of development hereby approved, the developer shall submit a scheme, including timescales for the proposed eastern bund, eastern and southern acoustic barrier as outlined in Section 5 - Summary of Committed Mitigation and Figure 2 – Committed Mitigation of the Updated Noise Assessment (Dated 25/05/2018) prepared by ITP Energised, for the written approval of the Planning Authority. Thereafter these shall be constructed in accordance with the approved scheme.

Reason - In the interests of residential amenity.

18. Prior to the commencement of the development hereby approved, details of the proposed southern boundary woodland felling and re-planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. The re-planting scheme as subsequently agreed shall be implemented prior to the completion of or bringing into use of the development, whichever is the earlier. 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, 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.

19. Any new planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

20. The adopted Core Path (METH/15) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

21. That notwithstanding the detail on the approved site plans (principally drawing ref: 18/01038/81), and for the avoidance of doubt, the two 'future access' points on the

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western boundary of the site which connect to LDP site H70 (Perth West), via Core Path METH/15, shall be constructed up to the edge of the western boundary in full, in conjunction with the occupation of plots 68 for the north most link and 132 and 281 for the south most link.

Reason - To ensure that suitable access can be effectively provided into the adjoining allocated site H70 of the Perth and Kinross Local Development Plan 2014.

22. Dust mitigation measures as detailed in the Air Quality Impact Assessment document (ref: 16/01348/16) by Energised Environments dated 11 August 2016 associated with the In Principle permission 16/01348/IPM shall be followed at all times during construction.

Reason - In the interests of residential amenity.

23. In conjunction with Condition 2, and two months prior to the commencement of works, on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan (CTMP) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements;
 - k) arrangements for dealing with non-compliance;

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- I) the CTMP as approved shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of vehicle and pedestrian safety.

24. Prior to occupation of any residential units within Phases 2-5, the applicant shall replace and reposition where necessary the existing bus shelters to the rear of Travelodge (ref: 64803954), on the A85 (ref: 64802267) and on Castle brae (ref: 64800164) with new 3 bay enclosed bus shelters, with permanent internal electric power supply for lighting, flag mount bracket and flag and bus box carriageway markings with clearway to design, position and specification to the satisfaction of Perth & Kinross Council's Public Transport Unit.

Reason – In the interests of sustainable travel.

Justification

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

Procedural Notes

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

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contribution, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. 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.

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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 developer is advised to contact Mr David Strachan, 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 an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
8. The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
9. There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought from the Scottish Environment Protection Agency (SEPA).
10. Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate that the layout will not adversely affect the

resultant noise levels to external and internal amenity spaces.

11. A felling licence may be required for the removal of the southern boundary woodland. Forestry Commission Scotland should be contacted for advice.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/01348/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).

- (ii) **18/01214/AMM - ALYTH - Masterplan and detailed approval of matters specified in conditions for Phase 1 comprising the erection of a care/nursing home, 20 dwellinghouses and 8 garages, erection of 3 class 4 business units, an energy centre, pumping station, 2 entrance buildings/access road and temporary bridge, a sustainable urban drainage system (SUDS) pond, parking areas, site infrastructure, burn realignment landscaping and associated works, land north of Pitcrocknie Farmhouse, Alyth – Report 18/400 – Glenisla Developments Ltd**

J Scott, advised that should the application be granted then Conditions 22(ii) should be amended to read:

- (ii) the external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.

Mr M Smith, agent, and Mr M Officer, on behalf of the applicant, addressed the Committee, and, following their representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 18/01214/27) is hereby approved only insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the

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specific development approved within that phase as follows (and detailed on drawing ref: 18/01214/28):

- a) Erection of a 60 bed care home;
- b) Erection of 20 dwellinghouses (including 8 associated garages);
- c) Erection of 3 business units (Class 4);
- d) Erection of an Energy Centre;
- e) Erection of 2 Entrance/Storage buildings;
- f) De-culverting and realignment of Back Burn;
- g) Erection of a Pumping station; and
- h) The provision of a temporary haul road, including a temporary bridge over Back Burn.

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

- 2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

- 3. No biomass boilers shall be installed to the approved energy centre, without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

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 by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross

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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 be erected around SM1575 Pitcrocknie Stone in a manner to be agreed in advance with the Council as Planning Authority in consultation with 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 in consultation with Perth and Kinross Heritage Trust.

Reason - To ensure the preservation of the historic environment.

8. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). 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. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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- Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.
11. Prior to the commencement of development full details of the Back Burn realignment design shall be submitted to and approved in writing by the Council as Planning Authority in consultation with SEPA. Thereafter, the agreed design shall be implemented in full prior to the occupation of the first dwelling.

- Reason - In order to take account of the flood risk from the adjacent watercourse.
12. Prior to the commencement of development topographic information should be submitted to and approved by the Council as Planning Authority in consultation with SEPA that clearly shows the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development. Thereafter, the agreed design shall be implemented in full prior to the occupation of the first dwelling.

- Reason - In order to take account of the flood risk from the adjacent watercourse.
13. 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. The crossings shall be implemented in full prior to the occupation of the first dwelling.

- Reason - In order to take account of the flood risk from the adjacent watercourse.
14. Prior to the commencement of development of Phase 1 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. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

- Reason - In the interests of protecting and enhancing biodiversity.
15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

- Reason - In the interests of protecting biodiversity.
16. During Phase 1 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

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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).

17. Prior to the commencement of development hereby approved, details of the location for the provision of a minimum of 1 bat brick or bat nest box and 1 Swift brick on each two-storey dwellinghouse shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s)/bat nest box(s) and Swift brick(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity.

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

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

19. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 1 shall be submitted to and agreed in writing by the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

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

20. 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.

21. Prior to the commencement of the development of Phase 1 hereby approved, the applicant shall submit for the further written agreement of the Council as Planning

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Authority, in consultation with the Roads Authority (Structures and Flooding), 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) 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.

22. Prior to the commencement of development, a construction programme detailing the phasing and timing

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of delivery of the elements approved in Phase 1 shall be submitted to and approved in writing by the Planning Authority. The construction programme shall specifically provide for the following.

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling;
- (ii) the external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.

Once approved, the construction programme and phasing will be implemented in accordance with the approved scheme.

Reason - To ensure the delivery of employment generating uses in early phases of the development.

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

A Section 75 is required to deal with a financial contribution towards affordable housing; upgrade of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision. Consent 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 will be ultimately recommended for refusal under delegated powers.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The developer is advised to contact Mr David Strachan, 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 an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
8. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
9. 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.
10. 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.
11. For future development phases of the masterplan and In Principle approval, there will be no structures within 46

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metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).

12. For future development phases of the masterplan and In Principle approval, No structures within Phase 2, 3 and 4 and/or within the 100 metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.

(iii) 18/01890/FLM - CRIEFF - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 24 (road layout and timescale for undertaking) of planning permission 16/02217/FLM, land at Wester Tomaknock, Crieff – Report 18/401 – GS Brown Construction Ltd

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.
Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.
3. Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

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4. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Council as Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.
Reason - In the interest of pedestrian and cycle safety.
6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Council as Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The subsequently approved play area(s) shall be designed, laid out and equipped in accordance with Perth & Kinross Council's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.
Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Council as Planning Authority for further written in consultation with the Council's Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

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

10. Prior to the commencement of development, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

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

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 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.

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

Reason - To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

12. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

13. There shall be no land raising or the erection of solid boundaries within the 0.5% annual probability (AP) floodplain as shown on drawing number 13019/21/001A forming part of planning permission 16/02217/FLM.

Reason - In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage System (SUDS) does not increase flood risk elsewhere.

14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

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Reason – In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational, commensurate with the associated stage of the development and prior to the completion of the development.

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

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

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

17. The conclusions and recommended action points within the supporting biodiversity surveys submitted and hereby approved (plan ref 16/02217/80 and 16/02217/88) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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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).

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

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

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

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

21. Prior to the commencement of development hereby approved, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Council as Planning Authority, including full boundary treatment details (with elevations).

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

23. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as agreed shall be implemented prior to the

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

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

- 24 The approved layout and site plans, which includes a site access detail up to the eastern boundary of the site shall be constructed up to the edge of the eastern boundary in full, in conjunction with and no later than 3 years of the formation of the eastern public access, (bounding plots 49 and 50) or the occupation of any of the plots 42, 43 or 44, whichever is earlier.

Reason - To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2014.

Justification

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

Informatives

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

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draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that the detailed design of all sustainable urban drainage systems (SUDS) shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is 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.

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11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016 forming part of 16/02217/FLM planning permission documents). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02217/FLM. 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).

(2) Local Applications

- (i) 18/01290/FLL - PERTH - Demolition of buildings and dwellinghouse and erection of 39 flats and associated works - land east of Firview, Goodlyburn Terrace, Rannach Road, Perth – Report 18/402 – Barratt North Scotland**

Motion (Councillors W Wilson and E Drysdale)
Refuse, for the following reasons:

The proposal is contrary to Policies PM1A, PM1B(c) and RD1A(a) of the Perth and Kinross Local Development Plan 2014, in addition to Policy 2 of TayPlan, as on the basis that the proposed density does not reflect the character of the surrounding area.

**Amendment (Councillors R McCall and B Band)
Grant, subject to the following terms, conditions and
informatives:**

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping

proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4. All flats hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance September 2016 to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's policy on affordable housing.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (doc ref: 18/01290/6) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 7. The landscaped open space within the site shall be retained and 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.

- 8. 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; to ensure a satisfactory standard of local environmental quality.

- 9. Prior to the commencement of any development on site full details of the proposed cycle parking/bike store facilities marked on the site layout plan hereby approved shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented as part of the site development and completed prior to the occupation of any of the flats to the satisfaction of the Council as Planning Authority.**

Reason - To ensure adequate provision of cycle parking on site.

- 10. 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;**

- the nature, extent and type(s) of contamination on the site**
- measures to treat/remove contamination to ensure the site is fit for the use proposed**
- measures to deal with contamination during construction works**
- 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.

11. Prior to the commencement of any development on site details of the location of 4 bat bricks/boxes within the development shall be submitted to and agreed in writing by the Planning Authority. All bat bricks/boxes shall be installed prior to the occupation of any part of the development site.

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).

12. Prior to the commencement of any development on site details of the location of 8 swift bricks or swift boxes within the development shall be submitted to and agreed in writing by the Planning Authority. These shall be located in accordance with Swift Conservation guidance at eaves height. All swift bricks/boxes shall be installed prior to the occupation of any part of the development site.

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).

Justification

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

Procedural Notes

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

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the

development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should 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 reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
7. 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.

In terms of Standing Order 58 a roll call vote was taken.

9 members voted for the Amendment as follows:

Councillors Anderson, Band, Brawn, Coates, Gray, Jarvis, McCall, Simpson and Watters.

