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Council Building  
2 High Street  
Perth  
PH1 5PH

10 December 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Tuesday, 18 December 2018 at 10:00.**

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

**Tuesday, 18 December 2018**

**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 THE MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 24 OCTOBER 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 7 - 22**
  - 4(ii) MINUTE OF THE MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE OF 21 NOVEMBER 2018 FOR APPROVAL AND SIGNATURE (copy to follow)**
- 5 APPLICATIONS FOR DETERMINATION**
  - 5 (1) MAJOR APPLICATIONS**
    - 5(1)(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 23 - 54**

Report of Handling by Interim Development Quality Manager  
(copy herewith 18/399)

<b>5(1)(ii)</b>	<b>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 RE-ALIGNMENT LANDSCAPING AND ASSOCIATED WORKS, LAND NORTH OF PITCROCKNIE FARMHOUSE, ALYTH</b> Report of Handling by Interim Development Quality Manager (copy herewith 18/400)	<b>55 - 86</b>
<b>5(1)(iii)</b>	<b>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</b> Report of Handling by Interim Development Quality Manager (copy herewith 18/401)	<b>87 - 108</b>
<b>5(2)</b>	<b>LOCAL APPLICATIONS</b>	
<b>5(2)(i)</b>	<b>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</b> Report by Handling by Interim Development Quality Manager (copy herewith 18/402)	<b>109 - 136</b>
<b>5(2)(ii)</b>	<b>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 NW OF BORELAND HOUSE, CLEISH</b> Report of Handling by Interim Development Quality Manager (copy herewith 18/404)	<b>137 - 158</b>
<b>5(2)(iii)</b>	<b>18/01770/FLL - INVERGOWRIE - ALTERATIONS TO ROUNDABOUT, LANDSCAPING AND ASSOCIATED WORKS, SWALLOW ROUNDABOUT, INVERGOWRIE</b> Report by Handling by Interim Development Quality Manger (copy herewith 18/403)	<b>159 - 176</b>



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PERTH AND KINROSS COUNCIL  
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.

### . WELCOME AND APOLOGIES

The Convenor welcomed everyone present to the meeting.

### . DECLARATIONS OF INTEREST

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

### . MINUTES

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

### . 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.
18/00094/IPM	(1)(i)
18/00408/FLM	(1)(ii)
18/01054/FLL	2(i)
18/01094/FLL	2(ii)
18/01353/FLL	2(iii)

### . APPLICATIONS FOR DETERMINATION

#### (1) Major Applications

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Prior to the consideration of Arts. \*\* \_\*\* and \*\* \_\*\*, 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. \*\* \_\*\* and \*\* \_\*\*, J Scott, Team Leader provided an update to members that, (i) for Art 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 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 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:**

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**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.
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

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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;
  - 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.

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- 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.  
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

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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.



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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 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

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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](http://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, 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto: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 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.

PERTH AND KINROSS COUNCIL  
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24 OCTOBER 2018

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;
- (ii) Perth and Kinross Local Development Plan, Policy PM1B(c) due to 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.**

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.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
24 OCTOBER 2018

**Resolved:**

In accordance with the Amendment.

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Perth and Kinross Council  
Planning & Development Management Committee – 18 December 2018  
Report of Handling by Interim Development Quality Manager (Report. No 18/399)

**PROPOSAL:** 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).

**LOCATION:** Land south west of Dobbies Garden Centre, East Huntingtower, Perth.

Ref No: [18/01038/AMM](#)

Ward No: 9 - Almond and Earn

### Summary

This report recommends approval of the application for the erection of 208 dwellings, 30 flats, 11 garages and associated infrastructure. This development would represent the second phase for residential development at the former auction mart site, East Huntingtower, Perth. Development has commenced on Phase 1 (18/00412/AMM). The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

### BACKGROUND AND PROPOSAL

- 1 The site, which extends to approximately 10 hectares in area, is located to the south of the A85 Trunk Road and to the west of the A9 Trunk Road as it bypasses Perth's western periphery. It is currently accessed from the A85 along with existing businesses which would also serve as the access for this proposed development.
- 2 To the northeast of the site is Phase 1 of the wider In Principle site ([16/01348/IPM](#)), which was approved by Planning & Development Management Committee in July 2018 and is currently under development ([18/00412/AMM](#)). The Glover Arms public house at East Huntingtower is located to the north west and between the site and the A9 to the east is Dobbies garden centre. Beyond the A9 lies an established residential area with the closest housing being approximately 120 metres from the site. There are a number of houses directly opposite the access into the site, along the A85. The site is bounded to the west by the former agricultural mart landholding, which is defined by a hedge and core path running north-south. The adopted Core Path METH/15, which is located within the application site boundary to the west, continues along a west-east direction some distance to the south of the application site, along what was the southern boundary of the former mart site.
- 3 The site gradually contours down in the form of plateaus from south to north which levels out beyond the site to the south of Huntingtower Castle. The current application site encompasses the majority of the wider development site.

Landscaping around the site is already well established due to the use of planting to screen the previous development, the majority of which was undertaken to minimise the impact of development on the edges of the site that border onto open countryside, notably along its western edge. The existing woodland along the southern boundary will be required to be felled to eradicate the Giant Hogweed in this area.

- 4 The site is located within the settlement boundary of Perth as defined by the Perth and Kinross Local Development Plan (LDP) 2014. It is not allocated for a particular use but is classed as a brownfield site due to its previous use and current condition. As advised, the entire site benefits from Planning Permission in Principle ([16/01348IPM](#)).
- 5 As advised, this is the second application for Approval of Matters Specified in Conditions (AMSC) and represents Phases 2-5 of the development site. The development proposed comprises of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, SUDS pond, play area, open space landscaping and associated works. This proposal includes all the affordable housing required for the site (within Phase 2). A range of terraced, detached, semi-detached house types and flats are proposed, with the following composition:
  - 24 x 3 bedroom flats
  - 6 x 1 bedroom flats
  - 33 x 3 bedroom dwellings
  - 7 x 5 bedroom dwellings

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**70 affordable dwellings**

  - 10 x 2 bedroom dwellings
  - 75 x 3 bedroom dwellings
  - 83 x 4 bedroom dwellings

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**168 open market dwellings**
- 6 All the house types and buildings, including the flats, for these phases will be two-storey in form and are proposed to be finished externally with white rendered walls and dark grey tiles. The affordable units, as Phase 2, will be located within the eastern half of the site and are proposed to be managed to be maintained by a Registered Social Landlord (RSL).
- 7 The application has been accompanied by a significant level of supporting information that was included for Phase 1 in particular information relative to the 'pre-commencement' conditions included in the In Principle permission ([16/01348/IPM](#)). Phase 1 commenced in September 2018.

### **Environmental Impact Assessment (EIA)**

- 8 An Environmental Statement (ES) was submitted and assessed as part of the [09/02126/FLM](#) application for retail development. The In Principle application ([16/01348IPM](#)) was re-screened for an EIA and it was found that an EIA was not

required as the previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up-to-date supporting assessments for Phases 2-5, which assess flood risk, drainage, transport, ecology, noise, air quality and contaminated land. This information addressed the environmental information needed for the proposal and does not alter the position in respect of the EIA, which is not required at this AMSC stage.

## **NATIONAL POLICY AND GUIDANCE**

- 9 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.

### **Scottish Planning Policy 2014**

- 10 The SPP is a statement of Scottish Government policy on land use planning. 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
- 11 The following Scottish Government Planning Advice Notes (PAN) are relevant to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - 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

### **Designing Streets 2010**

- 12 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 and sets out Government aspirations for design and the role of the planning system in delivering these.

### **Creating Places 2013**

- 13 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.

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

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

## **DEVELOPMENT PLAN**

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

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

- 16 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:
- 17 *"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."*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 19 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**

- 20 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**

- 21 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**

- 22 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 23 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.”*
- 24 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 25 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**

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

### **Policy PM1C - Placemaking**

- 27 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**

- 28 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**

- 29 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**

- 30 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**

- 31 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**

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

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 33 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**

- 34 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**

- 35 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**

- 36 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 HE2 - Listed Buildings**

- 37 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy NE2A - Forestry, Woodland and Trees**

- 38 Support will be given to proposals which meet the six criteria in particular 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**

- 39 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 40 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**

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

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 42 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**

- 43 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**

- 44 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**

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

### **Policy EP8 - Noise Pollution**

- 46 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**

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

### **Policy EP12 - Contaminated Land**

- 48 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.

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

- 49 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.
- 50 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.

- 51 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**

- 52 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

## **Perth and Kinross Local Transport Strategy**

- 53 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

## **SITE HISTORY**

- 54 The relevant planning history is:

**00/01747/OUT:** Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.

**08/01513/IPM:** In Principle Permission sought for a Mixed Use Development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).

**09/02126/FLM**: Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013

**12/00392/FLL**: Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013.

**13/01795/MPO**: Modification of Planning Obligation associated with 09/02126/FLM. Application approved by Development Management Committee November 2013.

**16/00002/PAN** Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.

**16/00004/PAN** Proposal of Application Notice for residential development. Content of PAN approved June 2016.

**16/00695/FLL** Renewal of 12/00392/FLL for erection of petrol filling station. Application withdrawn April 2018.

**16/00696/FLM** Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. Application withdrawn April 2018.

**16/01348/IPM** In Principle application for residential development. Application approved by Development Management Committee January 2018 following the conclusion of a Section 75 legal agreement.

**18/00412/AMM** Residential development of 43 dwellings and formation of SUDs pond (Phase 1). Application approved by Planning and Development Management Committee July 2018. Development commenced on site September 2018.

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

55 No objection.

#### **Scottish Water**

56 No objection.

#### **Transport Scotland**

57 No objection.

### **Methven and District Community Council**

58 No response received.

### **Perth & Kinross Heritage Trust**

59 No objection.

### **Health and Safety Executive (HSE)**

60 The HSE's online assessment tool (PADHI+) confirmed that no pipeline infrastructure will be impacted.

### **Scottish Gas Network**

61 No response received.

## **INTERNAL**

### **Strategy and Policy**

62 No objection to the proposal. This site is located within the settlement boundary of the LDP where the principle of development is favourably considered.

### **Community Greenspace**

63 Following a change in location of the proposed play area to a more central location no objection is offered.

### **Transport Planning**

64 No objection.

### **Environmental Health**

65 No objection but recommends a conditions regarding noise is included with any permission.

### **Developer Contributions**

66 No objection.

### **Structures and Flooding**

67 No objection.

### **Waste Services**

68 No objection.

## REPRESENTATIONS

69 None received.

## ADDITIONAL STATEMENTS

|    |                                                |                                                                                                                                                                                                                        |
|----|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 70 | Environment Statement                          | IPM Screened - Not required                                                                                                                                                                                            |
|    | Screening Opinion                              | Yes at IPM stage                                                                                                                                                                                                       |
|    | Environmental Impact Assessment                | Not required                                                                                                                                                                                                           |
|    | Appropriate Assessment                         | Not required                                                                                                                                                                                                           |
|    | Design Statement / Design and Access Statement | Submitted                                                                                                                                                                                                              |
|    | Report on Impact or Potential Impact           | Updated Transport Statement, Updated Ecological Assessment, Updated Noise Assessment, Drainage Assessment, District Heating Assessment, Tree Survey, Archaeological Assessment, Geotechnical Report, Green Travel Plan |

## APPRAISAL

### Policy Appraisal

71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

### Principle

72 The principle of residential development has been established through the approval of planning permission for residential use (16/01348/IPM) with an indicative density of 270 dwellings being identified. Development of Phase 1 for 43 dwellings has commenced recently at the northern end of the site. This proposal would take the cumulative total to 281 units, comprising 251 dwellinghouses and 30 flatted properties. There are no concerns with the principle of this scale of development; however, its appropriateness is assessed in the detailed matters below.

