

Perth and Kinross Council  
Planning & Development Management Committee – 21 November 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/381)

**PROPOSAL:** Erection of 29 dwellinghouses and 4 flats, formation of SUDS, landscaping, roads infrastructure and associated works (allocated site H68).

**LOCATION:** Land NW of Park House, Ardler Road, Meigle.

Ref.No: [18/01144/FLL](#)

Ward No: P2 - Strathmore

### **Summary**

This report recommends approval of the application as the development is 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 site measures approximately 1.2 Hectares in area and lies to the southwest of Meigle within the settlement boundary. The site is currently in agricultural use but due to its location within the village has limitations due to the restricted access. It is bound by Ardler Road to the southeast, Tree Back Lane to the north, dwellings to the northeast and a single dwelling/Victory Park to the southwest. The dwellings within the area consist of a range of single and two storey heights with a mix of finish materials such as coloured render, stone, tiles and slate
- 2 The application site is allocated in the Adopted Perth and Kinross Local Development Plan 2014 (LDP) for residential development through Site H68. The LDP gives an indicative figure of 20 units for the site. The Proposed LDP 2 has a different approach to site density and has increased the figures to a range between 23-36 units. The current proposal is for 29 houses and 4 flats and will provide 8 on site affordable units and 25 open market units.
- 3 The application proposes a mix of cottage flats, semi-detached and detached units all in two storey buildings comprising the following:
  - 18 x 3 bed semi-detached (open market);
  - 3 x 3 bed detached (open market);
  - 4 x 4 bed detached (open market);
  - 2 x 2 bed semi-detached (affordable);
  - 2 x 3 bed semi-detached (affordable); and
  - 4 x 2 bed cottage flats (affordable).

- 4 The proposed finishes for the dwellings are off-white dry dash render, facing brick and concrete roof tiles. The vehicular access to the site is from Ardler Road with two pedestrian links to Victory Park and two links proposed to Tree Back Road via the open space area, which would join to the existing core path network.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5 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.
- 6 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.
- 7 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **PRE-APPLICATION CONSULTATION**

- 8 The applicant engaged in pre-application discussions prior to submission; however the layout has changed from initial discussions due to further site investigations.

### **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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**

12 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.

13 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57

## **Planning Advice Notes**

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

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

## **Creating Places 2013**

15 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**

16 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**

- 17 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**

- 18 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**

- 19 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:
- 20 *“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.”*
- 21 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 1: Locational Priorities**

- 22 Seeks to focus the majority of development in the region’s principal settlements.

### **Policy 2: Shaping Better Quality Places**

- 23 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**

- 24 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 9: Managing TAYplans Assets**

- 25 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets;

including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

### **Perth and Kinross Local Development Plan 2014**

26 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.

27 The principal relevant policies are, in summary;

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

29 All proposals should meet all eight of the placemaking criteria.

#### **Policy PM2 - Design Statements**

30 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**

31 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**

32 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**

- 33 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**

- 34 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 HE1B - Non Designated Archaeology**

- 35 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 CF1B - Open Space Retention and Provision**

- 36 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**

- 37 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 NE3 - Biodiversity**

- 38 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**

- 39 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 EP3B - Water, Environment and Drainage**

- 40 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**

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

## **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.

### **SITE HISTORY**

45 No site history

### **CONSULTATIONS**

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

#### **External**

##### **Perth and Kinross Heritage Trust**

47 The site could have archaeological interest and a planning condition is required to cover archaeological investigations.

##### **Scottish Water**

48 Scottish Water has no objection to the proposal and highlights the presence of their infrastructure through the site.

#### **Internal**

##### **Strategy and Policy**

49 Policy position set out in relation to land use, layout and density, site specific developer requirements and the current status of LDP2.

##### **Development Negotiations Officer**

50 Contributions requirement for affordable housing only.

##### **Transport Planning**

51 Comments have been made on the layout with feedback given and improvements made to the scheme.

##### **Structures and Flooding**

52 Additional information has been requested and initial objection removed.

##### **Community Waste Advisor - Environment Service**

53 No objection, recycling/waste requirements outlined.



## Community Greenspace

- 54 Comments made in relation to Core Paths, tree planting and proximity to the play area.