3 members voted for the Motion as follows:

Councillors Drysdale, James and Wilson.

Resolved:

In accordance with the Amendment.

- (ii) **18/01684/FLL - CLEISH - Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8), at land north west of Boreland House, Cleish – Report 18/404 – Thomson Homes**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown in blue within the applicants control on the Site Layout Plan - Drawing Ref: 18/01684/2.
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the rebuild is completed.
3. Within 1 month of the date of this permission full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.
Reason - To ensure that the development is carried out in accordance with the plans approved; to ensure a satisfactory standard of local environmental quality.
4. The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures.
 - Damp-proof course
 - Wall head level
 - Truss erectionDevelopment shall not progress beyond these junctures without the prior written approval of the Council as Planning Authority.
Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.
5. Within 1 month of the date of this permission, a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of

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the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full accordance with the written record previously submitted and all to the satisfaction of the Council as Planning Authority.

Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.

6. Prior to the cladding of the building a sample panel of the roadside steading wall measuring a minimum of 3m² shall be erected for inspection and approval by the Planning Authority. For the avoidance of doubt, the sample wall requires to include an example of the stone quoins, window lintels, jamb stone and cill to be used throughout the development.

Reason - To ensure the development resembles the building demolished as closely as reasonably practicable.

7. Within two months of the date of this permission or prior to the cladding of the building, details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Council as Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the development resembles the building demolished as closely as reasonably practicable.

8. All external doors and windows of Plots 6, 7 and 8 shall be first constructed in timber, with a painted finish of a colour agreed in writing by the Council as Planning Authority.

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

9. Within two months of the date of this permission, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

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- Reason - In the interest of private water supplies.
10. The vehicular access to the development hereby approved shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any further dwellinghouses.
- Reason - In the interests of road safety.
11. Prior to the occupation of any of the dwellinghouses hereby approved, the gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.
- Reason - In the interests of road safety.
12. Prior to the occupation of any of the dwellinghouses hereby approved the mitigation measures identified on page 14 of the submitted bat report plan ref. 09/00500/20 shall be carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction to the satisfaction of the Council as Planning Authority.
- Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.
13. Prior to the occupation of any of the dwellinghouses hereby approved a barn owl nest box and ledge shall be incorporated into this development in accordance with details which must be submitted to and approved in writing by the Council as Planning Authority.
- Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.
14. Within 1 month of the date of this permission details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side. The bin store as agreed shall be completed prior to the occupation of the dwellinghouses hereby approved.
- Reason - In the interest of waste management and road safety.
15. Further 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

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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.

16. Within two months of the date of this permission, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To ensure details are acceptable to the Council as Planning Authority; to ensure a satisfactory standard of local environmental quality.

17. Prior to the construction of the external walls, a detailed coursing plan for the proposed rebuilt roadside steading building showing all external walls shall be submitted for the prior approval of this Council as Planning Authority. For the avoidance of doubt the coursing shall reflect as closely as possible that of the previous roadside steading building. 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.

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Justification

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

Procedural Notes

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

If the payment is not paid up-front, a modification of the existing Section 75 Legal Agreement will require to be drafted in relation to securing Affordable Housing and Education contributions.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended))
2. 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. An application for Building Warrant will be required.
4. If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.
The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
5. The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate

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and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The attention of the applicant is specifically drawn to the condition requiring a Section 75 Agreement. The applicant is warned that the conclusion of a Section 75 Agreement normally takes at least 3 months and may take longer. Accordingly it is important to commence negotiations on a Section 75 Agreement as soon as possible. Please contact the planning case officer if you wish to pursue this agreement. The Council should normally be able to provide an initial draft of an Agreement. You should also note that you will be liable to pay the cost of the Council's reasonable expenses in this respect. You should know that commencement of work without complying with the condition concerning a Section 75 Agreement will render the development unauthorised and liable to Enforcement Action.

(iii) 18/01770/FLL - INVERGOWRIE - Alterations to roundabout, landscaping and associated works, Swallow Roundabout, Invergowrie – Report 18/403 – Springfield Properties PLC

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

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

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the

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development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road contact should be made with Transport Scotland.
5. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
6. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practise for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
7. The road works which are required will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
8. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Perth and Kinross Council
Planning & Development Management Committee – 16 January 2019
Report of Handling by Interim Development Quality Manager (Report No.19/7)

PROPOSAL:	Erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2)
LOCATION:	Land east of Stewart Milne Homes, Hunter Street, Auchterarder

Ref. No: [18/01591/AMM](#)
Ward No: P7- Strathallan

Summary

This report recommends approval of the application for the erection of 116 dwelling houses, as the development is part of an allocated housing site, which benefits from an extant in principle permission and the proposals are considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, which extends to 4.45 hectares (ha), is situated on the north-eastern settlement edge of Auchterarder, forming part of a wider area originally identified as part of the Auchterarder framework for the northern expansion of Auchterarder. In Principle permission 16/01809/IPM covers the site, which is also covered by an associated Section 75 legal agreement.
- 2 The site slopes from south up to north, away from the principal access road of Auchterarder. The 'spine' road, which was originally approved under planning permission 08/01591/FUL, forms the upper northern boundaries of the site, linking Hunter Street (B8062) with the High Street (A824) to the south. This site has been referred to as phase 2, which is intended to be built out, alongside phase 3A (subject of tandem planning application 18/01592/AMM for 12 dwellinghouses) to front the lower south side of the spine road; referred to as Benton Road following adoption. The spine road is currently only partly adopted and open for public use, covering the areas occupied by phase 1 to the west, linking up with Hunter Street and is currently not a through route.
- 3 The Auchterarder Expansion Development Framework was approved at the Council's Enterprise and Infrastructure Committee on 26 March 2008 as supplementary planning guidance, following public consultation in April and May 2006. The framework was jointly prepared by a consortium of developers.
- 4 Phase 1 of the development was approved for 261 houses under detailed permission 09/01290/FLM. The current proposed development site (phase 2) is

part of that overall site which included permission for 135 units on this same site area. The applicants have now chosen to depart from the extant planning permission 09/01290/FLM, (in a bid to improve and refine the layout originally approved, pursuing placemaking principles through the access and open space and reflecting current market demand. The current layout reduces the overall numbers by 17 units.

- 5 The following compositions of 1½ and 2-storey dwellinghouses were originally approved as part of planning permission 09/01290/FLM includes:

- 14 x 2 bedroom flats
- 39 x 2 bedroom terrace dwellinghouses
- 20 x 3 bedroom terrace dwellinghouses
- 4 x 3 bedroom semi-detached dwellinghouses
- 10 x 3 bedroom detached dwellinghouses
- 40 x 4 bedroom detached dwellinghouses
- 8 x 5 bedroom detached dwellinghouses

Total – 135 open market dwelling units

- 6 The proposed housing mix for this application consists of:

- 1 x 1 bedroom apartment
- 6 x 2 bedroom tow storey terrace dwellinghouses
- 31 x 3 bedroom two storey terrace dwellinghouses
- 8 x 3 bedroom two storey semi-detached dwellinghouses
- 12 x 3 bedroom two storey detached dwellinghouses
- 29 x 4 bedroom two storey detached dwellinghouses
- 29 x 5 bedroom two storey detached dwellinghouses

Total – 116 open market dwelling units

- 7 At 4.45ha, the proposed redevelopment of the site will achieve a net site density of 26 dwelling units per ha. This is a medium density achieved in urban developments within Perth and Kinross, appropriate to the immediate and wider site context.
- 8 The application has been accompanied by a significant level of supporting information relative to the suspensive conditions included in the In Principle permission (application reference: 16/01809/IPM).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 10 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 11 A screening opinion request (18/00274/SCRN) was requested earlier in the year at the pre-application stage, which found that EIA was not required in this instance by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development. The applicant has however, submitted a suite of supporting assessments, which addresses environmental information needed in respect of landscape impacts, drainage, transport, ecology and air quality.

NATIONAL POLICY AND GUIDANCE

- 12 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

- 13 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

- 14 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 15 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

- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Creating Places 2013

- 17 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

- 18 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

- 19 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

- 20 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 21 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 plans states that:
- 22 “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.”
- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

Policy 1: Locational Priorities

- 24 Seeks to focus the majority of development in the region’s principal settlements. Auchterarder is identified as a Tier 3 Settlement with the potential to play an important but modest role in the regional economy accommodating a smaller share of the additional development.

Policy 4: Homes

- 25 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 2: Shaping Better Quality Places

- 26 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 27 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in

accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 28 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Perth and Kinross Local Development Plan 2014

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

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

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

Policy PM2 - Design Statements

- 34 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a

Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

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

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

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

Policy NE3 - Biodiversity

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

Policy NE4 - Green Infrastructure

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

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

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 51 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 52 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 53 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the

plan are only referred to where they would materially alter the recommendation or decision.

Other Policies

- 54 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Auchterarder Expansion Development Framework 2008
 - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.

SITE HISTORY

- 55 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle). Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).
- 56 [08/01279/FLM](#) Erection of 147 dwellinghouses and associated engineering operations. Approved by Planning and Development Management Committee April 2013 (Decision Issued 15 November 2013).
- 57 [08/01591/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers 17 October 2008.
- 58 [09/01290/FLM](#) Erection of 261 dwellinghouses. Approved by Planning and Development Management Committee April 2013 (Decision Issued 30 January 2014)
- 59 [12/01156/ADV](#) Display of advertisement. Approved under delegated powers 23 August 2012.
- 60 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 61 [17/00009/PAN](#) Erection of residential development formation of open space, landscaping and associated infrastructure works. Reported to Planning and Development Management Committee January 2018 (PAN Decision Issued 29 November 2017).
- 62 [17/01418/FLM](#) Erection of 116 dwellinghouses and associated works (revised design - Phase 2). Application Withdrawn 27 September 2017.
- 63 [18/00274/SCRN](#) Phase 2 residential development (Screened – No EIA Required Decision Issued 5 March 2018).

- 64 18/00799/MPO Modification of Planning Obligation associated with permission 08/01133/IPM (Proposed Residential and Class 4 (Business), Class 5 (General Industry) and Class 6 (storage and distribution) development (in principle). Approved under delegated powers 27 June 2018.

CONSULTATIONS

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

EXTERNAL

Auchterarder & District Community Council

- 66 Objection received on safety and congestion grounds, setting out that a planning condition should be imposed to require the applicant to open the link road to general public traffic, reducing traffic on Hunter Street.

Perth and Kinross Heritage Trust

- 67 No objection, with no archaeological implications for this phase of the development.

Transport Scotland

- 68 No objection, subject to ongoing compliance with the S.75 agreement to pursue improvements on the associated trunk road.

Scottish Water

- 69 No objection to the application. It is highlighted that there is sufficient capacity at both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

Scottish Environment Protection Agency

- 70 No objection to the proposals with request to add an informative in relation to seeking clarification on the position of the Tipperwhy Well.