### Phasing and Delivery

73 Conditions 3 and 4a) of the In Principle permission require a detailed phasing plan to be submitted with the first AMSC application. A phasing plan was submitted for the

18/00412/AMM Phase 1 application and an updated phasing plan was submitted for this application. This plan clearly identifies how the developer anticipates the build out of the overall site to take place. This application, as Phases 2-5 of the proposal, seeks to provide 171 open market dwellings and 70 affordable units. Phase 2 shows the provision of 70 affordable dwellings along the eastern edge of the site. This almost meets the affordable housing requirement of 25% (70.25 units) for the overall site early in the development. A financial contribution for the remaining 0.25 unit would still be required either through an up-front payment or via a Section 75 Legal agreement before the decision notice could be released. This is considered to be acceptable and the applicant has confirmed a Registered Social Landlords (RSL) has been identified for the maintenance and management of the affordable units once constructed.

- 74 Phase 3 will see the provision of 59 open market dwellings and the open space and play area requirements for the overall site along the western half of the site. Phases 4 and 5 will deliver 109 open market dwellings within the southern half of the site. Physically separating Phases 4 and 5 is an existing landscape bund that is proposed to be retained. The phasing of the development of the site is considered to be acceptable and satisfies In Principle conditions for site development progressing from north to south. The proposed phasing and delivery is sensible and the early delivery of all the affordable units is welcomed and will ensure the proposal complies with LDP Policies PM1 - Placemaking and RD4 – Affordable Housing.

### **Design and Layout**

- 75 A masterplan including an indicative layout plan for the site was submitted as part of the 'In Principle' application. This sets out the principal components of the proposed development. Phases 2-5 are in line with the masterplan for the site.
- 76 In these phases, the proposal includes some cut and fill following an initial scrape back to ensure the levels work appropriately within the site. In compliance with In Principal Condition 4b) the amount of cut and fill required is, however, reasonably minor and any fill required will come from the scrape back.
- 77 The street layout is clear and defined through the site and is considered to be easily usable by all users including waste services and helps ensure the proposal complies with Designing Streets (2010). The proposed layout and linkages ensure the site is extremely permeable for all modes of transport including pedestrian and cyclist, with connections with the adjacent footpath and core paths being provided. Public transport connections are available within a close walking distance on the A85 and the roads have been designed to accommodate buses if required.
- 78 Within Phase 2, the terraces of affordable dwellings located within the eastern section for the site are compact but do meet the Council's minimum size requirements for garden grounds. All the affordable dwellings are located together because they will be managed and maintained by a RSL who have stated a preference for the units to be grouped together from a management perspective rather than spread throughout the site. Therefore, while such grouping is generally discouraged in national policy, the proposal here is accepted on the basis of ease of management and because the 70 affordable housing units are being brought forward as an entire phase, very early within the development.

- 79 Phases 3-5 will see the provision of 168 two-storey open market housing, in a mix ranging from 2 to 4 bedroom in size. The proposed mix and layout is considered to be acceptable with good connections and permeability to each phase and the surrounding area.
- 80 In terms of house design, the proposed dwellings and flats are of a typical modern form with the use of white rendered walls and dark grey roof tiles. These designs are considered to provide a simple yet acceptable appearance and material palette. The massing and scale of the dwellings shown on the proposed layout plan can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or on each other.
- 81 The proposed 2 metre high boundary acoustic fencing and evergreen hedge planting will help to enhance the residential amenity of properties and protect them from noise associated with the A9 and A85 trunk roads. The phased development of the site has necessitated that infrastructure such as SUDS and open space is provided on both Phase 1 (under construction) and with Phases 2-5 proposed here. The Council's Structures and Flooding team have confirmed the SUDS arrangements are acceptable, which is discussed in more detail below. Similarly, Community Greenspace is content with the open space proposals, including the central location of the Local Equipped Area of Play (LEAP). It is considered that a central core of green space in this manner with a separate delivery of the SUDS basin is acceptable on this occasion.
- 82 The proposal is considered to be in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking. It will well laid out and broadly accords with the masterplan submitted as part of the In Principle approval. Overall, through the development of a long-standing brownfield site the proposal makes a positive contribution in respect of to the delivery of homes and complements the surrounding environment.

### **Traffic and Transport**

- 83 The biggest single constraint facing the Perth Area is the capacity of the roads infrastructure in and around Perth. To help alleviate these issues planning permission has now been granted for a new A9/A85 junction as part of the proposed Cross Tay Link Road (CTLR) project. The A9/A85 works are underway and is close to completion. This is designed to help alleviate congestion issues at this location.
- 84 An updated Transport Statement has been submitted with the application and this has been reviewed by both Transport Scotland and the Council's Transport Planning team.
- 85 Transport Planning is satisfied that the statement accurately reflects the impact of the development on the local road network and demonstrates the site's potential accessibility by sustainable modes. The site provides two access points along the western boundary to connect with the adjoining LDP site H70 known as Perth West (Condition 21). No objection or concerns have been raised by Transport Scotland.



## Sustainable Transport

- 86 The application site is adjacent to the A85 and the proposed site layout plan shows connections to the existing adjacent footpath and core path to ensure future residents have a choice of sustainable modes of transport to travel into Perth city centre and the surrounding area. A Green Travel Plan has been submitted with a view to minimising private single occupancy car usage whilst encouraging the use of public transport, car sharing, cycling and walking. The Green Travel Plan (Drawing Ref: 18/01038/74) has been reviewed by Transport Planning and is considered to be acceptable, provided a Construction Traffic Management Plan (CTMP) is submitted and agreed and nearby bus stops are upgraded (Conditions 2, 23 and 24).
- 87 Although an improvement to the adjacent Core Path (METH/15) to the west of the site has been requested by Strategy and Policy, this was not required through a condition or a planning obligation at the In Principle stage. Therefore, this matter cannot be looked at this stage of the planning process. The applicant is, however, required to provide direct access connections to the Core Path (Condition 20).

## Trunk Road Network

- 88 Transport Scotland requires a developer contribution to help mitigate the proposal's direct impact on Broxden roundabout and a Condition 14 was imposed in the In Principle permission. The applicant has agreed the level of financial contribution with Transport Scotland and arrangements for its payment have been made (Condition 3).

## **Lighting**

- 89 Conditions 4k) 4l), 20 and 24 from the In Principle permission all cover street lighting and, in particular, the impact of new lighting on the trunk road networks. Due to positioning, Phases 2-5 will not have any impact on the A85 but development is proposed adjacent to the A9. Consequently, a Lighting Plan has been submitted to assess any light spillage within or outwith the site. The Plan is considered to be acceptable with no adverse comments received from either Transport Scotland or Environmental Health. A condition is proposed to ensure there is no light spillage onto the A9 in particular following the lighting installation (Condition 11).

## **Noise**

- 90 It had previously been agreed, in consultation with Environmental Health, that the noise assessment for the new housing should be based on an external amenity criterion for garden levels of 55 dB(A) Leq and that preferably internal limits of 35 dB(A) Leq daytime and 30 dB(A) Leq for night time be met with windows open.
- 91 The revised noise impact assessment (Drawing Ref: 18/01038/61), dated 25 May 2018, and additional information of 24 September 2018, demonstrate that the external amenity criterion for garden levels of 55 dB(A) Leq can be achieved throughout the site. This is subject to mitigation measures in the form of a 1.5 metre high acoustic fence on the south and east boundaries and a 3.5 metre acoustic fence on the south easterly boundary of the site.

- 92 The garden areas can achieve a good level of external amenity, but the upper floor rooms would struggle to meet the desired internal amenity levels with windows open as recommended in PAN 1/2011.
- 93 Because the source noise is traffic generated and the site has In Principle planning permission, as well as being proposed to be allocated in LDP 2, Environmental Health are satisfied that a windows closed assessment is acceptable in this case. This conclusion is reached on the basis that a good level of internal amenity can be achieved with windows closed (comfortably below the 30 dB(A) criteria) and reasonable external amenity levels can be achieved.
- 94 Environmental Health further advised that acceptable internal levels can be achieved day and night as long as suitable glazing and trickle vents are provided within the window units. The submitted information detailing which windows are affected appears to be at odds with the revised noise calculations, which indicates that more properties will require to have windows closed to achieve the day and night time internal amenity criteria. In light of this, Environmental Health have requested specific planning conditions are applied to any permission to ensure acceptable noise levels will be achieved for all properties (Conditions 15, 16 and 17). Provided the conditions are met the proposal will comply with LDP Policy EP8 – Noise Pollution.

### **Air Quality**

- 95 During the In Principle application a detailed Air Quality Assessment was submitted and reviewed by Environmental Health. Even with the predicted increase of particulates, the levels are well below the required standards and Environmental Health has not raised any air quality issue regarding this phase. Condition 27 of the In Principle permission; however, remains relevant to ensure there is no adverse impact from dust during the construction period and this condition is proposed again (Condition 22).

### **Contaminated Land**

- 96 Condition 36 of the In Principle requires a detailed Ground Investigation and Reclamation Statement to be submitted and approved before any development can commence on site. This statement has been submitted alongside this application and no concerns have been expressed by Environmental Health (Land Quality).

### **Natural Heritage**

- 97 LDP Policy NE3 requires development proposals to avoid detrimental impact on biodiversity and protected species. An updated Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the overall site. While no protected species were identified during the survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm to the south west of the overall site. A proposed condition will ensure appropriate mitigation is delivered (Condition 10).

- 98 As advised, invasive non-native species such as Giant Hogweed have been found at a number of locations on the overall site and in particular within the woodland at the southern end of the site. A Giant Hogweed Remediation Plan has been submitted and is also contained within the Construction Environmental Management Plan (CEMP) that has been submitted and approved for the Phase 1 development. The CEMP will need to be updated and submitted for Phases 2-5 and a condition is recommended to secure this (Condition 2). As part of the Giant Hogweed Remediation Plan, the Giant Hogweed will be buried and capped within the site. The woodland at the southern end of the site needs to be felled and re-planted as the trees may contain spores from the Giant Hogweed and allow it to grow again. The details for the replanting scheme, to provide an important biodiversity and screening resource in this location, are recommended to be secured through a condition (Condition 18).

### **Trees**

- 99 With the exception of the trees that are required to be felled at the southern boundary, as discussed above, there are areas of trees along the western boundary with the core path that need to be protected during the development. The submitted landscape plan shows they will be protected to the required BS5837 2012 standard (Condition 12).

### **Structures and Flooding**

#### Flood Risk

- 100 SEPA reviewed the information submitted for Phase 1 to address Condition 22 of the In Principle permission. From the information submitted the CCTV survey has identified a surface water drain which serviced the previous mart to the south. It identified the "head of line" and they accept and support that this is not a live culvert and therefore the flood risk of the site is low. The pre-commencement element of in Principle Condition 22 has therefore been satisfied.
- 101 The submitted information has also confirmed the Newton Burn is outwith the application boundary and not at risk of flooding the site. There are no other sources or concerns in regards to flood risk.

#### Drainage

- 102 LDP Policy EP3 requires all development to have sufficient drainage infrastructure to serve the development. Within a settlement, the main aim is to ensure that the public services can accommodate the development.
- 103 Following the submission of additional details, Structures and Flooding have confirmed the proposed drainage arrangements for Phases 2-5 are acceptable and satisfy the pre-commencement elements of conditions attached to the In Principle permission. Conditions are recommended for this application to secure delivery of the drainage arrangements during construction and for the final scheme (Conditions 6 and 7).

## **Developer Contributions**

- 104 A Section 75 legal agreement has been secured for the 16/01348/IPM to ensure necessary infrastructure is delivered for the site and surrounding area. The S75 is future proofed for higher dwelling numbers as the financial contributions are based on house completions. It covers:
- Primary School Delivery
  - Transport Infrastructure Contributions
  - Public Transport Improvement
  - Affordable Housing Provision
  - Open Space, Play Area Provision and Maintenance
  - Contribution towards pedestrian footbridge across A9.
- 105 Condition 14 of the 16/01348/IPM permission requires the applicant to agree with Transport Scotland a level of financial contribution towards mitigating the overall sites impact on the Broxden roundabout. I can confirm that a figure has now been agreed between the applicant and Transport Scotland and arrangements for payment are made (Condition 3).
- 106 The Section 75 will also ensure Conditions 33, 34, 35 from the In Principle permission will be met.