## REPRESENTATIONS

- 55 21 letters of representation were received regarding the proposed development (14 objections, 4 letters of support and 3 general comments). In summary the letters highlighted the following points;

- Contrary to LDP
- Traffic congestion
- Road safety concerns
- Loss of core path/Impact on Right of Way
- Flood Risk
- Impact on archaeology
- Out of character
- Over development
- Inappropriate design
- Neighbour notification process
- Adverse impact on schools and local services
- Support for more housing in the area

- 56 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

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Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Ecological Appraisal Transport Statement Flood Risk Assessment

## APPRAISAL

- 58 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, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016.

### **Principle**

- 59 The application site is allocated in the Adopted Perth and Kinross Local Development Plan (LDP) 2014 for residential development through Site H68. The LDP gives an indicative figure of 20 units for site. While this is not a maximum limit or an exact requirement the proposed 33 units is higher than this indicative figure.
- 60 The Proposed Local Development Plan 2 (LDP2) takes a different approach and identifies a capacity range for housing sites based on the developable area and the appropriate density. The Proposed Plan supports a higher density development for H68. The site has the potential to accommodate affordable units as well as smaller homes for downsizing and first time buyers, both of which are in high demand. Based on the assumption that 75% of the site is developable and high density can be achieved, the capacity range was increased to 23-36. The proposal for 33 units, which mainly includes smaller 2-3 bed houses as well as on site affordable accommodation, is considered to be in line with the aspiration of the Proposed Plan.
- 61 The Proposed LDP2 was approved by Councillors in November 2017 and has undergone public consultation. Three representations have however been received in objection to the proposed increased site density and capacity range, as proposed in LDP2, which means that the issue will form part of the Examination by the Reporter. Therefore, at this stage of the process, limited weight can be given to the Proposed Plan.
- 62 It is considered appropriate to clarify at this stage that the housing numbers reflected in the site allocation is purely an indicative figure, originally identified as a means to satisfy housing land supply requirements for the housing market area and the wider LDP housing numbers. This number does not reflect a fixed or upper site capacity; the assessment of the site in terms of scale and density of development is borne out of detailed site layout designs, landscape capacity studies and wider site context appraisals. Fundamentally, the intended outcome is to seek a high standard of development, influenced by detailed site assessments and design input, rather than being constrained by a specific housing number. Information has been submitted in support of this application with higher numbers than suggested in the LDP and these matters will be further considered in the Design, Scale and Layout section below. Notwithstanding this assessment, the principle of residential development does comply with Development Plan policy.

### **Design and Layout**

- 63 This area of Meigle is characterised by a number of differing design styles and material finishes. The surrounding dwelling types are primarily two storey terraced and semi-detached properties; however, there are also detached

houses of single and 1 ½ storey height. The properties in the surrounding area are finished in a mixture of materials including coloured harling, sandstone, slate and concrete tiles.

- 64 The application site is linear in form with the access taken from Ardler Road and extending to Tree Back Lane, where pedestrian links only are proposed. This linear form, coupled with the Scottish Water infrastructure on the site, directs the form and layout of the proposed development. This layout provides a straight access road with two cul-de-sac offshoots that link with pedestrian accesses to Victory Park. An open area has been retained to the north which accommodates the proposed underground SUDS storage area.
- 65 The proposed development has a mix of 2, 3 and 4 bedroom dwellinghouses which includes onsite affordable housing in the form of 2 bedroom cottage flats and 2/3 bedroom semi-detached dwellinghouses. The dwellinghouses are all two storey with gable detailing and simple contemporary finishes. The finishes are grey tiles, dry dash render (off white) and facing brick. Given the mixture of finishes in the surrounding area I consider the proposed grey tiles and render to be appropriate in this context; however, samples will be required by condition to ensure that the specification is acceptable (Condition 2). I am less convinced by the facing brick detailing, which is not a building material used in the vicinity of the site, further details will be required by condition to consider brick or other wall materials (Condition 2).
- 66 The site is higher in density than indicated in the LDP allocation, at approximately 27.5 dwellings per hectare across the whole site, to provide on-site affordable housing and a range of smaller houses aimed at first time buyers. The site is fairly flat meaning minimal underbuild is required and the gardens are fully useable. The amenity space provided ranges from the lowest at 60sq metres for a two bedroom affordable dwelling and the 2 bedroom cottage flats to an average of 80 to 90sq metres for smaller three bedroom semis, 90 - 130sq metres for 3 bedroom detached and 120 – 190 for 4 bedroom detached dwellings. This is in line with the draft Placemaking Guide which recommends a minimum of 60sq metres for 1-2 bedroom units and 80sq metres for 3 + bedrooms units.
- 67 The design and scale is therefore considered to comply with policies PM1A and B of the LDP which relate to placemaking and the criteria outlined in policy RD1.