Scottish Gas Network

- 71 No objection.

INTERNAL

Transport Planning

- 72 No objection following the submission of a requested Transport Assessment and subject to conditions regarding the timing in opening up of link 'spine' road for public use.

Environmental Health (Noise Odour)

- 73 No objection, subject to a condition controlling hours of operation on site and noise and air management during the construction phases.

Environmental Health (Contaminated Land)

- 74 No objection.

Development Negotiations Officer

- 75 No objection subject to continuing compliance with S.75 requirements.

Biodiversity Officer

- 76 Concerns were initially set out in relation to response with elements falling deficient of the terms of the associated suspensive condition 7 of In Principle permission 16/01809/IPM. The revised landscape plans and separate note laterally received now considered sufficient, subject to the application of further conditions.

Structures and Flooding

- 77 There are no concerns regarding flooding for this site, but detailed surface water drainage details and calculations were initially requested for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways, which are considered satisfactory for Structures and Flood Team requirements.

Community Greenspace

- 78 Originally set out the proposals did not comply with established open space policy for public adoption. Revised details now include two areas of dedicated open space for public adoption. Subject to final detailed specification, the team did not object to the updated details.

Community Waste Advisor - Environment Service

- 79 No objection, setting out minimum requirements for the site and ongoing access requirements during the construction phases.

REPRESENTATIONS

- 80 The following salient points were raised in the 8 representations received:
- Road safety concerns including traffic congestion associated with the opening of the spine road and general lack or loss of car parking;

- Inappropriate land use;
- Over intensive development;
- Lack of community benefits;
- Lack of progress on A9 south slip-road;
- Noise pollution;
- Lack of playpark facilities;
- General infrastructure lacking;
- Overlooking;
- Visual impact;
- Impact on private property – walling and overall impact on privacy.

81 These material issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

82

Environment Statement	Not Required
Screening Opinion	18/00274/SCRN
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Undertaken in line with IPM requirements: <ul style="list-style-type: none"> • Archaeology evaluation • Transport assessment • Air & noise quality assessment • Landscape and visual impact assessment • Ecological update and habitat management plan • Energy statement • Flood risk assessment and drainage strategy

APPRAISAL

83 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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out.

Principle

- 84 The site benefits from In Principle permission (16/01809/IPM) and detailed planning permission (09/01290/FLM) for 261 dwellinghouses of which 135 dwellings were originally approved within this site area.
- 85 Development within this phase (Phase 2) now seeks detailed approval for 116 dwellinghouses and remains consistent with the In Principle permission for the site. Within the wider masterplan and framework document, while the scale of development is not specifically defined, the land uses are considered to remain consistent with the In Principle permission.

Design, Scale and Layout

- 86 The 16/01809/IPM requires the siting, design and external appearance to be further approved. A design statement and landscape visual impact assessment (LVIA) were submitted in support of the application, alongside the main suite of drawings. Street elevations were also included.
- 87 The detailed designs of the site layout are based on the Auchterarder Expansion Development Framework, which provided a masterplan for the northern expansion of the town, setting out the context for the detailed proposals. The Design Statement and LVIA set out the following principles:
- Linear arrangement of properties along the southern edge of Phase 2, resulting in back to back development along this edge. Varied orientation pattern in the northern part of the site, where it converges with Phase 1;
 - Dwellinghouses facing the 'spine road' creating more of an urban presence, which is reinforced by the associated submission of phase 3A;
 - Properties with south facing gardens incorporating terraces to accommodate the level changes on the steep slopes;
 - Set back from roundabout with drystone dyke and planting feature to facilitate a softened entrance to the site and wider Auchterarder;
 - Links to the existing road network and pedestrian and cycle links to the High Street;
 - Open spaces part of a wider open space connection;
 - Roadside and avenue tree planting.
- 88 The proposed layout for the current application is considered to work well with the site characteristics and responds well to surrounding built development. A layout revision was submitted following site level refinement. This resulted in further improvements for the end relationship with neighbouring plots and reduced the impact of retaining wall elements on some rear gardens (plots 81-88 and 94-101). This was appropriately re-advertised in light of public comments.
- 90 The layout includes a logical movement hierarchy and seeks to integrate the spine road into the development as an active street, as opposed to turning its back on it as prevailed in the historic consented layout. In the main, the layout seeks to avoid cul-de-sac style development and maintain movement patterns,

consistent with designing streets and wider LDP policy requirements. The built areas are supplemented by two key open space areas and open space networks, which are assessed further in detail under Landscape, Visual Amenity and Open Space Provision section below.

- 91 The material finishes include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors. The detailed finishes for individual plots will be agreed through recommended suspensive condition 13. Overall, the material palette is considered appropriate within this site context, referring back to the Auchterarder framework and typical of modern development in the area. Wider choice of materials including natural dry stone dyking along key edge treatments is welcomed and ties back into the established character of historic boundary treatments through garden walling and field boundaries.
- 92 Taken as a whole within the wider site context, the proposed design, scale and layout is considered to be acceptable and correspondingly in accordance with LDP placemaking policy and the In Principle permission.

Landscape, Visual Amenity and Open Space Provision

- 93 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 94 A landscape and visual impact assessment (LVIA) was requested at the pre-application stages to ensure appropriate consideration was given to landscape fit. The supporting LVIA produced, which for the scale of development is considered appropriate and robust, identifying how the development of the site seeks to work with the natural site characteristics, the established Auchterarder Framework and the existing townscape.
- 95 The layout and associated scale of development proposed raises no concerns in terms of landscape fit or in relation to the site landscape capacity. The proposed development integrates well within its wider site context, including the provision of pedestrian and cycle links utilising historic and established routes. There is adequate, well designed public open space identified within the site itself and in close proximity to a play area, serving the wider residential area. In the future phases, a neighbourhood equipped area of play (NEAP) is committed through the terms of the S75. Detailed landscaping has also been reviewed in discussion with Community Greenspace to ensure compliance with public space policy. Overall, this is considered to satisfy the terms of the Auchterarder Development Framework, the In Principle permission and Policy ER6.

Residential Amenity

- 96 The relationship between the existing properties on the Feus and the proposed dwellinghouses is a consideration in terms of amenity through daylight/sunlight and overlooking. The assessment demonstrated that there would not be any adverse impact in either regard with the rear window to boundary distance of

the proposed units consistently in excess of 9m. One resident cited specific concerns regarding their property and proposed plots 39 and 40. In this occasion, one window serving a living room on the ground floor of the existing dwellinghouse is approximately 5m from its northern boundary, and just over 17m in total to the nearest proposed property (39) to the north.

- 97 Whilst the original submission was not calculated to adversely impact on neighbouring amenity, the applicants volunteered to submit revised drawings, further improving the building relationship levels, with the plot heights lowered by approximately 500mm and a 1.8m screen fence proposed on the boundary. The distance itself is considered sufficient in this context, with no direct window to window relationship anticipated. In addition, with the affected window of the existing residential dwelling being on the ground floor, rear boundary treatments by the applicant or existing resident or a combination of both could provide supplementary screening to augment and ensure optimal privacy is retained for the existing resident. The loss of view identified is not a material planning consideration.
- 98 Overall, it is considered that the proposed dwellinghouses would not adversely impact on overlooking through either the proposed or existing dwellings. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties, both existing and proposed.
- 99 In line with the in principle permission basic mitigation details for dealing with construction noise were submitted for consideration. Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protect proposed noise sensitive land uses from sources of unacceptable noise. To assist the protection of amenity for nearby residents, it is proposed to restrict the hours of construction and audibility of noise to achieve appropriate mitigation in this regard through proposed planning conditions (condition 8 & 9).
- 100 For appropriate control, assurance and in line with best practice, a Construction Environmental Management Plan is being requested through proposed suspensive condition 11. Having regard to the mitigation measures proposed through conditions, this is considered to comply with In Principle permission and LDP Policy EP8 in respect of noise.
- 101 Air pollution was identified as requiring further consideration by the Council's Environmental Health Team which was satisfied through the submission of further information associated with the conclusion of the Transport Assessment (TA). Other than potential dust/airborne pollution as a result of the construction elements, which will be controlled by proposed Construction Environmental Management Plan (CEMP) (Condition 11), there is negligible air pollution concerns identified through the air quality assessment findings undertaken.
- 102 Overall, the In Principle permission and the policy criterion for LDP Policy RD1 have been satisfied. A reasonable level of amenity for the new residents has been catered for, causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 103 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 104 A further request was made to the applicant to submit a Transport Assessment (TA) in support of this and application 18/01592/AMM for phase 3A, which considers the site, its context and layout and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility. The principal concerns within representations in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment.
- 105 Fundamentally, through the updated supporting phasing plan and TA submitted, it is stated that the spine road through the development linking the A824 to Hunter Street should be open to public traffic by the end of October 2019. The traffic impact on the existing road network of the development has been assessed on this basis and shown to have negligible impact, with all junctions accessed shown to be working well within capacity.
- 106 The construction phasing plan (drawing ref: 18/01591/149) provided by the applicant identifies that dwellings fronting onto the spine road, both north and south will have their externals completed prior to the opening of the spine road to public traffic in October 2019. It is recommended to condition the terms of the phasing plan delivery (Condition 2) to minimise traffic impact and ensure the spine road is opened to public traffic as a through route at the earliest practical opportunity. This approach as set out in the phasing plan ensures the provision of the road at an appropriate stage of this development and, critically, will deliver the road as a key transport link for Auchterarder as a whole.
- 107 Plans identify a footpath between plots 63 and 64 leading onto the A824 (Feus) but there is no existing footway and the footpath identified sits just outside the red site line boundary. Whilst out with the defined red site line boundary, it is considered necessary and appropriate to pursue a pedestrian footway along the site frontage on the A824 through proposed condition 3. This footway links into the existing footway to the south west on the A824 as well as the footway leading into the development via the roundabout.
- 108 The identified parking provision is deemed to be an acceptable standard, with at 2 spaces per dwelling unit being provided, with adequate allocated and unallocated visitor parking also identified.
- 109 Overall, the review of the supporting TA, alongside the identified commitment to the spine Road opening in October 2019, is considered to address much of the identified representation concerning this site and comply with the site specific

requirements in relation to the IPM permission This also satisfies LDP policies TA1B and CF2.

Drainage and Flooding

- 110 Policy EP3C requires all new development to employ SUDS measures. In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, proposed to be provided in a variety of forms. The In Principle permission also pursues appropriate storm water drainage from all paved surfaces, including the access, disposed of by sustainable urban drainage systems.
- 111 There were no concerns regarding flooding for this site but detailed surface water drainage details and calculations were required for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways.
- 112 In summary, subject to recommended suspensive conditions 11 and 12 to secure the means and details for surface water drainage during the construction phases, the proposals are considered to satisfy both the conditions of the In Principle permission and the requirements of LDP Policy EP2 and Policy EP3C in respect of flood risk and surface water drainage.