## **District Heating**

- 107 As per Phase 1, the applicant has submitted a District Heating Assessment and whilst they state it would currently not be viable for the site, they are prepared to futureproof their site by leaving room next to the service strips for new pipelines. Conditional control will ensure this futureproofing can be delivered (Condition 5). The pre-commencement element of In Principle Condition 32 has been satisfied. A district heating pipeline plan for Phase 1 has been submitted and agreed and a similar scheme is required for Phase 2-5, which it is anticipated would take a similar format to the provision made for the first phase (Condition 5).

## **Sustainability**

- 108 The housing layout has been developed to maximise solar gain into properties where possible to allow the benefit of passive light and heating from the sun. In-roof Photovoltaic panels will be installed to ensure they are in compliance with current sustainability requirements. All house types are however designed for future adaptability and will be future proofed, should district heating become a viable option.
- 109 As already mentioned, the proposal is adjacent to the A85 and in close proximity to bus stops. It also connects with public footpaths and a core path which links to the National Cycle Route. These will provide residents with choice of sustainable modes of transport and an alternative to the car.

## **Archaeology**

- 110 PKHT confirms that the proposed development site lies within an area that is considered to be highly archaeologically sensitive. A large proportion of the proposed development site contains cropmarks (MPK2204 & MPK 2185) likely to represent archaeological remains that have been identified through aerial survey. The site lies to the south east of Huntingtower; an area of extensive archaeological remains and historic significance, including Scheduled Monuments (SM 3630) and Huntingtower Castle.
- 111 A Desk Based Assessment carried out in advance of the first and second phase, identifies three zones as having potential undisturbed archaeological remains out with areas of existing structures. This application includes the most northerly identified zone, located adjacent to the A85, and is of high archaeological potential. This assessment and the recommendation for an initial archaeological evaluation of up to 10% in each area was agreed by PKHT.
- 112 It is therefore recommended that a negative suspensive condition for a programme of archaeological works is attached to any permission to ensure the development does not destroy significant archaeological remains. There is a need to assess the character, condition and significance of the archaeological deposits presumed to be present, and the extent to which the development will impact upon them. This 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, post-excavation analysis and publication of these deposits. A Written Scheme of Investigation (WSI) has been submitted and agreed by PKHT for Phase 1 and is also required for Phases 2-5 and therefore a condition is recommended (Condition 4).

## **Economic Impact**

- 113 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. The overall economic impact will be positive for the local area.

## **LEGAL AGREEMENTS**

- 114 A legal agreement has been secured for the 16/01348/IPM planning permission to secure infrastructure that will be impacted by the current proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

- 115 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

- 116 The proposal fully accords with National Guidance and Development Plan policy in relation to residential development on an urban brownfield site. The proposal is acceptable in terms of its design, density, siting and landscape impact. The development can be satisfactorily accessed, together with the implementation of the current junction improvements to the A85/A9 junction.

## RECOMMENDATION

### **A Approve the application subject to the following 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 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 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 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:

- 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 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; and
- k) arrangements for dealing with non-compliance.
- l) 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.

## **B JUSTIFICATION**

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

## **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.

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.

## **D INFORMATIVES**

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

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - 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 Environmental 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 Environmental 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 Environmental 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](http://www.ros.gov.uk)).

Background Papers: Decision Notice 16/01348/IPM

Contact Officer: Steve Callan

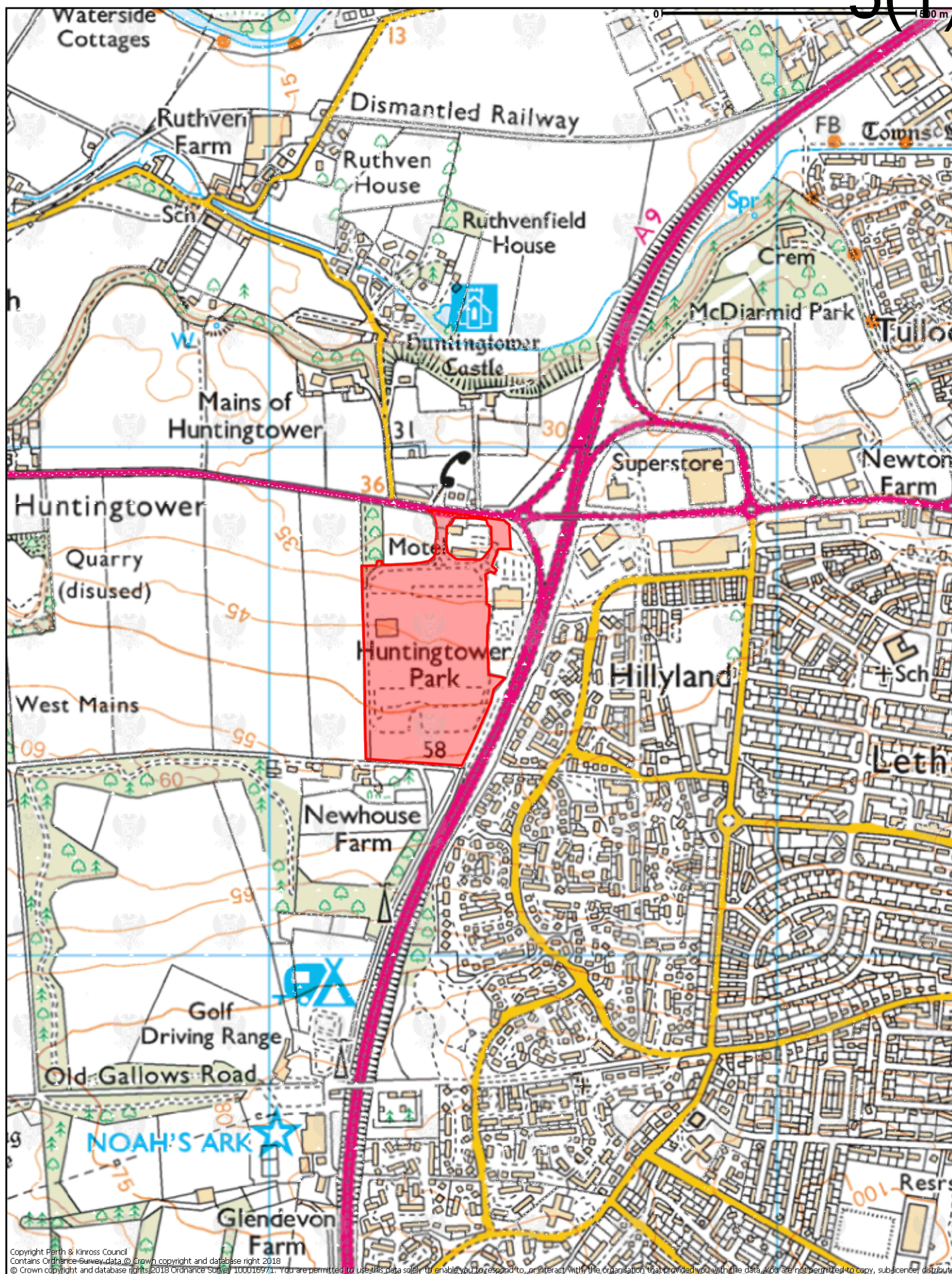
Date: 6 December 2018

**Anne Condliffe**  
**Interim Development Quality Manager**

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**Planning & Development  
Management Committee**



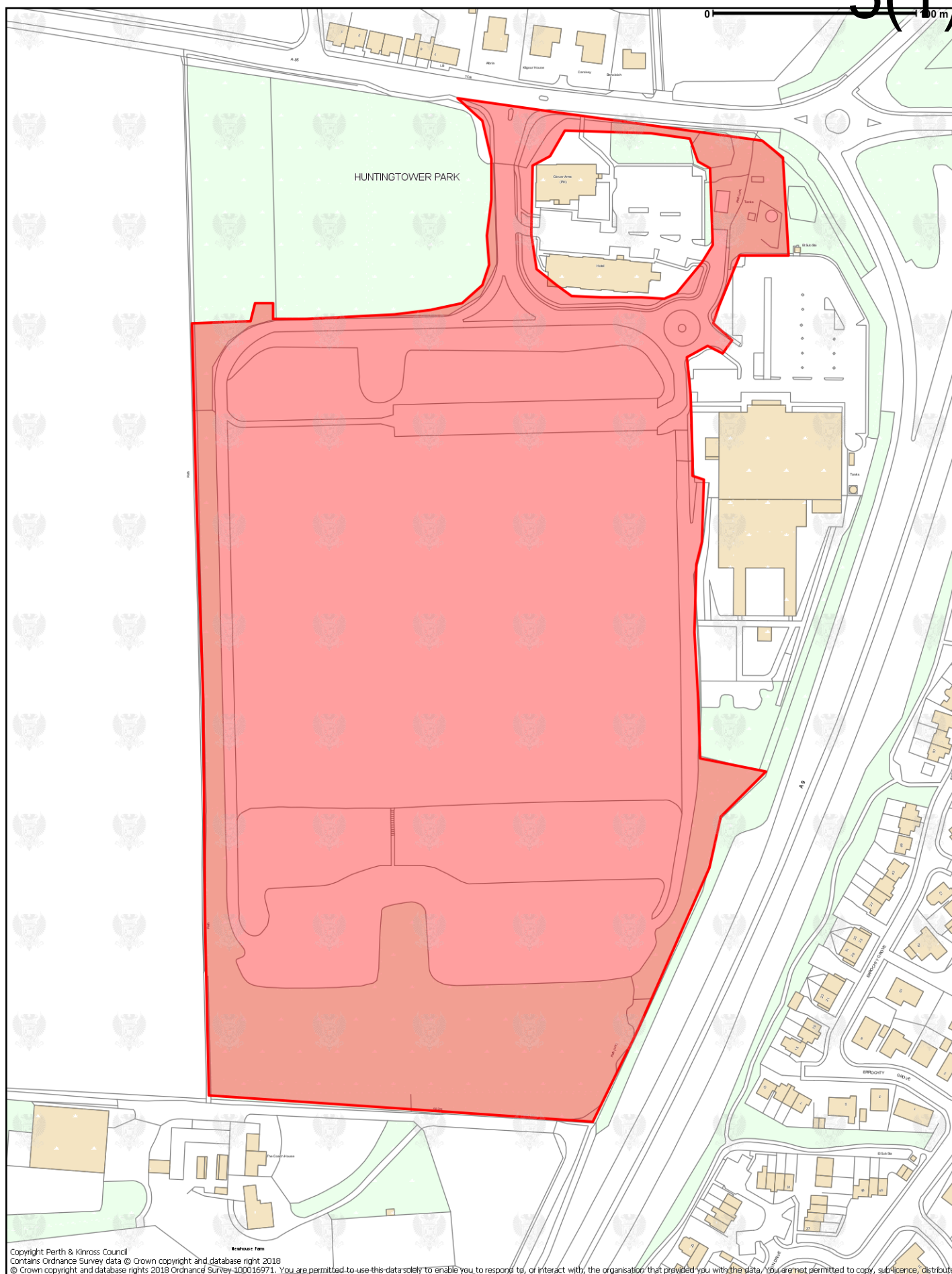
**18/01038/FLL**

Erection of 208 dwellinghouses, 30 flats and 11 garages, formation of roads infrastructure, SUDS, play area, open space, landscaping and associated works (approval of matters specified in conditions 16/01348/IPM) (Phase 2) at Land 150 Metres South West Of Dobbies Garden Centre, East Huntingtower, Perth









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**Planning & Development  
 Management Committee**



Scale 1:2500

**18/01038/FLL**

Erection of 208 dwellinghouses, 30 flats and 11 garages, formation of roads infrastructure, SUDS, play area, open space, landscaping and associated works (approval of matters specified in conditions 16/01348/IPM) (Phase 2) at Land 150 Metres South West Of Dobbies Garden Centre, East Huntingtower, Perth





Perth and Kinross CouncilPlanning & Development Management Committee – 18 December 2018Report of Handling by Interim Development Quality Manager (Report No. 18/400)

**PROPOSAL:** Overall site 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/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a Sustainable Urban Drainage system (SUDS) pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Matters specified in conditions 16/01595/IPM).