### **Residential Amenity**

- 68 Three residential properties (Westpark, Gowanbank and Maryfield) share a boundary with the application site all of which are located on Ardler Road (one to the southwest and two to the east). The relationship between the existing properties and the proposed development is a consideration in terms of impacts on daylight/sunlight and privacy.
- 69 The site arrangement is such that six dwellinghouses are proposed along the north east site boundary. The depth of the rear gardens to these properties is

9 metres and no windows to habitable rooms are proposed on the gables. It is therefore considered that there would be no detrimental impact on existing residential amenity from overlooking. In addition the intervening distance and these existing properties being located to the southeast would not result in a loss of light from overshadowing.

- 70 The other existing dwellinghouse (Park House) lies to the southwest of the site is proposed to be bound by a proposed dwellinghouse to the east and a block of four cottage flats to the north. There are no windows to habitable rooms proposed on the gable of the property proposed to the east and to the north. A distance in excess of 9 metres has been retained between the proposed flats and the boundary. In addition, this existing property lies to the west which means the development will not result in a loss of light. In addition 1.8 metre fencing is proposed as a boundary treatment between the site and this existing dwellinghouse.
- 71 Within the application site the layout of the proposed dwellinghouses has been configured so that 9 metre window to boundary distances and 18 metre distances for facing windows has been met. The layout therefore does not raise any issues of overlooking between the new properties.
- 72 As the site accommodates smaller units aimed at first time buyers, people downsizing and providing onsite affordable, the site does reflect a higher density of development that the indicative LDP numbers would provide. The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. In this case a sufficient amount of private amenity space to the rear of all dwellinghouses and flats is provided to perform the minimum expected of a garden ground taking account of the proposed dwellinghouse type.
- 73 The site lies adjacent to the Victory Park which has a small play park, cricket pavilion and playing fields. This public amenity space complements the open space provided to the north of the site and supplements private garden areas. Community Greenspace note that the housing is proposed along the boundary with the existing park and playpark, which could lead to further residents being disturbed by noise from park users. The minimum separation distance between proposed housing and open space, laid out within the Council's play strategy, is 30 metres. Whilst this may be appropriate in larger zoned sites where large play facilities are to be provided this will not always be achievable on smaller sites, particular like this site with the width of the developable area is 80 metres. Future residents of the site will be aware of the presence of the play park and the park is aimed at younger children with five small pieces of play equipment. I consider that it would be unreasonable to further limit the developable area of the site and that any issues with antisocial behaviour from the park would be controlled under other legislation and departments within the council.

### **Core Path/Right of Way**

- 74 Tree Back Lane to the north of the site is a core path (MEGL/2) and right of way (20/2) it provides a safe off-road route which is likely to be well used by the residents within the development and those within the area. The core path also runs through the northwest corner of the site.
- 75 As part of the development, pedestrian links are proposed via the core path and a new path to both Tree Back Lane and Victory Park. Additional linkages are also proposed at the end of each street running west to the park.
- 76 Community Greenspace have requested that Tree Back Road be improved as a condition of this permission. However, this is a private road outwith the site boundary and is not within the applicant's control to upgrade. It would therefore not be reasonable to impose such a condition. It is, however, reasonable to upgrade the core path link which runs through the northwest corner of the site. A condition is therefore recommended to ensure connections to the core paths and that the part of the core path MEGL/2 which is incorporated within the development, shall be fit for purpose being at least 1.5m wide and surfaced (Condition 5).

### **Trees and Landscaping**

- 77 A plan has been submitted to show the proposed soft and hard landscaping. This includes small species tree planting, boundary treatments to plots (feature walls, 1.8m and 1.2m timber fences) hedgerow and shrub planting. The open area to the north is proposed to have a mix of woodland planting around the site boundaries with central grassed areas.
- 78 The proposal would benefit from a more prominent entrance and street frontage along Ardler Road. The existing boundary treatments along Ardler Road are characterised by low walls and hedges to define the plots. The two proposed dwellings which front Ardler Road have driveway access which is already an established feature; however, the open aspect of the gardens is out of character. A condition is proposed to require the submission of a plan detailing boundary treatments (Condition 10).
- 79 As changes have been made to the SUDS scheme this has resulted in revisions being required to the landscaping scheme. An amended landscaping scheme will therefore be required and this will be covered by condition (Condition 8).