Waste Services

- 113 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. It is recommended that the build out and phasing is discussed with the Waste Services team in relation to interim waste collection arrangements and to identify complementary recycling opportunities through Informatives 13 and 14.

Energy Requirements

- 114 In association with the in principle permission and LDP Policy EP1, the associated proposals are required to identify and include carbon emission reduction measures.
- 115 The application has been accompanied by an energy statement, which by request was reviewed and updated to clarify how the development would appropriately comply with the terms of Condition 9 of the in principle permission and LDP Policy EP1, which effectively seeks to go beyond minimum standards of the Scottish 2017 building regulations. The summary of the energy statement concludes that the proposed solution will better minimum requirements by almost 10% (9.1%). This is anticipated to further increase to 12-13% through the introduction of increased PV generating capacity. Overall the terms of In Principle permission and LDP Policy EP1 are considered to have been satisfied.

Natural Heritage and Biodiversity

- 116 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development.
- 117 The submission of matters specified by condition in the In Principle permission suspensive condition 7 requires detailed ecological/biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
- 118 Accordingly, the applicant has provided an updated landscaping report to increase provision for biodiversity by further diversifying the planting mix and providing for mixed native hedging in parts of the development. This is welcomed, along with the planting of lavender for bees.
- 119 The applicant has confirmed that the principal SUDS design located out with this site boundary will incorporate appropriate consideration of biodiversity as previously requested through the terms of the suspensive condition.
- 120 In addition to the matters set out, there are 3 key topic areas set out below which are considered appropriate to be further addressed by condition, namely impacts and opportunities for hedgehogs, swifts and amphibians.
- 121 Hedgehogs are a key species in the Tayside Local Biodiversity Action Plan, which provides for the objective of enhancing connectivity. There are multiple records of hedgehogs in the area and the urban habitat and gardens will provide a suitable resource. The timber fencing currently proposed is a standard 100mm above ground. This is too low for all hedgehogs to be able to pass safely. The applicant is therefore encouraged through informative 12 to provide a 130mm x 130mm minimum gap at ground level in each length of fence to allow commuting and migration of hedgehogs, small mammals and amphibians. The Tayside Biodiversity Partnership can provide advice and assistance.
- 122 Amphibians will seek to migrate and while no migration route is identified, it is recommended through condition that dropped kerbs or wildlife kerbs should be installed on roads within 500m of the SUDS or ponds (condition 6).
- 123 Multiple records of swifts are noted in Auchterarder. Swifts are a Tayside Local Biodiversity Action Partnership and Scottish Government priority species, protected under the Environmental Liability Directive and as an amber rated species are noted on the Scottish Biodiversity List as in decline with Conservation Action required. The applicant has not identified the opportunity to provide for this LBAP priority species. In common with other developments in Auchterarder, it is recommended through condition that integrated swift boxes should be provided (condition 5).
- 124 Overall and in association with recommended planning conditions 4, 5, and 6, the proposals are considered to satisfactorily address the requirements of LDP Policy NE3 and in principle permission.

Archaeology

- 125 Responding to the terms of In Principle permission, it has been clarified by PKHT that there are no direct archaeological implications for this site with no further action required. The terms of the In Principle Permission is therefore considered to be satisfied.

Developer Contributions

- 126 A Section 75 legal agreement has been secured for the 16/001809/IPM permission to ensure necessary infrastructure is delivered 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
- 127 Following one of the triggers of the S.75 agreement, the applicants have provided an employment land marketing plan and have also clarified the area of land being made available for employment, which is appropriately serviced to the boundary. The general approach in the plan is considered sound, with minor clarifications sought to the detailed approach. Overall, bringing forward the 4ha of employment land in line with the S.75 is endorsed, along with the delivery and opening of the spine road. It is anticipated to be appropriate for the site identified, along with the associated land parcels identified, facilitating appropriate employment opportunities for Auchterarder which are currently lacking.

Economic Impact

- 128 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area.

LEGAL AGREEMENTS

- 129 A legal agreement has been secured for the 16/01809/IPM planning permission (originally 08/01133/IPM) to secure infrastructure that will be impacted by the current and wider phased proposals.

DIRECTION BY SCOTTISH MINISTERS

- 130 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

- 131 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 132 In this case the application seeks permission for the erection of 116 dwellinghouses on an established housing site, benefitting from both in principle permission and an extant detailed permission for 135 dwellinghouses, within the settlement boundary of Auchterarder. This continues to comply with LDP policies in respect of development within a defined settlement boundary.
- 133 Overall, it is considered competent and compliant with the key principles of the LDP and the terms of the IPM and is recommended for approval. Account has been given to the matters raised in representation and these have been addressed in the appraisal above. There are no material considerations which would warrant a refusal of the proposal.
- 134 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 For clarification and in association with construction phasing plan 18/01591/149, prior to the development hereby approved being completed, the link road between Hunter Street and the A824 referred to as 'the spine road' shall be constructed to an adoptable standard and open to public traffic prior to Friday 1st November 2019.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 Prior to the development hereby approved being completed or brought into use, provision of a pedestrian footway along the A824 shall be provided prior to occupation of units 60 - 71 of the development, to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

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

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

- 5 Prior to the commencement of development hereby approved, details of the location and specification of swift brick(s) or swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

- 6 All road gullies within 500m of a SUDS pond shall have a wildlife kerb installed adjacent to it to allow amphibians to pass safely. Details of the specification of the affected kerbing shall be submitted for the further written agreement of the Council as Planning Authority prior to its installation. Thereafter, the wildlife kerbing shall be installed in accordance with the agreed details, prior to the completion of the development.

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)

- 7 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Planning Authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 8 Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

- 9 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.

- 10 The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

- 11 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason: In the interest of protecting environmental quality and existing residential amenity.

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

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

- 13 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on each plot 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 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 and should be returned to 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 reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
- 12 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 directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>
- 13 The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
- 14 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
- 15 The applicant should note that road and pavement from the bin collection point to the refuse collection vehicle must be at a maximum of 10 metres on a hard

standing surface. It must have a level gradient and a smooth surface; using dropped kerbs where appropriate.

- 16 The applicant is advised to contact the area [Community Waste Adviser](#) to incorporate a suitable location(s) for the provision of recycling facilities to complement the existing kerbside recycling services offered in the area.
- 17 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).
- 18 The applicant is recommended to contact PKC Environmental Health Team to establish if the Tipperwhy Well serves directly or indirectly as a private water supply. If it is a current private water supply, the applicant should thereafter make contact with SEPA to discuss.

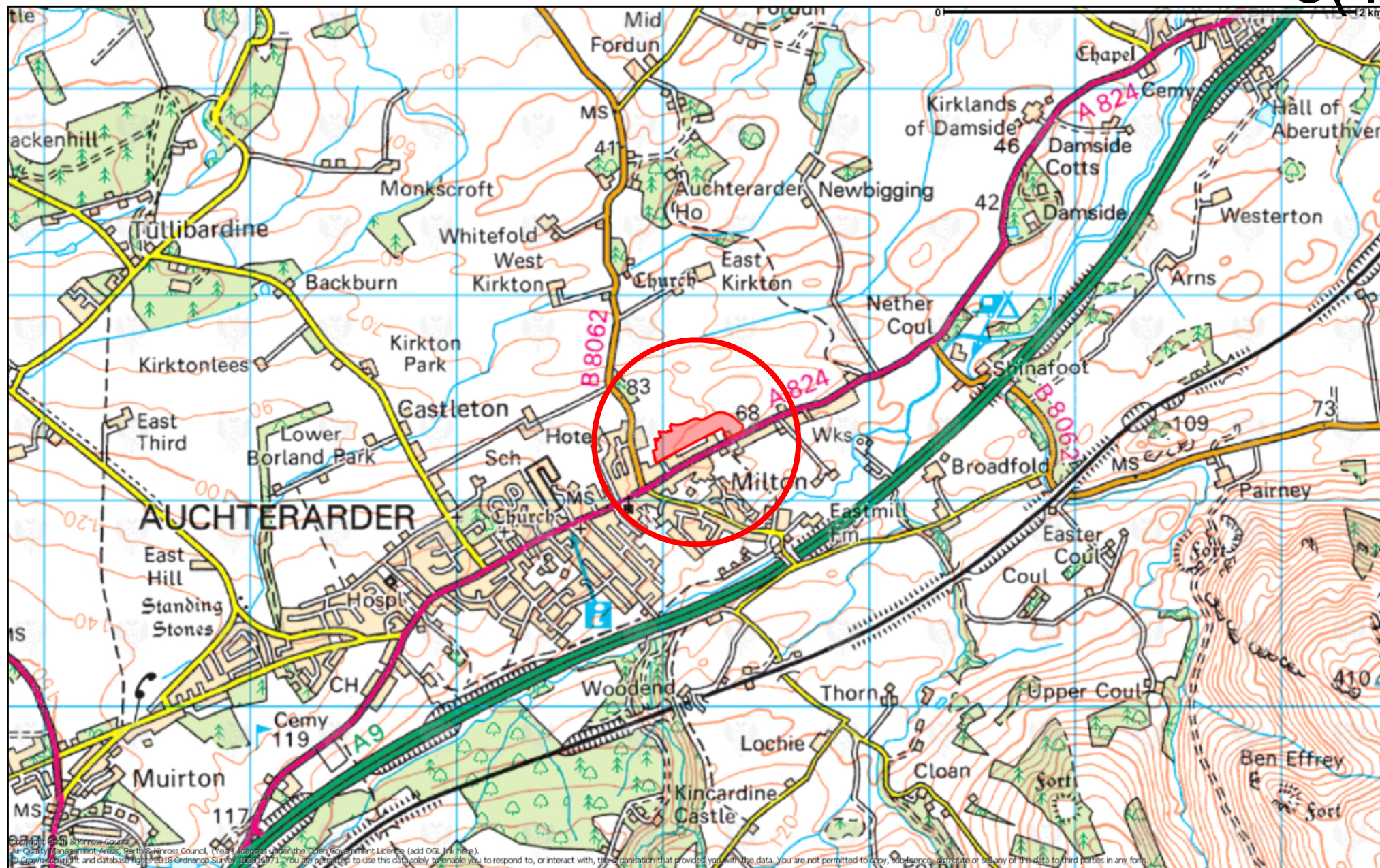
Background Papers: 8 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 24 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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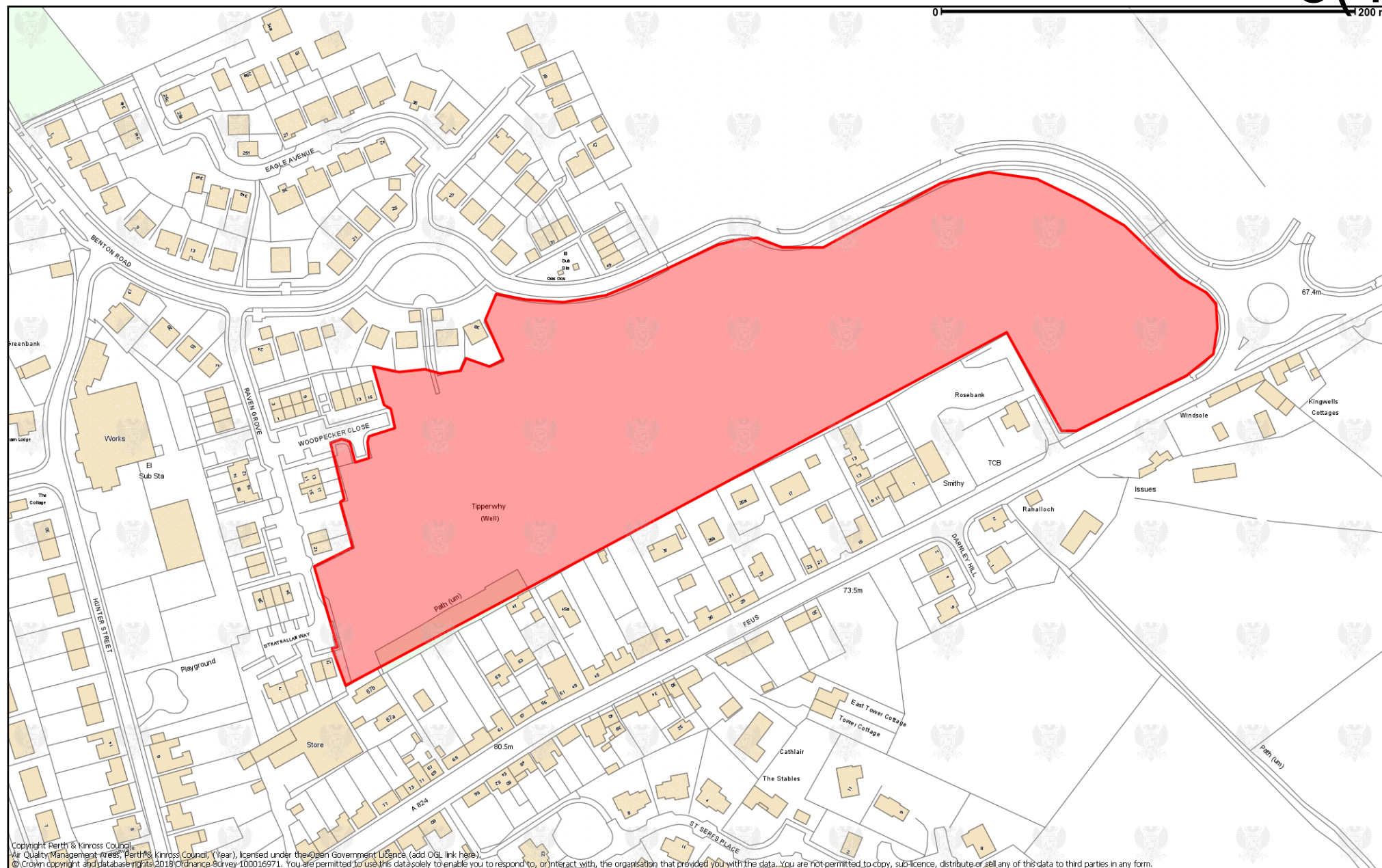
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18/01591/AMM