**LOCATION:** Land North of Pitcrocknie Farmhouse (Glenisla Golf Course), Alyth.

Ref. No: [18/01214/AMM](#)

Ward No: 2 - Strathmore

### Summary

This report recommends approval of an overall site masterplan and detailed approval of Matters Specified in Conditions (AMSC) for Phase 1 of the development, incorporating a care home, 20 dwellings and 3 business units, to the east of Alyth, on the grounds that the proposal is consistent with the Development Plan and the In Principle consent.

### BACKGROUND AND PROPOSAL

- 1 The application site relates to 51 hectares of part the former Glenisla golf course 750 metres east of the village of Alyth. South and adjacent to the site is Alyth Burn which is a tributary to the River Tay. Immediately north is the B952 that runs into Alyth village and the B954 road bisect the site. . South of the site is Alyth golf course and it now incorporates 9 holes of the Glenisla golf course. At the south eastern corner of the application site is the former Glenisla Golf Clubhouse and car parking area. The clubhouse is currently being used as a café.
- 2 Mature trees also align the site's northern boundary and there are trees planted throughout the site as part of the development of the golf course. Bunkers and greens are still evident from its most recent use but are now overgrown. In the north western corner there is the Pitcrocknie Stone, a Scheduled Monument.
- 3 The site is currently accessed by a narrow existing field access from the B952 road to the north and the existing access to the clubhouse off the B954 road.
- 4 The site has In Principle Planning permission which was granted in 2010 ([09/01345/IPM](#)) and again in 2016 ([16/01595/IPM](#)). Directive 1 and Condition 1 of the 16/01595/IPM application requires, as part of the first application for Approval of Matters Specified in Condition, the submission of a masterplan for the entire

site along with a first development phase. A masterplan has been submitted for the entire site, indicating broad residential, business and hotel land uses and their phased delivery. A key element of this masterplan is the applicant no longer proposes to develop the 18 hectares of farmland that lies to the east of the B954 which separates this land from the Phases 1-9 that are proposed to be developed. This area was originally identified for a further 6 golf holes under planning permission 09/01345/IPM. As part of this application, detailed plans have been submitted for Phase 1 and consists of the following:

- A 60 bed care home with a particular emphasis on dementia care
- Mix of 20 dwellinghouses (including 8 associated garages)
- 3 business units (Class 4 )
- Energy Centre
- 2 Entrance/Storage buildings
- De-culverting and realignment of Back Burn
- Pumping station
- Temporary Bridge over Back Burn

### **Environmental Impact Assessment (EIA)**

- 5 The In Principle applications (09/01345/IPM and 16/01595/IPM) were screened for an EIA. It was found that EIA was required for the 09/01345/IPM application but a new/updated EIA was not required for 16/01595/IPM. The site has been re-screened, having regard to the more detailed proposals, and it has been found that no further EIA Report is required for Phase 1. The applicant has, however, submitted a suite of up-to-date supporting assessments, which addresses environmental information needed in respect of flood risk, drainage, transport, ecology, noise, air quality and contaminated land.

### **NATIONAL POLICY AND GUIDANCE**

- 6 The SPP is a statement of Scottish Government policy on land use planning. 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
- 7 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - 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

### **Designing Streets 2010**

- 8 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 and sets out Government aspirations for design and the role of the planning system in delivering these.

### **Creating Places 2013**

- 9 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.

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

- 15 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**

- 16 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**

- 17 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**

- 18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 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.”*
- 20 Under the LDP, the following policies are of particular importance in the assessment of this application.

#### **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 PM1C - Placemaking**

- 23 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**

- 24 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**

- 25 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**

- 26 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**

- 27 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**

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

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 29 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**

- 30 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**

- 31 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 HE1A - Scheduled Monuments and Non Designated Archaeology**

- 32 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **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 NE1B - National Designations**

- 34 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

### **Policy NE2A - Forestry, Woodland and Trees**

- 35 Support will be given to proposals which meet the six criteria in particular 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**

- 36 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 37 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**

- 38 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**

- 39 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**

- 40 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**

- 41 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**

- 42 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**

- 43 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**

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

### **Policy EP3D - Water, Environment and Drainage**

- 45 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.

### **Policy EP8 - Noise Pollution**

- 46 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**

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

### **Policy EP12 - Contaminated Land**

- 48 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.

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

- 49 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.
- 50 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.
- 51 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**

52 The following supplementary guidance and documents are of particular importance in the assessment of this application

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

## **SITE HISTORY**

53 The relevant planning history is:

**04/00862/OUT** Proposed development of residential plots (in outline). Application refused under delegated powers May 2004.

**09/01345/IPM** Improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units -25% affordable plus mainstream housing (in principle). Application approved contrary to officers recommendation by Full Council June 2010.

**13/00660/FLL** Erection of 18 dwellinghouses with garages. Application withdrawn by applicant October 2013.

**13/01114/IPM** Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved by Development Management Committee July 2013.

**14/00282/AMM** Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused by Development Management Committee December 2014.

**16/01595/IPM** Variation of condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel). Application approved by Development Management Committee December 2016.

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

54 No objection but a number of conditions requested.

#### **Scottish Natural Heritage (SNH)**

55 No objection.

### **Scottish Water**

- 56 No objection.

### **Historic Environment Scotland (HES)**

- 57 No objection following additional information and alteration of layout and masterplan to protect the adjacent Pitcrocknie Scheduled Monument.

### **Sportscotland**

- 58 No objection to the loss of 9 holes of Glenisla golf course.

### **Alyth Community Council**

- 59 No response received.

### **Perth & Kinross Heritage Trust**

- 60 No objection but recommends conditions.

### **INTERNAL**

### **Transport Planning**

- 61 No objection following confirmation that off -site works on the B954 road and the core path improvement on Losset Road linking site to Alyth village and bus service provision are provided.

### **Environmental Health**

- 62 No objection but recommends a conditions regarding noise is included with any permission.

### **Land Quality (Contaminated Land)**

- 63 No objection as no record of contamination in area.

### **Developer Contributions**

- 64 No objection. Section 75 legal agreement required for affordable housing contribution.

### **Structures and Flooding**

- 65 No objection following submission of additional information.

### **Waste Services**

- 66 No objection.

### **Community Greenspace**

- 67 No response received.

## REPRESENTATIONS

68 One letter of representation was received objecting to the proposal and one letter of support was received from Alyth Golf Club. The reasons for the objection are as follows:

- Scale of proposal
- Inappropriate location
- Adverse impact on Alyth and its facilities
- Increased traffic and congestion
- Lack of parking

69 These matters are considered in the appraisal below.

## ADDITIONAL STATEMENTS

70

|                                                |                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not required                                                                                                                                                                                                                                                                                                                                           |
| Screening Opinion                              | Undertaken                                                                                                                                                                                                                                                                                                                                             |
| Environmental Impact Assessment                | Not required                                                                                                                                                                                                                                                                                                                                           |
| Appropriate Assessment                         | Not required                                                                                                                                                                                                                                                                                                                                           |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                                                                                                                                                                                                                              |
| Report on Impact or Potential Impact           | Noise Assessment,<br>Transport Assessment,<br>Ecological Assessment,<br>Landscape Appraisal,<br>Geotechnical Survey,<br>Drainage Impact<br>Assessment, Flood Risk<br>Assessment,<br>Construction Method<br>Statement, Tree Survey,<br>Air Quality Report, Socio-<br>Economic Report,<br>Planning Statement,<br>Supporting Information<br>on healthcare |

## APPRAISAL

### Policy Appraisal

71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other

material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

### **Principle**

- 72 The principle of development at this location has been established through the In Principle approval of planning permission (09/01345/IPM) in 2010 and in 2016 through 16/01595/IPM for development of a mixed use facility including residential, business, nursing home and hotel. An indicative density of 216 dwellings was identified at the In Principle stage. Development within Phase 1 seeks approval for a care home, 3 business units and 20 dwellinghouses and is consistent with the In Principle permission for the site. Within the wider masterplan proposed, while the scale of development is not defined, the land uses are considered consistent with the In Principle permission.

### **Phasing and Delivery**

- 73 An updated masterplan and phasing plan has been submitted in accordance with Directive 1(a) and Condition 1 of 16/01595/IPM. The masterplan shows 9 Phases to be delivered, with the proposed care home and first 20 dwellinghouses to be delivered in the north west corner of the site as part of the Phase 1. Also included in the first phase will be the development of the 3 business units within the current car parking area for the golf club house, located to the east of the area of the site being developed, adjacent to the B954. A haul/service road is proposed from this area, off the B954, to the proposed care home and dwellings. This will initially provide construction access for Phase 1 before becoming an adopted road that will be used by residents and visitors for Phases 7 to 9.
- 74 A temporary bridge will be required as part of the haul road over the de-culverted Back Burn that runs through the centre of the site. A more permanent bridge will be required in due course when Phases 7, 8 and 9 are delivered. The de-culverted burn is also proposed to be significantly realigned back towards its original course.
- 75 The proposed phasing shown within the masterplan shows a logical and sequential expansion of the site over time. The proposed care home and 20 dwellings in Phase 1 are located closest to existing residential properties and Alyth Village and are considered an appropriate starting point of the development. The proposed business units will be located close to the existing golf clubhouse and although divorced from the care home and housing, it is considered an acceptable location for the commercial development to be located. Condition 22 will ensure Phase 1 is delivered to an acceptable construction programme.
- 76 Overall, the proposed masterplan and phasing plan are considered to accord with the In Principle permission and the Council's Placemaking Policy PM1 as the siting respects the existing character of the area and will improve links to Alyth village.

### **Design and Layout**

- 77 Condition 2 of 16/01595/IPM requires the detailed design of each phase to be submitted for approval.

- 78 Taking each element in turn, the proposed care home is considered to be an attractive single storey building with a double height entrance containing a lantern feature and is located close to both the proposed entrance point off the B952 and the Losset Road core path that links with Alyth village. Extensive use of glazing along with timber, rendered walls and metal roof materials are proposed which is an attractive palette that creates a modern up to date care home with specialist facilities for dementia care.
- 79 The proposed 20 dwellings and 8 associated garages have been designed to provide a mix of house types to suit a variety of markets from first-time buyers to down-sizers and for those with a relative living in the adjacent care home. There will be 4 x 2 storey dwellings (2 x 3 bedroom and 2 x 4 bedroom); 8 x 2 bedroom detached bungalows and 8 x 2 bedroom semi-detached bungalows. The materials for each dwelling are rendered walls with timber cladding near the front doors and grey/black concrete roof tiles. The design and materials for each house type is considered to be acceptable.
- 80 The layout is also considered to be acceptable with a good internal road loop that will link back onto the main spine road through the site that will eventually link to Phase 7, 8 and 9. The 3 dwellings located closest to the entrance point all front onto the main internal road and have car parking provision located at the gable ends. This will create an active street frontage, providing an acceptable visual impact on entrance to the site ensuring that cars will not dominate the view when you enter the development.
- 81 The proposed business units will be clad in timber and metal sheet roofing that contains numerous rooflights. Simple entrance canopies are also proposed. Overall the business units are an attractive, simple design that is considered to be acceptable in a rural location.
- 82 It is proposed for the northern entrance point to the site off the B952 road to feature a stone entrance wall. Just behind the stone wall, two small entrance buildings are proposed that will be used to store maintenance equipment for the site. The entrance buildings will have rendered walls and metal roofs and will provide the appearance of small entrance lodges.
- 83 The proposed energy centre will be a single store rectangular building located near the proposed entrance within the boundary woodland along the northern perimeter of site. The walls will be clad in timber and the roof will be seeded to help blend with the woodland. The energy centre will provide heat and power to the care home and the proposed dwellings. Initially it will be a gas provider but over time as more phases are built out it is expected to become a biomass provider. The proposal complies with the Council's placemaking policies, providing a coherent structure of streets, buildings and open space that considers the surrounding landscape character and amenity of the area.