### **Roads and Access**

- 80 The vehicular access to the site is from Ardler Road. The site, due to its linear nature and Scottish Water sewer location, has dictated the road layout. Unfortunately this has resulted in a form which has a straight road with cul-de-sacs. The layout does, however, provide good pedestrian links to Victory Park and to the Core Path network.

- 81 The site layout provides off-street parking for each dwelling; at two spaces per dwelling, 1 space per dwelling for the onsite affordable, 6 parking spaces provided for the cottage flats and a further 6 visitor spaces. The Planning Authority is satisfied that the level of parking provision proposed by the applicant is in accordance with current guidelines and constitutes an adequate level of provision.
- 82 The road layout has also been improved to link with the footpath on Ardlar Road and improve pedestrian links and desire lines throughout the site.
- 83 A Transport Statement has been submitted with the application and it concludes that the traffic flows from the development are modest and would not cause any significant capacity issues at the junctions on the network. Transport Planning colleagues have assessed the Transport Assessment and are satisfied with the contents and this position is accepted.

### **Drainage and Flooding**

- 84 The indicative SEPA flood hazard maps show that there may be risk to the site from the Meikle Burn beyond the sites north western boundary. The maps are indicative in nature and should not be used to assess flood risk at the site-specific scale.
- 85 A Flood Risk Assessment (FRA) was submitted as part of the application. The Flood Team initially confirmed that they would expect more detailed investigations to be carried out (e.g. hydraulic modelling) to fully understand the flood risk at the site.
- 86 The Flood Team also considered the proposed SUDS basin located within the indicative floodplain to be unacceptable. The Flood Team considered that it needed to be re-located or a more detailed FRA would be required to understand the 1:200 year flood level at the site to ensure it is positioned above this. The concern was that potential land raising to construct the basin would potentially increase flood risk elsewhere in Meikle, which would not be acceptable.
- 87 As a result, the surface water proposals have been redesigned to remove construction from the functional floodplain. Attenuation of flows will now be delivered through an underground storage tank and filter trenches, prior to discharge to the Meikle Burn.
- 88 As a result of the revised proposals the Flood Team have withdrawn their objection and are satisfied with the proposal.

### **Waste Collection**

- 89 The road layout and turning provision allows for refuse vehicles to enter and leave the site with a kerbside collection proposed.

- 90 The Community Waste Team note that the developer should consider incorporating a mini glass recycling point within the completed development to compliment the kerbside recycling services that will be provided. A condition will be added in this regard (Condition 7).

### **Archaeology**

- 91 The proposed development site lies within an area that is considered to be archaeologically sensitive. The site is located approximately 100m to the historic core of Meigle, which is renowned for its collection of early medieval sculpture found in the churchyard and the village itself. The collection of sculpture dates from the early medieval period, suggesting that Meigle was either an early monastic centre or an early church site with a wealthy patron.
- 92 This site does not appear to have been developed historically, with no evidence of construction on either the first or second edition Ordnance Survey, therefore there is the potential likelihood of the survival archaeological remains.
- 93 It is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. It is recommended that a condition for a programme of archaeological works be attached to consent (Condition 12).

### **Natural Heritage and Biodiversity**

- 94 An ecological Assessment of the site was undertaken which included assessment of the impacts on the River Tay SAC, otters and breeding birds.
- 95 The report outlines mitigation measures to ensure best practices are applied during the construction phase as well as to comply with legal requirements associated with protected species and habitats. It is considered that with the measures detailed the proposed development will not lead to any significant impacts to protected species or habitats present.
- 96 The mitigation includes a Construction Environmental Management Plan (CEMP), which will include measures to prevent any accidental incursion into the Meigle Burn, as well as the safe storage of materials and chemicals away from this area of the site. Siltation measures will be implemented to prevent increased run-off into the Meigle Burn from the construction site. This may include the use of sealed bunds and silt fencing as well as the erection of Heras fencing to prevent unauthorised access to the burn.
- 97 The report also recommends that the site is re-surveyed for otter and that any artificial lighting used during the construction phase should be directed away from the burn, and no lights should be included in the final design which light up the Meigle Burn.