Erection of 116 dwellings, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2) land East of Stewart Milne Homes, Hunter Street, Auchterarder





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18/01591/AMM

Erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2) land East of Stewart Milne Homes, Hunter Street, Auchterarder



Perth and Kinross Council
Planning & Development Management Committee – 16 January 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/8)

PROPOSAL:	Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A)
LOCATION:	Land north east of Stewart Milne Homes, Hunter Street, Auchterarder

Ref. No: [18/01592/AMM](#)

Ward No: P7- Strathallan

Summary

This report recommends approval of the application for the erection of 12 dwelling houses, as the development is part of an allocated housing site, which benefits from an extant in principle permission. The proposals are considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, which extends to 0.56 Hectares (ha) is situated on the north-eastern settlement edge of Auchterarder, forming part of a wider area originally identified as part of the Auchterarder framework for the northern expansion of Auchterarder. In principle permission 16/01809/IPM exists, covering the site, which is also covered by an associated Section 75 legal agreement. This site has been referred to as phase 3A, intended to be built out, alongside phase 2 (subject of tandem planning application 18/01591/AMM for 116 dwellinghouses) to front onto the high side of the spine road from the north; referred to as Benton Road following adoption. The spine road is currently only partly adopted and open for public use, covering the areas occupied by phase 1 to the west, linking up with Hunter Street and is currently not a through route. The layout provides pedestrian and vehicular access routes to future phases. In line with the submitted design statement, the application has purposefully been submitted in tandem with phase 2 application 18/01591/AMM to seek to establish a new street frontage on both sides of the spine road, allowing it to be made up to an adoptable standard and open to the public.
- 2 The proposed housing mix consists of:
 - 5 x 4 bedroom detached two storey dwellinghouses
 - 7 x 5 bedroom detached two storey dwellinghouses

The dwellings consist of 6 different house types, with proposed finishes of a range of materials, including facing brick, reconstituted stone, dry dash render

and concrete roof tiles. The final specification of the material finish will be appropriately controlled by suspensive condition 12.

NATIONAL POLICY AND GUIDANCE

- 3 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

- 4 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

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 6 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
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 7 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 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Creating Places 2013

- 8 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

- 9 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

- 10 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

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 12 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 plans states that:
- 13 "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

- 15 Seeks to focus the majority of development in the region's principal settlements. Auchterarder is identified as a Tier 3 Settlement with the potential to play an important but modest role in the regional economy accommodating a smaller share of the additional development.

Policy 4: Homes

- 16 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 2: Shaping Better Quality Places

- 17 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 18 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 19 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Perth and Kinross Local Development Plan 2014

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

- 21 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

- 27 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses

such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

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

Policy NE3 - Biodiversity

- 34 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

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

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 42 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 43 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 44 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

Other Policies

- 45 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Auchterarder Expansion Development Framework 2008.
 - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.

SITE HISTORY

- 46 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle). Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).
- 47 [08/01591/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers 17 October 2008.

- 48 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 49 [17/01720/FLL](#) Erection of 2 dwellinghouses and associated works (Phase 2). Application Withdrawn 30 November 2017

CONSULTATIONS

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

EXTERNAL

Auchterarder & District Community Council

- 51 Objection received on safety and congestion grounds, setting out that a planning condition should be imposed to require the applicant to open the link road to general public traffic, reducing traffic on Hunter Street.

Perth and Kinross Heritage Trust

- 52 No objection, with no archaeological implications for this phase of the development, following clarification due to known archaeological sites in the vicinity.

Transport Scotland

- 53 No objection, subject to ongoing compliance with the S.75 agreement to pursue improvements on the associated trunk road.

Scottish Water

- 54 No objection to the application. It is highlighted that there is sufficient capacity at both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

Scottish Environment Protection Agency

- 55 No objection to the proposals with request to add an informative in relation to seeking clarification on the position of the Tipperwhy Well.

Scottish Gas Network

- 56 No objection.

INTERNAL

Transport Planning

- 57 No objection following the submission of a requested Transport Assessment and subject to conditions regarding the timing in opening up of link 'spine' road for public use.

Environmental Health (Noise/Odour)

- 58 No objection, subject to condition controlling hours of operation on site and noise and air management during the construction phases.

Environmental Health (Contaminated Land)

- 59 No objection, with no contamination concerns identified on the site.

Development Negotiations Officer

- 60 No objection subject to continuing compliance with S.75 requirements.

Biodiversity Officer

- 61 Concerns initially set out in relation to response with elements falling deficient of the terms of the associated suspensive condition 7 of IN PRINCIPLE PERMISSION 16/01809/IPM. The revised landscape plans and separate ecology update response laterally received was however considered to go far enough in this regard, subject to the application of further conditions.

Structures and Flooding

- 62 There are no concerns regarding flooding for this site, but detailed surface water drainage details and calculations were initially requested for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways, which are considered satisfactory for Structures and Flood Team requirements.

Community Waste Advisor - Environment Service

- 63 No objection, setting out minimum requirements for the site. Advising that the developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance. Particular note should be taken of the requirements for manoeuvring refuse collection vehicles both long term and as the site progresses. For the wider phase of the development, recycling facilities to complement the kerbside recycling services is recommended.

REPRESENTATIONS

64 The following points were raised in the 3 representations received:

- Road safety concerns including traffic congestion associated with the opening of the spine road and general lack or loss of car parking;
- Over intensive development;

65 These material issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

66

Environment Statement	Not Required
Screening Opinion	Not Applicable
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Undertaken in line with IPM requirements: <ul style="list-style-type: none">• Archaeology evaluation.• Transport assessment (TA).• Air & noise quality assessment.• Landscape and visual impact assessment.• Ecological update and habitat management plan.• Energy statement.• Flood risk assessment and drainage strategy.

APPRAISAL

67 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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out.

Principle

68 The site benefits from In Principle permission (16/01809/IPM).

- 69 Development within this phase (phase 3A) now seeks detailed approval for 12 dwellinghouses, remaining consistent with the In Principle permission for the site. Within the wider masterplan and framework document, the land uses are considered to remain consistent with the In Principle permission and that of the LDP.

Design, Scale and Layout

- 70 Condition 1 of the in principle permission requires the siting, design and external appearance to be further approved. A design statement and landscape visual impact assessment (LVIA) were submitted in support of the application, alongside the main suite of drawings.
- 71 The detailed designs of the site layout are based on the Auchterarder Expansion Development Framework, which provides a masterplan for the northern expansion of the town, setting out the context for the detailed proposals.
- 72 The proposed approach at Phase 3A provides an improvement overall to the spine road, establishing an effective street. Benefitting from the elevated position, the larger dwelling units will experience views towards the Ochil Hills range to the south.
- 73 Appropriate pedestrian and vehicular access opportunities have been identified to future phases as part of this 12 dwellinghouse layout. Front gardens are proposed to be delineated by hedging or walling as a strong street edge. Phase 3A is a small but logical starting point to future phases to the north and east of the spine road. Overall, the proposed design, scale and layout is considered to be acceptable, establishing an appropriate street scene on Benton Road and correspondingly in accordance with LDP placemaking policy and condition 1 of the In Principle permission.