### **Residential Amenity**

- 84 In terms of the potential direct impact on existing residential amenity, such as overlooking or loss of privacy, I am satisfied that the proposed development will

not compromise existing residential amenity in the area in particular the property known as Sidlaw View or from within the development itself. The care home and housing will be well screened by existing and proposed planting. It is in line with the Council's standards in terms of separation distances, depth of rear gardens etcetera. The commercial properties will be more visible off the B954 road but none have an impact on any residential properties.

### **Visual Amenity**

- 85 The proposed development will not have an impact on visitors/members of Glenisla Golf Course as the loss of 9 currently unused holes occurred in 2016. The remaining 9 holes are being maintained by neighbouring Alyth Golf Club. This predominantly rural area of Perthshire, will see varying degrees of impact to neighbouring residential receptors and adjacent road and core path users (both vehicular and pedestrian). A Landscape Appraisal was submitted by the applicant and has been reviewed in the context of the detailed Phase 1 proposals and general principle of the masterplan.
- 86 The setting of the Alyth golf clubhouse and course will not be significantly impacted by the proposals. The retention of the 9-hole course at Glenisla between the B954 road, Alyth Burn, and beyond provides a substantial separation buffer to the proposed development.
- 87 Users of the section of the Core Path (ALTH/100 and ALTH/4) which runs through the southern section of the site from Losset Road to Alyth Burn will see a moderate change in visual character due to the creation of built form and infrastructure to the north. Other sections of the Core Path will not see walkers significantly visually impacted due to distance, orientation, and intervening landscape screening.
- 88 In terms of residential properties on the B952 Meethill Rd (Stoneybrae and Sidlaw View), both residences sit at the junction of Losset Road and Meethill Road near development. Stoneybrae is afforded screening by the trees which line Losset Road. Sidlaw View is screened in part by the semi-mature woodland planting of the golf course. This residence sits in a prominent position which affords long-distance views over Strathmore to the range of Sidlaw Hills in the south. Careful siting of the single storey care home will not greatly impact these views. Impacts will be further mitigated/reduced by additional tree planting.
- 89 Residences in Eastern Alyth (Springbank Road) facing towards development are separated by approximately 230 metres of intervening arable field and the dense semi-mature woodland buffer of Glenisla golf course. This landscape screen prevents direct views to the proposed development.

### **Traffic and Transport**

- 90 In compliance with Condition 6 of 16/01595/IPM, an updated Transport Assessment has been submitted in support of Phase 1 of the application. This has been reviewed by Transport Planning. Two entrance points are proposed within the masterplan and within Phase 1. One will be via the B952 road to the north and the second is adjacent to the proposed business units and existing car park (ultimately on to the B954). The latter access and road will also provide a temporary haul/service road for construction traffic for the development of the care



home and dwellings within Phase 1 and future phases. The main entrance to the care home and the 20 dwellings will be via the B952 to the north and will involve the felling of some boundary woodland. Neither entrance point nor the haul road raised any concerns for Transport Planning.

#### Losset Road Core Path

- 91 Immediately west of the site is Losset Road, which is a core path (ALTH/100 and ALTH/4) linking directly into Alyth Village. With the B952 (Meethill Road) not wide enough to accommodate a footpath to Alyth, Transport Planning considered it was imperative that there must be a safe pedestrian/cyclist connection with the village for future residents. The IPM decision notice requires further assessment of transport impacts and anticipates requisite transport improvements to facilitate the development, however, such improvements, such as core path improvement and bus service provision, are not specifically stated. The applicant, however, recognises the importance of such provisions and confirmed that they are willing to upgrade the core path and that they have the necessary servitude rights to carry out the works to meet the requirements of Transport Planning. Whilst a further condition cannot be requested as part of any approval for this application, because it was envisaged if not specified at the IPM stage, it is considered reasonable to secure such improvement via a Section 75 legal agreement, which is already required to secure affordable housing contributions.

#### Bus Service

- 92 As advised, the In Principle approval anticipated a requirement for the site to be served by a bus service. Following a meeting with the Council's Public Transport Unit, agreement has been reached on the type of bus service required for Phase 1 of the development. Following a meeting with the Council's Public Transport Unit, the applicant has again indicated that such provision is acceptable to them. As further Phases come forward a change in the type of bus provision will be required and this can be assessed at each phase. As with the core path improvements stated above the Section 75 legal agreement can secure such provision.

#### Impact on Existing Bridge on B954

- 93 Concern by Transport Planning was expressed regarding the small and narrow bridge on the B954 road to the south east of the site in terms of construction traffic and in particular HGVs. Although outwith the redline boundary, the development will generate direct impacts on the bridge necessitating mitigation measures. Improvements to the bridge and road, including passing places suitable for HGVs, have been agreed by Transport Planning and such works can be covered and delivered under the Road Scotland Act.

#### **Noise**

- 94 The proposed energy centre has been assessed by Environmental Health in terms of noise as it is situated approximately 70 metres from the nearest existing residential property at Sidlaw View and 10 metres from the proposed care home. Following initial concern that noise from the operation of the facility could impact on nearby residential properties, additional information was requested on the likely sources of noise from any plant and equipment.

- 95 Following the submission of additional information Environmental Health understand that 2 gas boilers will be installed as part of the Phase 1 element rather than biomass boilers. Noise data for the operation of the gas boilers has been provided together with noise prediction calculations. Based on the predicted noise levels Environmental Health advise that noise mitigation measures could be incorporated into the design of the energy centre and they are satisfied that noise from the energy centre could be adequately controlled by attaching a condition to the planning consent to protect residential amenity (Condition 4).

### **Air Quality**

- 96 Condition 11 of 16/01595/IPM states that each application for the approval of Matters Specified in Conditions will require an air quality report to inform the assessment.
- 97 An updated air quality report has been submitted and has been assessed by Environmental Health. The report states that once occupied there will be an increase in pollution concentrations associated with heating of buildings and the provisions of hot water; however, any increase as a result of these sources is likely to be small and that recommendations have been made for the installation of low emission boilers and energy water saving devices on all buildings.
- 98 No account of the likely air quality impacts of the energy centre has been assessed at this stage as no biomass boilers will be installed until Phase 4 of the development. The number and cumulative effect of both gas and biomass boilers will need to be assessed at each stage of the development and may impact on the overall number of boilers that can be installed and the design and location of the energy centre in relation to residential properties. This will therefore have to be carefully assessed within future phases of the development.
- 99 However, Phase 1 of the development will now only contain 2 gas fired boilers, Environmental Health are satisfied that the updated air quality assessment has covered all necessary sources of emissions to atmosphere within the report. Condition 3 will ensure no biomass boilers shall be installed for Phase 1.

### **Cultural Heritage**

- 100 An initial objection was raised by Historic Environment Scotland (HES), in respect of the proximity of the proposed development, and its potential adverse impact on, Pitcrocknie Scheduled Monument which is located within Phase 1, south east of the care home and south west of the housing. Open space and a road are proposed in between the Scheduled Monument and the development. Following an on-site meeting between the applicant, the Council and HES, revised plans were submitted providing a greater level of open space detail around the Scheduled Monument.
- 101 HES consider that the revised proposal would significantly reduce the impact on the setting of the stone. This would allow numerous views from the stone to be retained and will allow the stone to be viewed from the south against the backdrop of the hills to the north and northeast.

- 102 Whilst the revised development proposal would still change the character of the monument's setting, and altering it from a rural setting to suburban, HES consider that the impact is not of national significance and do not object to the proposal whilst complying with Condition 10 of 16/01595/IPM.
- 103 To ensure the protection of the setting of the Scheduled Monument is maintained through all future phases of development HES recommend informatives to ensure appropriate distances are maintained (Informatives 11 and 12). This approach is considered appropriate to highlight the importance of designing mitigation in to future phases of development. They are as follows:
- 1) there would be no structures:-
- Within 46 metres of the stone to the east (Phase 2)
  - Within 62 metres of the stone to the south east (Phase 3)
  - Within 72 metres of the stone to the south (Phase 4)
- 2) structures within the 100m radius exclusion zone around the stone would only be single storey

#### Archaeology

- 104 Perth and Kinross Heritage Trust (PKHT) confirm that the proposed development site lies within an area that is considered to have archaeological potential because there is a high density of recorded sites within the surrounding landscape.
- 105 Whilst concern was expressed regarding the impact on the Scheduled Monument this has been dealt with and mitigated to HES's satisfaction.
- 106 Should this application be approved, PKHT recommend that the same archaeology condition of the In Principle permission, requiring programme of archaeological works, is imposed for Phase 1. A condition is recommended for this purpose included (Condition 6).
- 107 PKHT also recommends fencing of the Pitcrocknie Stone, including an appropriate buffer, during all construction works to ensure the monument is not accidentally damaged. Again, this is recommended and will be a repeat of an In Principle condition of (Condition 7).

#### **Natural Heritage**

- 108 In compliance with the In Principle permission, an updated Ecological Assessment has been provided and has been reviewed by both SNH and the Council's Biodiversity Officer.
- 109 This proposal affects land to the north of the Alyth Burn, part of the River Tay Special Area of Conservation (SAC), and accessible to the Atlantic salmon and otter qualifying interests, and, potentially, the lamprey qualifying interests. SNH advise that, based on the comprehensive supporting information, and in particular the Construction Method Statement and the drainage strategy, they do not consider that this proposal will have a likely significant effect on any of the

protected features of the River Tay SAC. The submitted Construction Method Statement complies with Condition 12 of 16/01595/IPM.

- 110 The Council's Biodiversity Officer has raised concerns regarding the proposed road layout within the masterplan as it separates the two existing ponds and this could have an adverse impact on amphibians and waders. The ponds are outwith the area relative to the Phase 1 development and are not being approved here. This issue can be addressed at the detailed stages for Phase 5 and 7. Similarly, the masterplan identifies the areas for future development but the locations of the roads outwith Phase 1 are not fixed at this point and will be determined in subsequent applications for later phases.
- 111 Further conditions are recommended to protect and enhance the biodiversity value of the site (Conditions 14 to 18).

#### Impact on Trees

- 112 Although the majority of the site is grassed, there are a large number of mature trees which align the former fairways of the golf course. The supporting tree survey and landscape plan show there will be limited felling and additional planting along the western boundary to mitigate any visual impact from the nearest dwelling.

#### **Structures and Flooding**

- 113 A Flood Risk Assessment and Drainage Impact Assessment was submitted in support of the application as the Back Burn that runs through the centre of the site is proposed to be de-culverted and re-aligned. Detailed plans of the proposed de-culvert and realignment have been submitted as part of Phase 1. This has been reviewed by both SEPA and Structures and Flooding. Initially both consultees objected on the grounds of lack of information. However, following the submission of additional information in respect of flooding, watercourse engineering, surface water drainage, neither SEPA nor Structures and Flooding have significant issues with regards to the proposed de-culverting and realignment of the burn in terms of flood risk.
- 114 SEPA advise that the channel design may change and, if so, could affect the proposed development layout. As such they recommend that once the channel design is fully finalised, the developer will be required to ensure the proposed development will not be at risk of flooding or increase the risk of flooding elsewhere. These works and this detail will be delivered during Phase1 (Condition 11).
- 115 SEPA do stress that there is a real opportunity to improve the environmental and amenity value of the Back Burn by de-culverting and re-aligning the straightened watercourse. They are supportive of the general principles but do require additional information on the detailed design to ensure existing and proposed development and infrastructure are not placed at an increased risk of flooding through inappropriate design. On-going inspection and maintenance of the realignment should also be factored into the design (Condition 12).