- 98 Works within 100m of the Meigle Burn will cease between 1 hour before sunset and one hour after sunrise to enable otters to continue using the burn for commuting or foraging during the night time.
- 99 Any trenches dug over 1m deep will be covered at the end of the working day, or else an escape ramp included at a 45 degree angle to allow escape. Any pipes stored on site should be capped, except where their full interior extent can be viewed prior to being moved to ensure no otters are occupying them at the time.
- 100 Scrub and tree removal may disturb nesting birds if undertaken during the bird breeding season. Works should therefore be scheduled to commence out with the bird breeding season in order to avoid potential disturbance to nesting birds. If works are scheduled to commence within the bird breeding season then a screening survey should be undertaken by an ecologist prior to work at the site.
- 101 The recommendations of the Ecological Survey will be covered by condition (Condition 11).

### **Developer Contributions**

#### Affordable Housing

- 102 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 103 The Affordable Housing requirement is 8.25 units (33 x 0.25). The proposal will provide 8 Affordable units on site and a condition is recommended to secure this contribution (Condition 4). The remaining 0.25 requirement should be made by way of commuted sum payment. The commuted sum for the Strathmore and Glens HMA is £11,500 per unit. The required commuted sum is £2,875 and must be secured prior to any decision notice being issued.

#### Primary Education

- 104 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 105 This proposal is within the catchment of Meigle Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time therefore no contributions are required



## **Economic Impact**

- 106 There is likely to be some economic benefit associated with the construction of this development. However this is not considered to hold significant weight in the determination of this application.
- 107 The representations have also raised issues regarding the strain on local services however the increase in population would generate increased footfall and spending in the local economy.

## **LEGAL AGREEMENTS**

- 108 It is anticipated that, due to the small contribution amount, this would be paid upfront rather than by entering into legal agreement however clarification of this will need to be sought subject to a S75 not being required for the 8 onsite units.

## **DIRECTION BY SCOTTISH MINISTERS**

- 109 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**

- 110 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 111 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

Reason - To ensure 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 the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to, and agreed in writing by, 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 The onsite affordable units hereby approved (plots 7-14) shall be occupied solely for the purposes of affordable housing, as defined in the 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 Prior to the commencement of development hereby approved details of the proposed connections to the existing core paths, paths within the site and core path MEGL/2, which is incorporated within the development, shall be submitted to, and agreed in writing by, the Council as Planning Authority. The proposed paths within the site shall be at least 1.5m wide and surfaced. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - To ensure that the core path and other path linkages are provided to an acceptable standard.

- 6 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted to, and agreed in writing by, the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan to the satisfaction of the Council as Planning Authority.

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

- 7 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures including a mini glass recycling point or waste and recycling facility storage areas and associated locations for bin

presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - To ensure that adequate recycling facilities are provided within the site.

- 8 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals (to include the site entrance) 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 and to ensure the satisfactory implementation of the proposed planting scheme.

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

Reason – To ensure satisfactory management of the scheme.

- 10 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site (in particular in relation to Ardler Road) shall be submitted for the further written agreement of the Council as Planning Authority. The boundary treatments as agreed for each plot shall be implemented prior to the completion or occupation of each dwellinghouse/flat, whichever is the earlier.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed boundary treatments.

- 11 The conclusions and recommended action points within the supporting biodiversity survey dated 27<sup>th</sup> June 2018 by FDM Ecology Limited and hereby approved shall be fully adhered to, respected and undertaken as part of the

construction phase of development to the satisfaction of the Council as Planning Authority.

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

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

- 13 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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 a payment is not paid up-front, a Section 75 Legal Agreement will require to be drafted in relation to securing on and off-site Affordable Housing provision . The Heads of Terms have been agreed by the applicant and the Councils Legal Services have been formally instructed.

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.
- 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.
- 8      Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 9      No work shall commence until and application for a Building Warrant has been submitted and approved.
- 10     The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority

consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 11 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.

Background Papers: 21 letters of representation

Contact Officer: Joanne Ferguson 01738 475320

Date: 8 November 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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