Landscape, Visual Amenity and Open Space Provision

- 74 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 75 A landscape and visual impact assessment (LVIA) was requested at the pre-application stage to cover both phase 2 and phase 3A applications to ensure appropriate consideration was given to landscape fit. The supporting LVIA, identifies how the development of the site seeks to work with the natural site characteristics, the established Auchterarder Framework and the existing townscape.
- 76 The layout and associated scale of development proposed raises no concerns in terms of landscape fit or in relation to the site landscape capacity.
- 77 The proposed development integrates well with its immediate site context, providing an appropriate northern street frontage to the spine Road. There is

adequate, well designed public open space identified in the environs of the site itself in neighbouring phases and is also in close proximity to a play area, serving the wider residential area. In the future phases, a neighbourhood equipped area of play (NEAP) is committed through the terms of the S75. Overall, this is considered to satisfy the terms of the Auchterarder Development Framework, the In Principle permission and Policy ER6.

Residential Amenity

- 78 Overall, it is considered that the proposed dwellinghouses would not adversely impact on each other in relation to both Phase 3A and neighbouring site Phase 2, subject of planning application 18/01591/AMM. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties.
- 79 In line with the In Principle permission, basic construction details for dealing with noise were submitted for consideration. Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protects proposed noise sensitive land uses from sources of unacceptable noise. To assist the protection of amenity for nearby residents, it is proposed to restrict the hours of construction and audibility of noise to achieve appropriate mitigation (Conditions 8 and 9).
- 80 Having regard to the mitigation measures proposed through conditions, the proposal complies with the In Principle permission and LDP policy 8 in respect of noise.
- 81 Air pollution was identified as requiring further consideration by the Council's Environmental Health Team, which was satisfied through the submission of further information associated with the conclusion of the TA.
- 82 As such, a reasonable level of amenity for the new residents has been catered for, resulting in compliance with Policy RD1 of the LDP.

Roads and Access

- 83 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 84 A further request was made to the applicant to submit a Transport Assessment (TA) in support of this and application 18/01591/AMM for phase 2, which considers the site, its context and layout and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility. The principal concerns within representations in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment.

- 85 Fundamentally, through the updated supporting phasing plan and TA submitted, it is stated that the spine road through the development linking the A824 to Hunter Street should be open to public traffic by October 2019. The traffic impact on the existing road network of the development has been assessed on this basis and shown to have negligible impact, with all junctions accessed shown to be working well within capacity.
- 86 The construction phasing plan (drawing ref: 18/01592/63) provided by the applicant identifies that dwellings fronting onto the spine road, both north and south will have their externals completed prior to the opening of the spine road to public traffic in October 2019. It is recommended to condition the terms of the phasing plan delivery (Condition 2) to minimise traffic impact and ensure the spine road is opened to public traffic as a through route at the earliest practical opportunity. This approach as set out in the phasing plan ensures the provision of the road at an appropriate stage of this development and, critically, will deliver the road as a key transport link for Auchterarder as a whole.
- 87 The identified parking provision is deemed to be an acceptable standard, with 2 spaces per dwelling unit being provided.
- 88 Overall, the review of the supporting TA, alongside the identified commitment to the spine road opening to the public in October 2019, which is welcomed, is considered to address the principal points of representation concerning this site and comply with the site specific requirements in relation to the In Principle permission. This also satisfies LDP policies TA1B and CF2.

Drainage and Flooding

- 89 Policy EP3C requires all new development to employ SUDS measures. In Principle permission condition 3 pursues appropriate storm water drainage from all paved surfaces, including the access, disposed of by sustainable urban drainage systems.
- 90 There were no concerns regarding flooding for this site but detailed surface water drainage details and calculations were required for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways.
- 91 In summary, subject to recommended Condition 10 securing surface water drainage during the construction phases, the proposals are considered to satisfy both the conditions of the In Principle permission and the requirements of LDP Policy EP2 and Policy EP3C in respect of flood risk and surface water drainage.

Waste Services

- 92 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties with standards set out for clarification.

Energy Requirements

- 93 In association with In Principle permission and LDP Policy EP1, the associated proposals are required to identify and include carbon emission reduction measures.
- 94 The application has been accompanied by an energy statement, which was reviewed and updated to clarify how the development would appropriately comply with the terms of the in principle permission and LDP Policy EP1, which effectively seeks to go beyond minimum standards of the Scottish 2017 building regulations. The summary of the energy statement concludes that the combined proposed solution across Phases 2 and 3A will better minimum requirements by almost 10% (9.1%). Overall the terms of the in principle permission and LDP Policy EP1 are considered to have been satisfied.

Natural Heritage and Biodiversity

- 95 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development.
- 96 The submission of matters specified by condition referred to in the In Principle permission requires detailed ecological/biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
- 97 The applicant has provided an updated landscaping report to increase provision for biodiversity by further diversifying the planting mix and providing for mixed native hedging in parts of the development. This is welcomed, including planting of lavender for bees.
- 98 Overall and in association with recommended Conditions 4, 5 and 6, the proposals are considered to satisfactorily address the requirements of LDP Policy NE3.

Archaeology

- 99 It has been clarified by PKHT that there are no direct archaeological implications for this site with no further action required. The terms of IN PRINCIPLE PERMISSION condition 8 is therefore considered to be satisfied.

Developer Contributions

- 100 A Section 75 legal agreement has been secured for the 16/001809/IPM permission to ensure necessary infrastructure is delivered for the site and surrounding area. For this area known as Hunters Meadow, it covers:
- Community
 - Sports.

- Open
- Roads/Transport
- Education.
- Affordable Housing

Economic Impact

- 101 During the construction period, jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area.

LEGAL AGREEMENTS

- 102 A legal agreement has been secured for the 16/01809/IPM planning permission (originally 08/01133/IPM) to secure infrastructure that will be impacted by the current and wider phased proposals.

DIRECTION BY SCOTTISH MINISTERS

- 103 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

- 104 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 105 In this case the application seeks permission for the erection of 12 dwellinghouses within the settlement boundary of Auchterarder. This continues to comply with LDP policies in respect of development within a defined settlement boundary.
- 106 Account has been given to the matters raised in representation and these have been addressed in the appraisal above. 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 For clarification and in association with construction phasing plan 18/01592/63, prior to the development hereby approved being completed, the link road between Hunter Street and the A824 referred to as 'the spine road' shall be constructed to an adoptable standard and open to public traffic prior to Friday 1 November 2019.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

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

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

- 4 Prior to the commencement of development hereby approved, details of the location and specification of swift brick(s) or swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of enhancing biodiversity.

- 5 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

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

- 6 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Planning Authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 7 Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

- 8 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.

- 9 The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

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

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

- 11 Prior to the commencement of development, further clarification on detailed matters of the proposed surface water drainage strategy shall be provided for further written approval by the Council as Planning Authority. The approved surface water drainage strategy shall thereafter be installed in accordance and association with the approved phasing plan. All works shall be carried out in accordance with the agreed scheme and be operational prior to the completion of this phase of the development.

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

- 12 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on each plot 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 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 and should be returned to 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 reminded that, should any protected species be present, a licence may be required from Scottish Natural Heritage 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
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
- 12 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 directly from the Tayside Biodiversity Partnership.
- 13 The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
- 14 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.
- 15 The applicant should note that road and pavement from the bin collection point to the refuse collection vehicle must be at a maximum of 10 metres on a hard standing surface. It must have a level gradient and a smooth surface; using dropped kerbs where appropriate.
- 16 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).