- 116 SEPA do further advise that the proposed engineering to be potentially consentable under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

### **Loss of Golf Facilities**

- 117 Sportscotland initially expressed concern regarding the reduction of golfing facilities in the area. Additional information submitted confirms that the remaining 9 holes are now being managed and maintained by the adjacent Alyth Golf Club, improving their offer for golfers of all ages and abilities by being able to provide both 9 hole and 18 hole facilities. For clarification the submitted masterplan confirms the area of land to the east of the B954 road, which was originally earmarked for a further 6 golf holes under planning permission 09/01345/IPM, will not be going ahead and will remain agricultural land.
- 118 Sportscotland has confirmed they have no issue with the reduction of the size of the golf course.

### **Developer Contributions**

- 119 The affordable housing requirement for Phase 1 is 5 units. The applicant, through discussions with the Council, has looked to phase the delivery of the Affordable Housing requirement at later phases of the development. A review of the Affordable Housing demand in the area has identified that onsite provision could be supported but with the location and the limited initial scale of the development it is agreed that onsite provision would be better provided through later phases. To ensure the appropriate affordable requirement is secured a commuted sum payment will be secured in lieu of onsite provision for this first phase development. The commuted sum for the Strathmore & Glens Housing Market Area is £11,500 per unit.
- 120 In terms of other developer contributions, none are required. There are no primary school capacity issues in the area.

### **Economic Impact**

- 121 The impact on the local economy from the uses proposed will be reasonably significant for the village of Alyth and surrounding area. Both the care home and business units will provide employment opportunities and the proposed dwellings will add to the available local expenditure and have a positive impact on local facilities.

### **LEGAL AGREEMENTS**

- 122 A Section 75 legal agreement will be required in respect of the required affordable housing contribution for the 5 commuted sums for Phase 1. Furthermore, the agreement will also secure the delivery of an upgrade to the Losset Road Core Path (ALTH/100 and ALTH/4) and the provision of a bus service for residents, employees and visitors within the Phase 1 development.

## **DIRECTION BY SCOTTISH MINISTERS**

- 123 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**

- 124 The proposed masterplan details the general land uses and phasing of development over 9 phases but does not provide detailed consent for the layout of roads, buildings or open space at this stage. The masterplan is considered to be acceptable. Further detailed applications, for the Approval of Matters Specified in Conditions, will be required for each phase and will be assessed on their merits against the masterplan and integration with Phase 1.
- 125 In terms of Phase 1, for the care home, residential development and business units, this development it is in line with both the submitted masterplan and the In Principle permission. Phase 1 will also see key aspects of the development being brought forward at an early stage. The scale of development, the layout and design of Phase 1 raises no significant issues and will not adversely affect the visual, landscape or residential amenity of the area. The impact on the Pitcrochnie Scheduled Monument can be mitigated to an acceptable level.

## **RECOMMENDATION**

### **Approve the planning application subject to the following 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 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 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.

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 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 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 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 care home must be constructed and in operation prior to the occupation of the first residential dwelling.

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.

## **B 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.

## **C 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.

## **D INFORMATIVES**

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

Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - 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 Environmental 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 Environmental 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 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.

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

Date: 6 December 2018

**Anne Condliffe**  
**Interim Development Quality Manager**

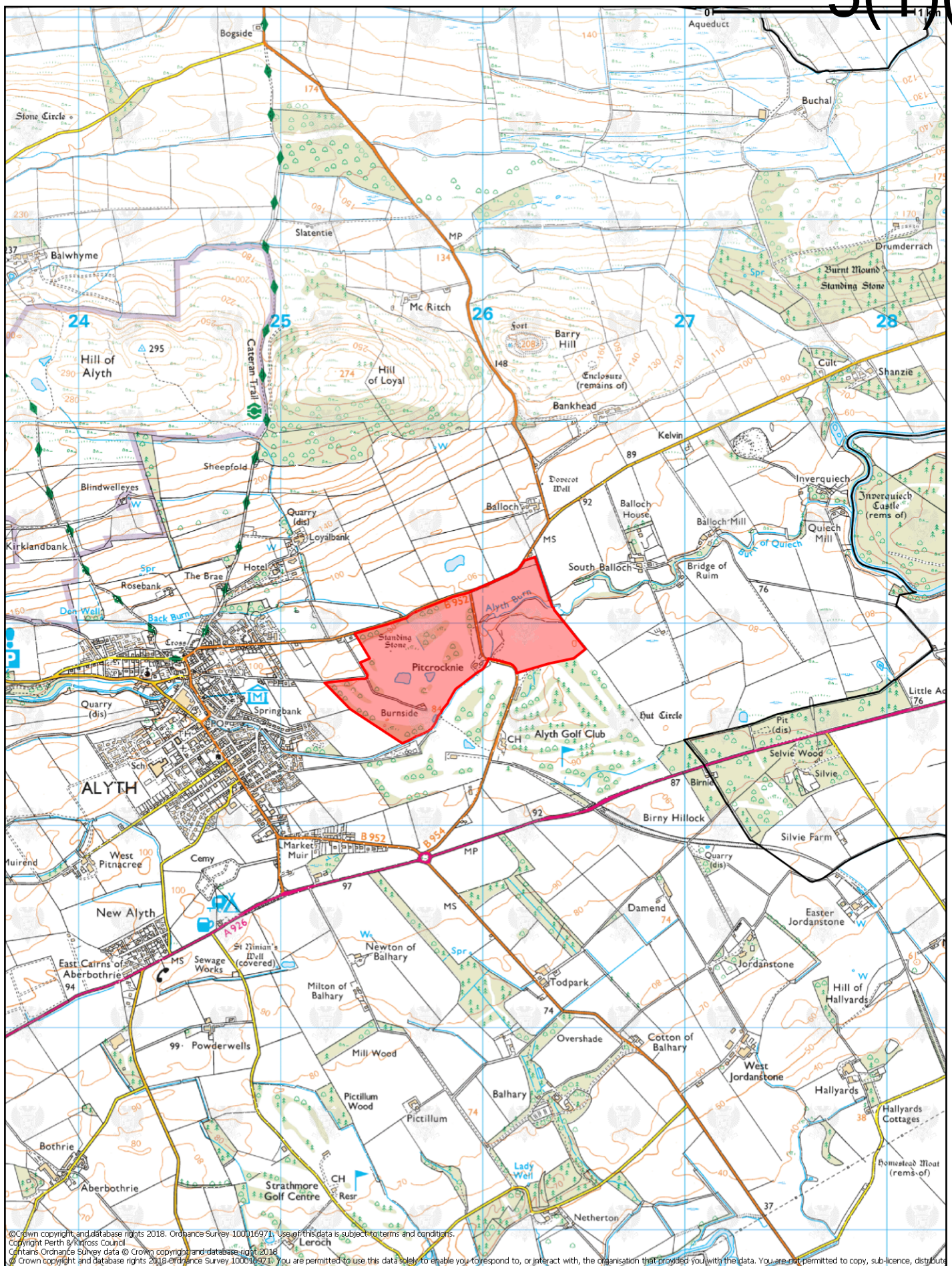
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## Planning & Development Management Committee



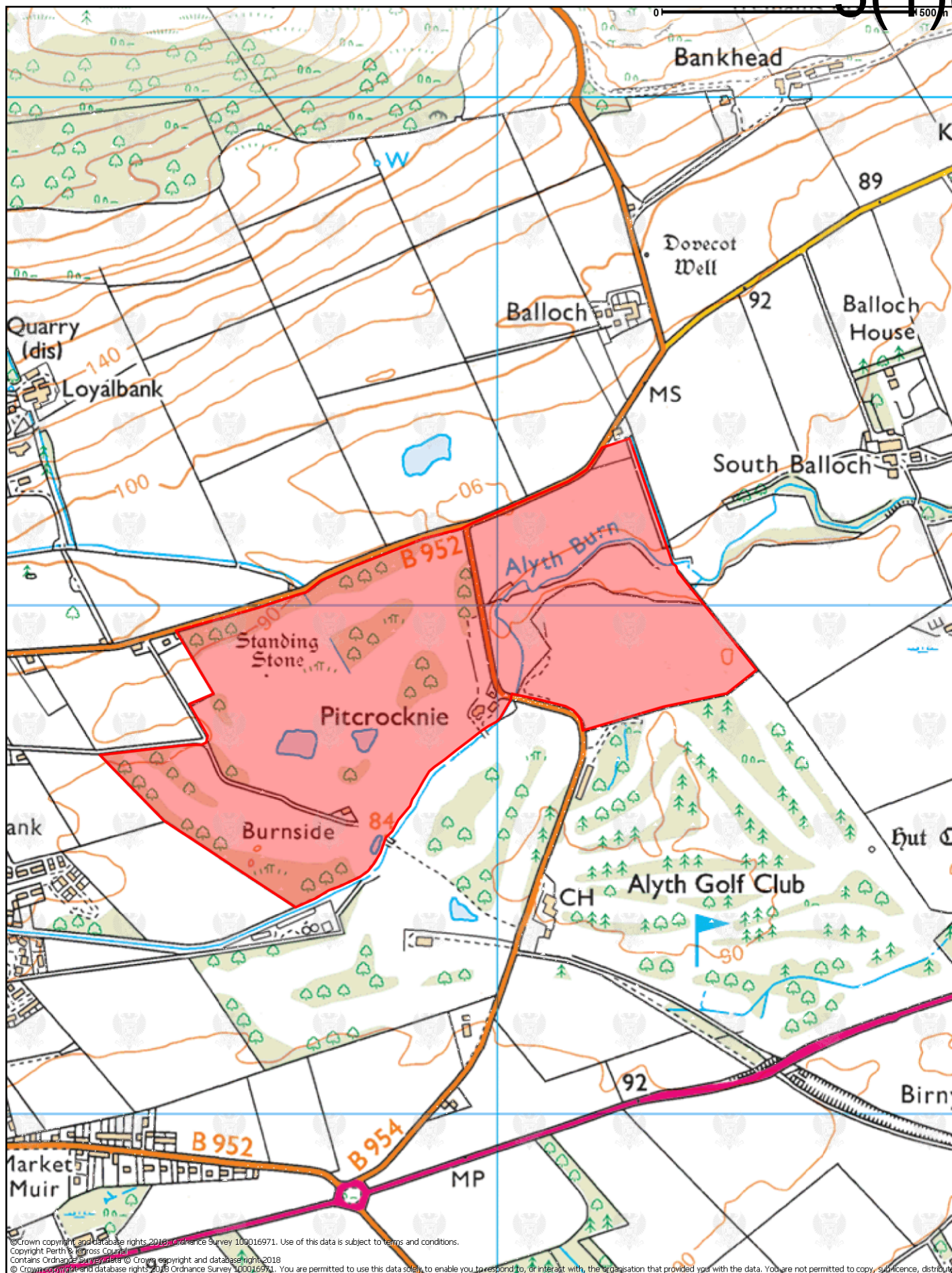
18/01214/AMM

Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM) at Land 200 Metres North of Pitcrocknie Farmhouse, Alyth









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**Planning & Development  
Management Committee**



Scale 1:10000

**18/01214/AMM**

Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM) at Land 200 Metres North Of Pitcrocknie Farmhouse, Alyth





Perth and Kinross Council  
Planning & Development Management Committee – 18 December 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/401)

**PROPOSAL:** 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.

**LOCATION:** Land at Wester Tomaknock, Crieff.

Ref. No: [18/01890/FLM](#)  
 Ward No: P6- Strathearn

### **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 planning application site extends to an area of 8.72 ha of agricultural land on the eastern edge of Crieff. The site is undulating, sloping from north to the lower levels in the south. There is a clear central elevated knoll, where the original farmhouse and farm buildings existed until recently with the inert building materials still in situ. A small rural building group (known as Tomaknock) sits immediately to the east of the site, with the established late 20<sup>th</sup> century residential area of Ritchie Place to the west. To the north, the land rises steeply, forming 'Callum's Hill'. Two minor watercourses cut across the site as two minor valleys, from north west and north east down to the southern boundary, culverting under the C410 Dollerie road.
- 2 The site benefits from planning permission for 102 dwelling units, consistent with the original Local Development Plan (LDP) allocation (H57) for residential uses for 100-120 dwellings across an overall site area of 10.2 ha. As set out, this site does not occupy the entire 10.2 ha allocation, with 1.5 ha omitted from the original detailed planning submission, due to different land ownership.
- 3 Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for Planning Permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a section 42 application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.