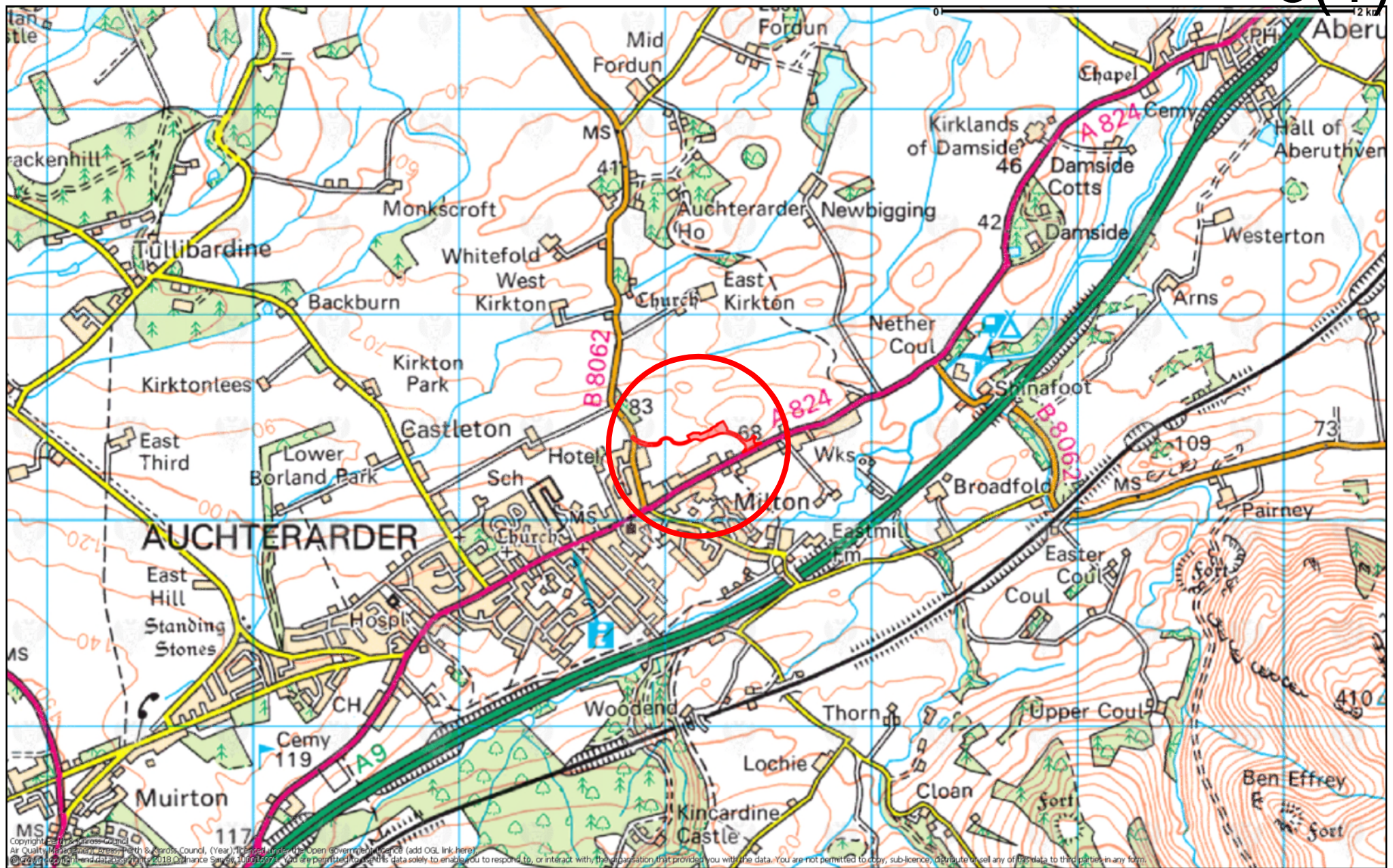
Background Papers: 3 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 24 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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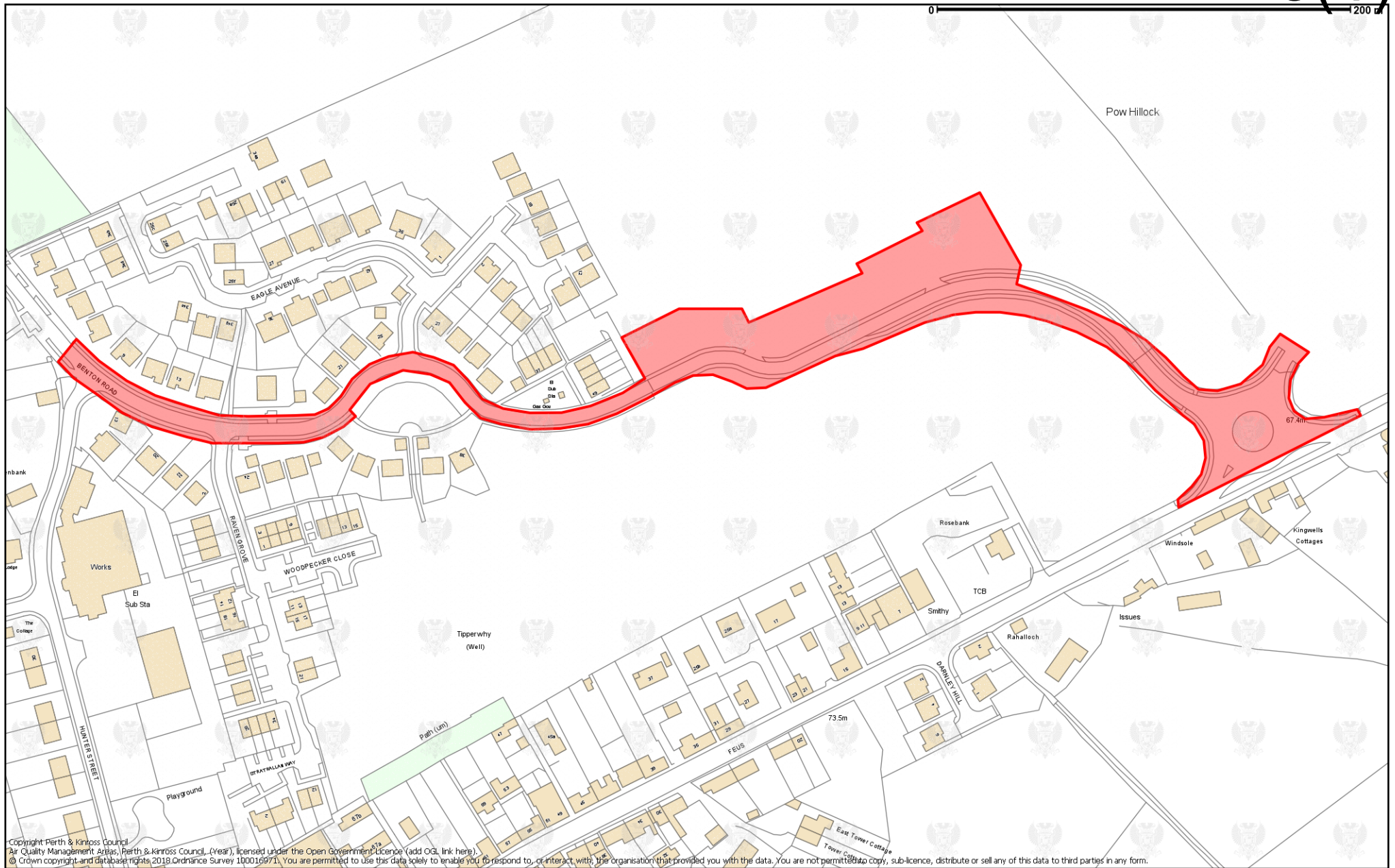
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18/01592/AMM

Erection of 12 dwellingshouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A) land NE of Stewart Milne Homes, Hunter Street, Auchterarder





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18/01592/AMM

Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A) land NE of Stewart Milne Homes, Hunter Street, Auchterarder



Perth and Kinross Council
Planning & Development Management Committee – 16 January 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/9)

PROPOSAL: Low carbon energy park including solar, heat pump, biomass and combined heat and power generation, power distribution and storage with associated vehicle access and service infrastructure

LOCATION: Land At Cotton Wood, Lamberkine Wood, Coldwells Wood, Broxden Wood, Gallowspark Wood and East Lamberkin Farm, Perth

Ref. No: [18/00012/PAN](#)

Ward No: P9- Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed low carbon energy park and associated infrastructure. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key material planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicant has submitted a Proposal of Application Notice (PoAN) on 16 October 2018. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in any planning application.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 2 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 3 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision. An EIA Screening request is yet to be submitted.

PRE-APPLICATION CONSULTATION

- 4 The PoAN outlined that a public exhibition will be held at Forteviot Hall on 15 January 2019. Earn Community Council and local ward Councillors have also been notified and invited to attend. The results of the community consultation will require to be submitted with any application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 83
 - Delivering Heat and Electricity: paragraphs 152 -173
 - Valuing the Natural Environment: paragraphs 193-218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - Climate Change Plan: Third Report on proposals and policies 2018-2032 (February 2018)
 - The future of energy in Scotland: Scottish Energy Strategy (December 2017)

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 11 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 plans states that:
- 12 “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.”
- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 14 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 15 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and

public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 7: Energy, Waste and Resources

- 16 Development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified.

Perth and Kinross Local Development Plan 2014

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

Policy PM1A – Placemaking

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

Policy PM1B – Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF2 – Public Access

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

Policy HE1B – Non-Designated Archaeology

- 25 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ.

Policy HE4 – Gardens and Designed Landscapes

- 26 The integrity of sites included on the inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy HE5 – Protection, Promotion and Interpretation of Historic Battlefields

- 27 Battlefields included on the Inventory of Historic Battlefields will be protected.

Policy NE2A – Forestry, Woodland and Trees

- 28 Support will be given to proposals where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 29 Where there are existing trees on a development site, any application should be accompanied by a tree survey. Where the loss of individual trees or woodland cover is unavoidable, mitigation measures should be provided.

Policy NE3 – Biodiversity

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

Policy NE4 - Green Infrastructure

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

Policy NE5 - Green Belt

- 32 Development in the Green Belt will only be allowed where it conforms with the criteria set out.

Policy ER1A – Renewable and Low Carbon Energy Generation

- 33 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

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

- 34 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction

- 35 Sustainable design and construction will be integral to new development within Perth & Kinross.

Policy EP2 - New Development and Flooding

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP8 – Noise Pollution

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

Policy EP11 – Air Quality Management Areas

- 39 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

OTHER POLICIES

- 40 The following guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 41 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 42 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 43 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 44 None.

CONSULTATIONS

45 As part of the planning application process the following bodies will be consulted:

46 **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Transport Scotland
- Scottish Water
- Historic Environment Scotland (HES)
- Forestry Commission Scotland (FCS)
- Royal Society for Protection of Birds (RSPB)
- Perth and Kinross Heritage Trust (PKHT)
- Earn Community Council
- Scottish Gas Networks (SGN)

47 **Internal**

- Environmental Health
- Strategy & Policy
- Developer Negotiations Officer
- Community Greenspace (including Access)
- Transport Planning
- Structures and Flooding
- Conservation Planning
- Waste Services
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

48 The key considerations against which the eventual application will be assessed include:

- a. Principle of development
- b. Need
- b. Landscape and visual impact
- c. Scale, design and layout
- d. Relationship with surrounding land uses
- e. Natural heritage and ecology
- f. Landscaping
- g. Water resources and soils
- h. Transport implications in particular Trunk Road
- i. Open space provision
- j. Access provision
- k. Waste
- l. Impact on green belt

- m. Economic impact
- n. Flooding & drainage
- o. Cultural heritage including archaeology and battlefields

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

49 Should an EIA Report not be required, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Ground Investigation Report
- Phase 1 Habitat Survey including Protected Species
- Cultural Heritage Assessment
- Tree Survey
- Noise Assessment
- Air Quality Assessment
- Sustainability Assessment
- Waste Management and Minimisation Plan
- Economic Assessment

50 If an EIA Report is required, the necessary topics within the assessment can be determined through an EIA Scoping process. This would likely include at least some, if not all, of the matters identified above.

CONCLUSION AND RECOMMENDATION

51 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

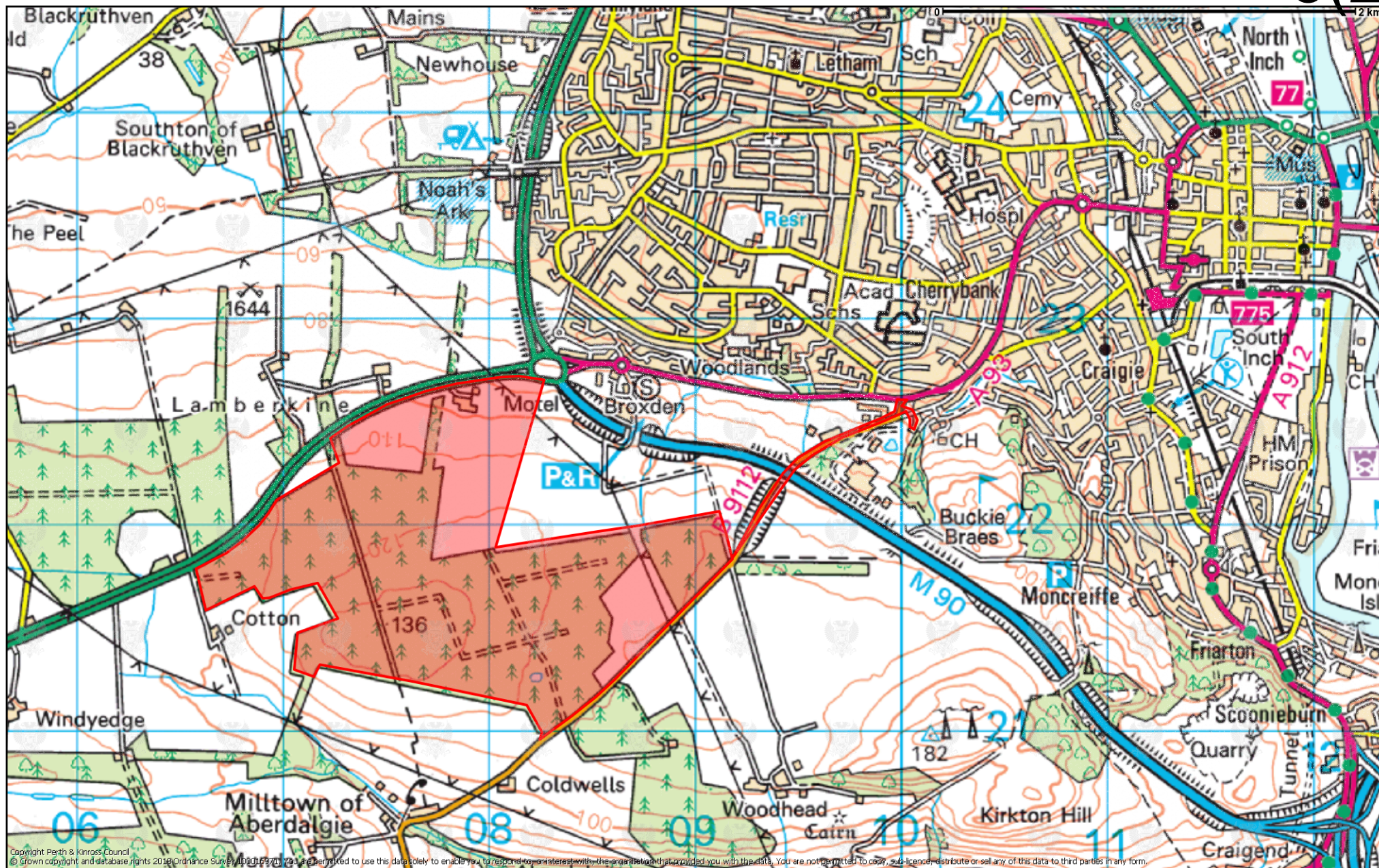
Background Papers: None
 Contact Officer: Steve Callan 01738 475337
 Date: 24 December 2018