- 4 The current application seeks to amend the wording specifics of suspensive condition 24 of the extant permission, pertaining to the requirement to provide an access up to the boundary of the eastern part of the remaining undeveloped site.

- 5 The original wording of the condition stated:

*Notwithstanding the layout and site plans recommended for approval, the road layout proposed up to plot 43 and stopping short of the eastern boundary of the site is not approved. A scheme that identifies a vehicular access being provided up to the boundary to connect the application site with the remainder of site H57 as allocated within the Perth and Kinross Local Plan 2014 shall be submitted for written approval of the Planning Authority within 3 months of the consent hereby approved. The approved scheme shall thereafter be constructed in full in conjunction with, and no later than, 3 months of the formation of the eastern public access, bounding plots 49 and 50, being formed.*

*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.*

- 6 The applicants have submitted an updated layout detail for the vehicular access being provided up to the boundary which has been supported, part fulfilling the terms of condition 24. As part of the updated plan submission, the applicant set out that construction of the access in full would not be feasible within 3 months of the formation of the eastern public access bounding plots 49 and 50 due to the modest scale of their operation and associated scale of economy of realistically getting to that stage. The applicants have now therefore requested for the condition to be reworded to give them up to 3 years to deliver the access up to the boundary rather than the 3 months in the current permission.

## **PRE-APPLICATION CONSULTATION**

- 7 The Pre-Application Consultation (PAC) requirements have been fulfilled in association for the submission of planning application 16/02217/FLM and there is no further PAC needed procedurally in relation to this Section 42 application.

## **NATIONAL POLICY AND GUIDANCE**

- 8 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**

- 9 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**

- 10 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.
- 11 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**

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 75 Planning for Transport

## **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 1: Locational Priorities**

- 17 Seeks to focus the majority of development in the region’s principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

### **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.

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

- 19 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.
- 20 The principal relevant policies are, in summary:

### **Policy TA1A - Transport Standards and Accessibility Requirements**

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



## **Policy TA1B - Transport Standards and Accessibility Requirements**

- 22 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 (TA) is required.

## **Housing Land Allocation H57**

- 23 Identified residential site allocation for 100-120 residential units on a site extending to 10.2 Ha with associated site specific developer requirements.

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

- 24 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.
- 25 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.
- 26 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**

[09/00677/OUT](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Application withdrawn.

[09/01850/FLL](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Approved under delegated powers 13 January 2012.

[14/01975/PN](#) Demolition of a dwellinghouse. Approved under delegated powers 4 December 2014.

[16/00003/PAN](#) Residential development at LDP site H57. Content of PAN approved March 2016.

[16/02217/FLM](#) Erection of 102 dwellinghouses, landscaping and associated works. Approved by Planning and Development Management Committee August 17 (Decision Issued 17 August 2018).

[17/00956/SCRN](#) Erection of 102 dwellinghouses, landscaping and associated works. Negative screening opinion adopted October 2017.

## **CONSULTATIONS**

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

### **External**

#### **Transport Scotland**

- 28 No objection, comments consistent with that of original application 16/02217/FLM.

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

- 29 No archaeological implications.

#### **Muthill and Tullibardine Community Council**

- 30 No comments received.

#### **East Strathearn Community Council**

- 31 No comments received.

#### **Crieff Community Council**

- 32 No comments received.

#### **Scottish Water**

- 33 No objection, consistent with response for extant permission.



## **Scottish Environment Protection Agency**

- 34 No objection, initially requesting consultation at the time the road design is finalised in order to ensure no land raising or erection of solid boundaries within the 0.5% AP floodplain. Further consultation confirmed they are satisfied with the terms of condition 13 being re-applied.

## **Internal**

### **Structures and Flooding**

- 35 No objection.

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

- 36 No comments received.

### **Development Negotiations Officer**

- 37 No implications with no associated change to extant permission.

### **Transport Planning**

- 38 No objection.

### **Environmental Health (Contaminated Land)**

- 39 No comments received.

### **Environmental Health (Noise Odour)**

- 40 No objection to the principle of the time extension.

### **Community Greenspace**

- 41 No comments.

### **Strategy and Policy**

- 42 No comments.

## **REPRESENTATIONS**

- 43 No representations have been received.

## ADDITIONAL STATEMENTS

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Not Required |
| Reports on Impact or Potential Impact          | Not Required |

## APPRAISAL

- 44 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.

### Principle

- 45 The applicant now proposes an extension of time for the delivery of the access road up to 3 years due to the modest build out rates, subdued local market conditions and scale of the operation.
- 46 The condition was applied to the previous permission 16/02217/FLM as the applicant originally resisted a layout that stopped short of the boundary with the remainder of LDP site H57 providing the required detail in support of the application. This condition was therefore pursued in the interest of facilitating the delivery of the entire LDP allocation, seeking to avoid a ransom strip, bringing forward appropriate direct access into the remainder of the housing site allocation H57, ensuring that it is not landlocked for future development and therefore remaining effective housing land.
- 47 The required updated layout detail has, however, now been provided, part satisfying the terms of the original condition. At this time, and as previously set out, the applicant advised that the delivery of the access up to the eastern boundary of the site serving the remainder of the H57 allocation could not be practically achieved within the 3 months set out. They indicate that based on sales and local build out rates of their other sites, it was more realistically going to take up to 3 years. Their position has resulted in the current S42 application being submitted for consideration, with all other elements remaining consistent with the original permission.

- 48 The proposal does not directly depart from an established policy or standard as set out in the LDP. Whilst the Planning Authority seeks the access link to be delivered up to the boundary at the earliest opportunity, to ensure the remainder of the site can remain as effective land supply, it is not considered unreasonable with the associated understanding of build out rates and local market conditions for this to go beyond 3 months and up to a maximum of 3 years, which the applicant is currently seeking.
- 49 In looking to ensure the access continues to be sought to be delivered at the earliest opportunity, a further amendment to the condition wording is recommended, with the caveat of the access either being delivered within 3 years of the access formation or by the occupation of any of the 3 neighbouring residential plots (42, 43 or 44), whichever is the earlier. These properties are all directly served by the associated access. This is considered to meet the flexibility sought by the application but also ensures that the required access is not delayed unnecessarily.
- 50 The change sought by the applicant to allow for additional time to deliver the access has raised no objections and no concerns with consultees and would not materially affect the consented site.

### **Landscape**

- 51 There is no significant physical change to that of the originally permitted layout, with no impact considered on landscape overall.

### **Residential Amenity**

- 52 There will be no direct or indirect impact on the amenity of existing or future residents.

### **Visual Amenity**

- 53 There will be no impact on the visual amenity of the approved development as a result of extending the timescale.

### **Roads and Access**

- 54 Support for a longer lead in time does not directly concern matters regarding roads and access considerations. However it continues to be important that the road up to the boundary is pursued within a reasonable timescale to facilitate necessary access requirements into the wider site area, in the interests of retaining an effective land supply.

## **Drainage and Flooding**

- 55 Whilst SEPA do not object to the application, they did initially request that they were additionally consulted on levels and situation concerning detailed roads matters within the 0.5% (Annual Probability) floodplain. It has been clarified with SEPA that this is already appropriately addressed with the re-application of condition 13 of planning permission 16/02127/FLM, which stipulates no land raising or the erection of solid boundaries within the 0.5% AP floodplain. In light of this, SEPA have now confirmed there is therefore no additional requirement for SEPA to be separately consulted on all detailed roads matters at a later stage.

## **Economic Impact**

- 56 The economic impact from this proposal is anticipated to be limited. Crucially, it is desirable to bring forward this access at the earliest opportunity. The access could still be technically brought forward by improved market conditions and a quicker build out rate or in joint pursuance with the neighbouring land owner with agreement.

## **LEGAL AGREEMENTS**

- 57 No additional legal agreement is required in this instance, as relevant matters continue to be appropriately covered by the original agreement associated with planning permission 16/02217/FLM.

## **DIRECTION BY SCOTTISH MINISTERS**

- 58 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**

- 59 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the change of condition regarding the timescale to deliver the road up to the eastern boundary of the site. Having taken account of the Local Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and therefore, as a new, standalone permission would

be granted here, all other conditions from the existing permission are recommended to be re-attached.

- 60 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

- 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.

- 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.

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.

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.

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.

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.

## **B 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.

## **C PROCEDURAL NOTES**

None.

## **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 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 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.
- 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.
- 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](http://www.ros.gov.uk)).

Background Papers: None.

Contact Officer: Callum Petrie 01738 475353

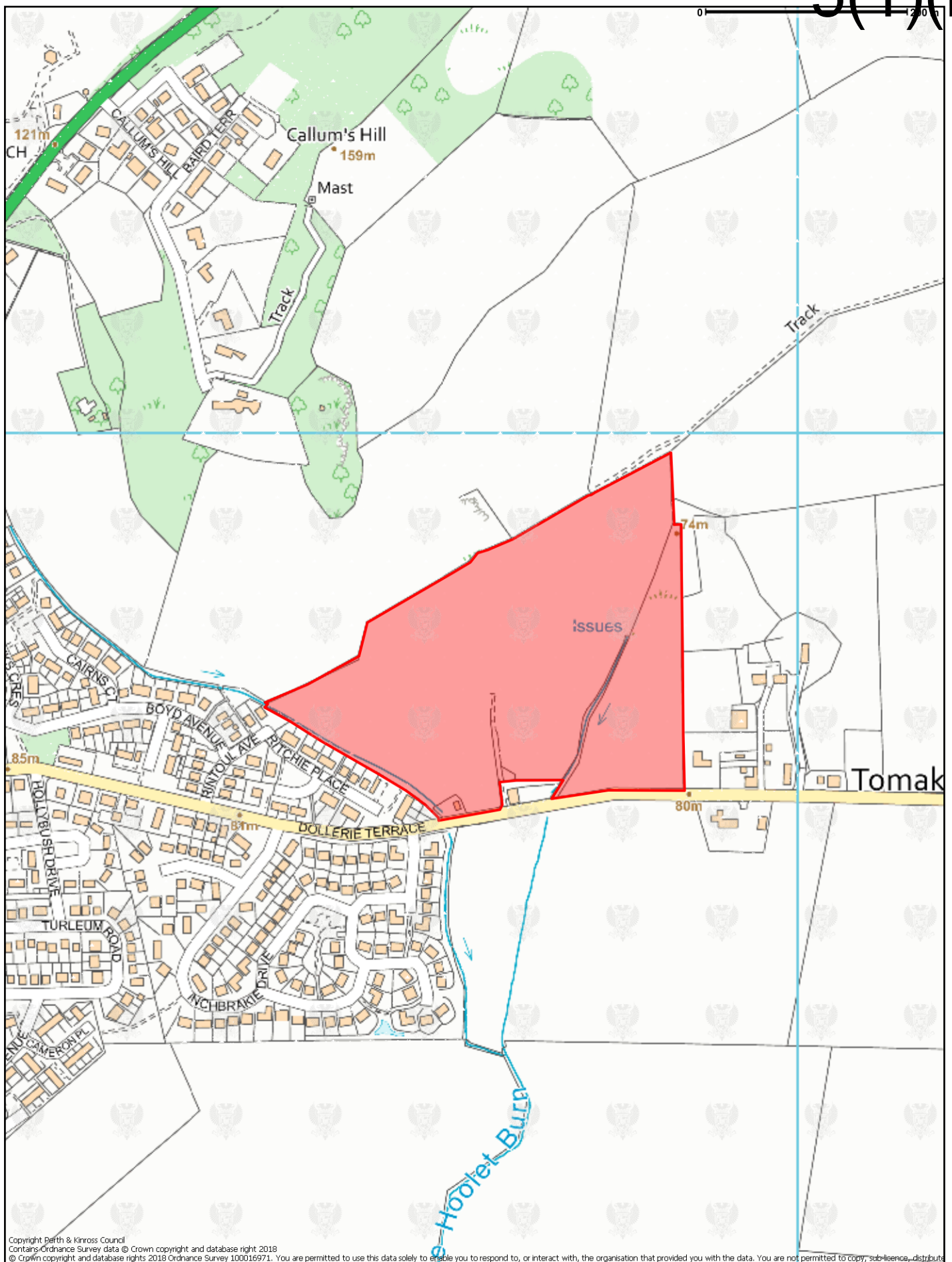
Date: 6 December 2018

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

|                                                                                                                                                                                                                                                             |
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**Planning & Development  
Management Committee**