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Scale 1:25000



18/00012/PAN

Low carbon energy park comprising multi vector sources including solar, heat pump, biomass and combined heat and power generation, power distribution and storage with associated vehicle access and service infrastructure land at Cotton Wood, Lamberkine Wood, Coldwells Wood, Broxden Wood, Gallowspark Wood And East Lamberkin Farm, Perth



Perth and Kinross Council
Planning & Development Management Committee – 16 January 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/10)

PROPOSAL: Residential development (density and re-mix of Phase 2)

LOCATION: Land north west of Lathro Farm, Kinross

Ref. No: [18/00013/PAN](#)

Ward No: P8- Kinross-shire

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed density re-mix of Phase 2 of an approved residential development at Lathro Farm, Kinross. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key material planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicant has submitted a Proposal of Application Notice (PoAN) on 6 November 2018. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in any planning application.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 2 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 3 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision. The site has been subject to an EIA associated with planning permission [15/01157/FLM](#).

PRE-APPLICATION CONSULTATION

- 4 The PoAN outlined that a public exhibition would be held at Loch Leven Community Campus on 10 November 2018. Kinross Community Council,

Milnathort Community Council and local ward Councillors were notified and invited to attend. The results of the community consultation will require to be submitted with any application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 8 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
 - Valuing the Natural Environment: paragraphs 193-218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 3/2010 Community Engagement

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer 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.

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 14 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 plans states that:
- 15 "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."
- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 17 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 18 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 19 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Perth and Kinross Local Development Plan 2014

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

The principal relevant policies are, in summary;

Policy PM1A – Placemaking

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

Policy PM1B – Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

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

Policy RD4 - Affordable Housing

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF3 – Social and Community Facilities

- 28 Seeks to prevent the loss or change of use of land or buildings presently used or last used for community purposes unless the loss does not seriously affect the available community facilities in the locality and that no suitable alternative community use can be found for the land or buildings.

Policy NE3 – Biodiversity

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

Policy EP2 - New Development and Flooding

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP12 - Contaminated Land

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

OTHER POLICIES

- 33 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 34 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 35 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this

period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 36 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 37 [14/00493/SCRN](#) EIA Screening Request for residential development. EIA Screening Issued April 2014
- 38 [14/00004/PAN](#) Proposal of Application Notice for residential development. Content of PAN approved May 2014
- 39 [14/01345/SCOP](#) EIA Scoping Request for residential development. Scoping decision issued September 2014.
- 40 [15/01512/FLM](#) Proposed residential development of 300 dwellings, open space, provision of country park and associated infrastructure. Application approved by Development Management Committee September 2016.
- 41 [17/00759/FLL](#) Proposed erection of 13 dwellings (change of house type) within Phase 1. Application withdrawn October 2017.
- 42 [17/00760/FLL](#) Proposed erection of 47 dwellings (revised layout and design) within Phase 1. Application approved by Planning and Development Management Committee September 2017.
- 43 [17/00886/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM. Application approved by Planning and Development Management Committee September 2017.
- 44 [17/00893/FLL](#) Proposed erection of 6 dwellings, formation of open space, landscaping and associated infrastructure for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design of

Phase 1). Application approved by Planning and Development Management Committee September 2017.

- 45 [17/01721/FLL](#) Proposed erection of 12 dwellings (revised layout and design) within Phase 1. Application approved under delegated powers May 2018.
- 46 [18/01117/FLL](#) Erection of 47 dwellings (change of house type to include sunrooms for plots 515-518, 522-527, 531-536, 540-546, 550-553 and 557-559) Application approved under delegated powers September 2018 but decision not yet issued because is subject to conclusion of Section 69 legal agreement.
- 47 [18/01118/FLL](#) Erection of 12 dwellings (change of house type to include sunrooms for plots 509-512 and 700-707). Application minded to approve under delegated powers September 2018 but decision not yet issued because is subject to conclusion of Section 69 legal agreement.

CONSULTATIONS

- 48 As part of the planning application process the following bodies will be consulted:

49 **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Historic Environment Scotland (HES)
- Transport Scotland
- Royal Society for the Protection of Birds (RSPB)
- Perth and Kinross Heritage Trust (PKHT)
- Kinross Community Council
- Milnathort Community Council

50 **Internal**

- Environmental Health including Contaminated Land
- Strategy & Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace (including Access)
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 51 The key considerations against which the eventual application will be assessed includes:
- a. Principle of residential layout re-mix and increased housing density
 - b. Landscape and visual impact
 - c. Scale, design and layout
 - d. Relationship with surrounding land uses
 - e. Natural heritage and ecology
 - f. Landscaping
 - g. Water resources and soils
 - h. Transport implications
 - i. Open space provision
 - j. Access provision
 - k. Waste
 - l. Affordable housing provision (including siting, design, layout and tenure)
 - m. Education provision
 - n. Flooding & drainage
 - o. Noise implications
 - p. Cultural heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 52 The following supporting documents will need to be submitted with any planning application;
- Planning Statement (including robust marketing of site position)
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Phase 1 Habitat Survey including protected species and breeding birds
 - Sustainability Assessment
 - Waste Management and Minimisation Plan
 - Construction and Environment Management Plan (CEMP)

CONCLUSION AND RECOMMENDATION

- 53 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

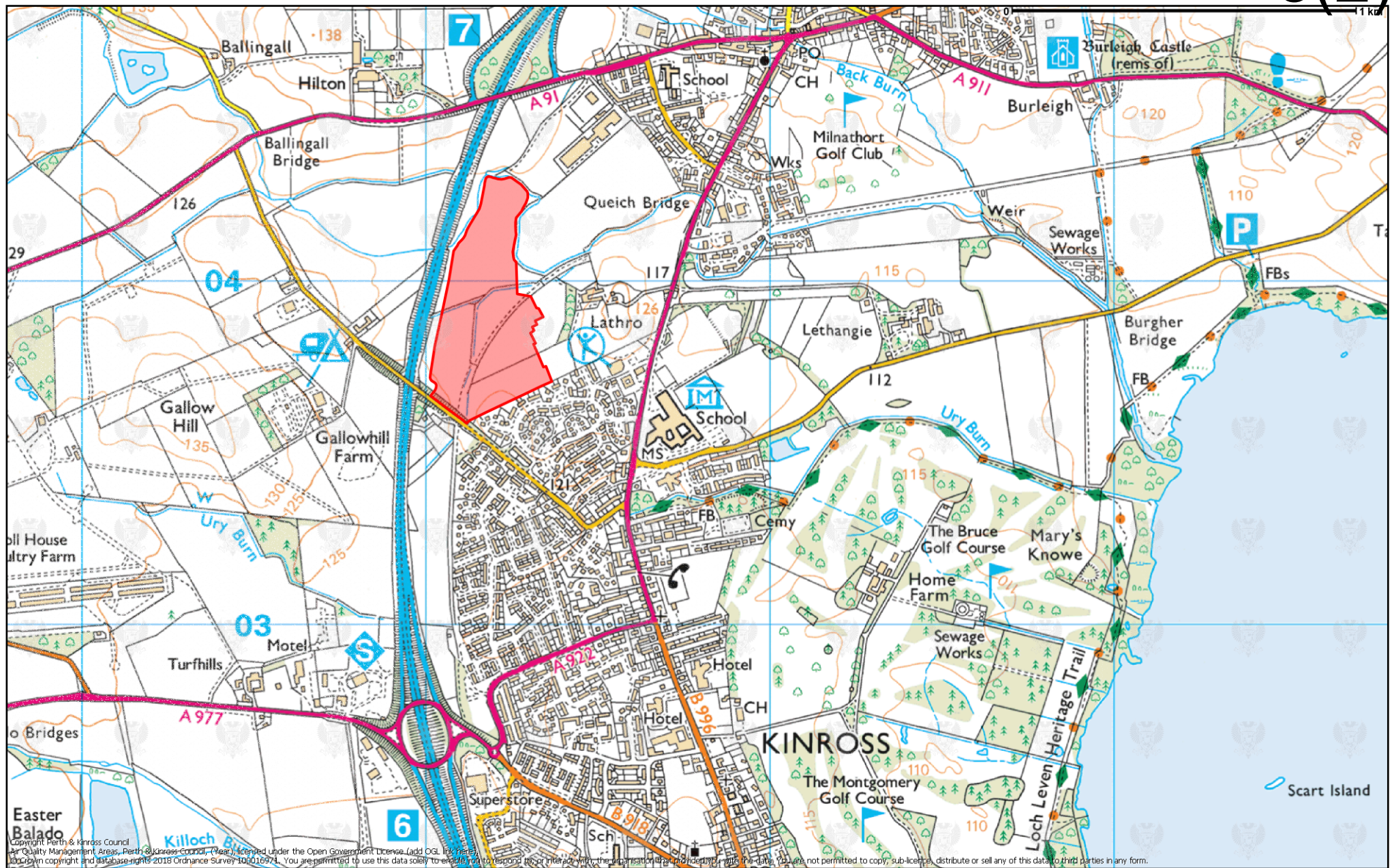
Background Papers: None
Contact Officer: Steve Callan 01738 475337
Date: 24 December 2018

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Scale 1:15000



18/00013/PAN

Residential development on land NW of Lathro Farm, Kinross