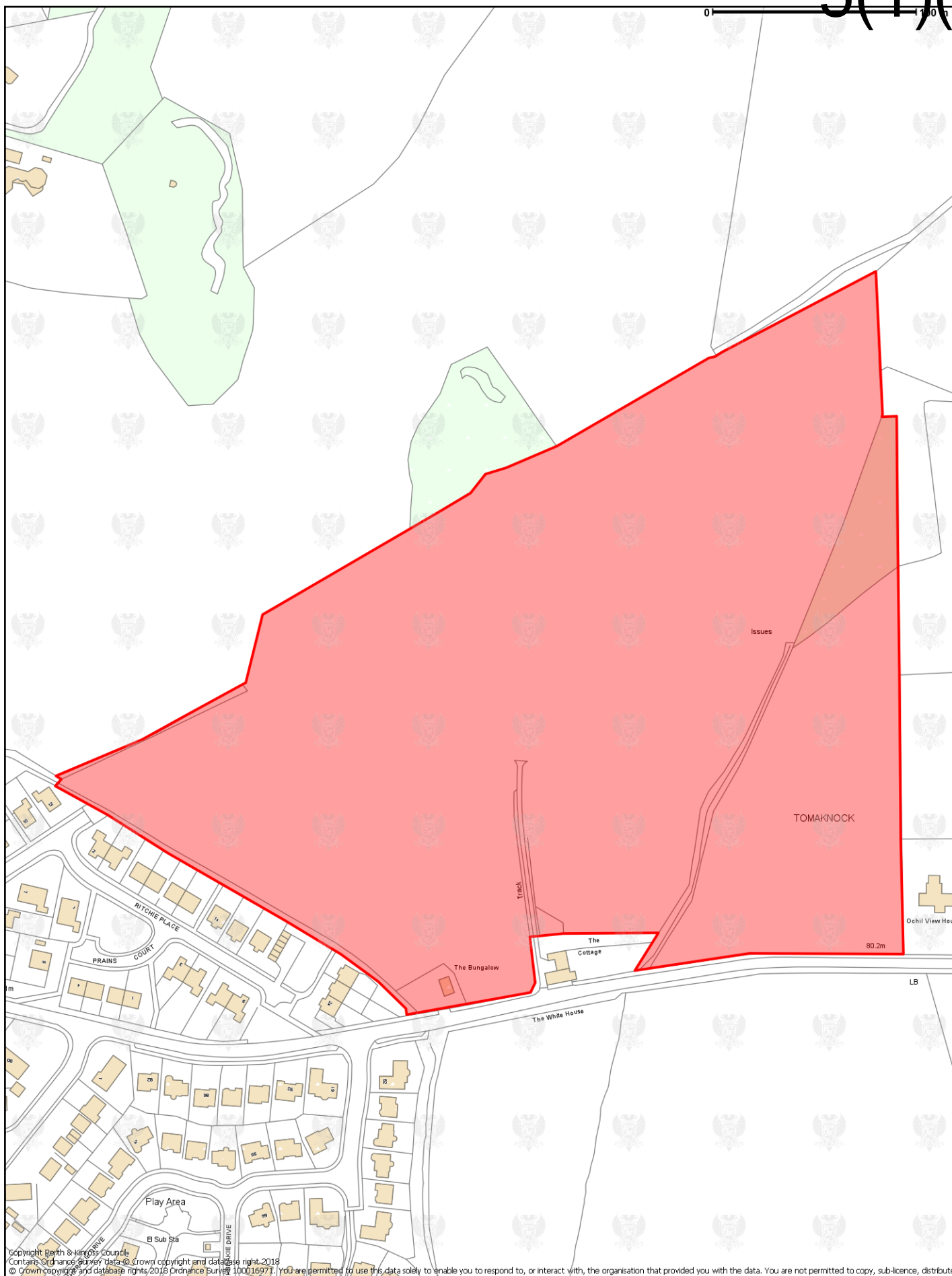
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**18/01890/FLM**

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 24 (road layout and timescale for submission of an application) of planning permission 16/02217/FLM at Land At Wester Tomaknock, Crieff







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**Planning & Development  
 Management Committee**



**18/01890/FLM**

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 24 (road layout and timescale for submission of an application) of planning permission 16/02217/FLM at Land At Wester Tomaknock, Crieff







Perth and Kinross Council  
Planning & Development Management Committee – 18 December 2018  
Report of Handling by Interim Development Quality Manager  
 (Report No. 18/402)

**PROPOSAL:** Demolition of buildings and dwellinghouse and erection of 39 flats and associated works.

**LOCATION:** Land east of Firview, Goodlyburn Terrace, Rannoch Road, Perth.

Ref. No: [18/01290/FLL](#)

Ward No: P10 - Perth City South

**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 Full planning permission is sought for the erection of 39 affordable flats and associated works on a site which sits between Rannoch Road to the north and Jeanfield Road to the south in the north west of Perth. The application site is currently occupied by a former Gospel Hall, a single storey garage building and an existing detached dwellinghouse, all of which are proposed to be demolished to make way for the new development. The application site is bounded to the north by an area of mature trees, the majority of which are proposed to be retained. Beyond this the land slopes down towards Rannoch Road with a row of lock up garage buildings which serve properties fronting onto Rannoch Road. To the west is Goodlyburn Terrace where vehicular access into the site is proposed. To the east the site faces towards the rear of detached properties facing onto Goodlyburn Place. To the south the land rises up towards Jeanfield Road where there are existing three storey flats to the south east and 2 blocks of 3 storey flats which are on the site of the former Plough Inn which have recently been completed.
- 2 The proposal seeks consent for a total of 39 affordable flats which are proposed to be operated by Hillcrest Housing Association. There will be 12 one-bedroom flats and 27 two-bedroom flats. The flats are to be spread over four individual blocks. Flats 1-12 (Block 1) are located partially on the footprint of the former Gospel Hall with the longer elevations facing north and south. Flats 13-21 (Block 2) are located immediately to the east of Block 1. Flats 22-30 (Block 3) are located partially on the footprint of the demolished dwellinghouse and flats 31-39 (Block 4) are located in the south west corner of the site adjacent to the new build flats to the south. The access within the site is proposed to run

east/west centrally through the site with parking spaces for a total of 41 cars with 3 additional disabled parking bays.

- 3 There is extensive planning history to this site with an application for 27 flats, four storey flats (07/00934/FLL) previously approved by the Development Control Committee on 27 February 2008 but subsequently refused due to the failure to complete the required Section 75 Agreement in relation to affordable housing provision. A separate planning consent for the erection of a three storey block of 9 flats (11/01451/FLL) on the site of the existing detached dwellinghouse was also approved in September 2012 but has since expired as the permission was not implemented.
- 4 As such there is planning history associated with this site where both three and four storey development has been considered acceptable in planning policy terms.

### **PRE-APPLICATION CONSULTATION**

- 5 18/00227/PREAPP – Erection of 39 flats for affordable housing.

Advice provided relating to layout, design, residential amenity, visual impact, bio diversity, drainage, access, parking and developer contributions.

### **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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**

- 8 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.

9 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**

10 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**

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.

### **Designing Streets 2010**

12 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**

13 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**

- 14 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**

- 15 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:
- 16 *“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.”*
- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

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

- 18 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy. Tier 2 settlements also have the potential to make a major contribution but will accommodate a smaller share of the additional development. Tier 3 settlements play an important but more modest role and will therefore accommodate a small share of the growth.
- 19 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 20 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

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

- 21 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.

- 22 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

#### **Policy 4: Homes**

- 23 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Local Development Plans are to identify sufficient land within each Housing market Area to meet the housing land requirement to assist in the delivery of 23,172 units up to year 2028 and a further 15,448 by 2036.
- 24 It should also be ensured that the mix of housing type, size and tenure meets the needs of communities throughout their lives, including affordable housing provision. There is a presumption against development surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of development in prioritised areas or conflict with other parts of the plan.

#### **Policy 6: Developer Contributions**

- 25 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**

- 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 RD1 - Residential Areas**

- 28 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 PM1A - Placemaking**

- 29 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**

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

**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 RD4 - Affordable Housing**

- 32 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**

- 33 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**

- 34 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**

- 35 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 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 EP3B - Water, Environment and Drainage**

- 37 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**

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

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

- 39 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.
- 40 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.
- 41 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**

- 42 [07/00934/FLL](#) Erection of 27 flatted dwellings and associated parking in lieu of existing hall – Approved at Committee April 2013 but subsequently refused due to non-compliance with Developer contributions policy,
- 43 [10/01050/FLL](#) Demolition of existing dwellinghouse and erection of 10 flats with associated car parking and amenity areas – Withdrawn July 2010
- 44 [10/01438/FLL](#) Demolition of existing dwellinghouse and garage and erection of 10 flats with associated car parking and amenity areas – Refused Delegated Powers March 2011
- 45 [11/01451/FLL](#) Demolition of existing dwellinghouse and garage and erection of a block of 9 flats with associated car parking and amenity areas – Approved Delegated Powers December 2011

## **CONSULTATIONS**

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

### **Internal**

#### **Environmental Health (Contaminated Land)**

- 47 Discussed verbally and condition recommended

#### **Environmental Health (Noise Odour)**

- 48 No objection following submission of additional information and subject to condition relating to construction hours

#### **Biodiversity Officer**

- 49 No objection subject to conditions regarding mitigation measures outlined in Bat Survey

#### **Transport Planning**

- 50 No objection following submission of Transport Statement

#### **Development Negotiations Officer**



- 51 Developer contribution required (see Developer Contributions paragraph below)

### **Community Waste Advisor**

- 52 Advice provided relating to waste collection requirements which has been added as an informative

### **Structures and Flooding**

- 53 Verbal discussion regarding drainage proposals, agreed that drainage proposals are acceptable.

### **External**

#### **Scottish Water**

- 54 No objection

## **REPRESENTATIONS**

- 55 A total of 14 letters of representation have been received during the first advertisement period for the application, all of which object to the application.
- 56 Following a revision to the plans to relocate blocks 2 and 3, a further advertisement period was undertaken. Furthermore it was noted during consideration of the application that the recently completed and occupied flats to the south on Jeanfield Road had not received notification during this second neighbour notification period and they were subsequently notified.
- 57 During this period, fifteen further letters of representation were received, fourteen objecting and one general comment. Two of these had commented during the first period. Therefore a total of 29 letters of representation have been received, with 28 objecting to the application and one general comment.
- 58 The following points were raised in the representations received:
- Overdevelopment/high density
  - Lack of open space
  - Saturated flat market
  - Removal of trees and hedging
  - Excessive height
  - Light pollution
  - Loss of daylight/sunlight
  - Overlooking
  - Road safety
  - Traffic congestion
  - Construction parking

- Flood risk - surface water drainage
- Drainage capacity
- Retention of pedestrian link
- Lack of parking/visitor parking
- Landscaping requirement/maintenance/factoring
- Increase in noise levels
- Tenure of flats
- Refuse collection and emergency vehicle access
- Construction times and disturbance
- Need for flats
- Loss of value to properties
- Impact on wildlife from tree removal
- Road maintenance

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

## **ADDITIONAL STATEMENTS**

|                                                |                                                                                                                 |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not Required                                                                                                    |
| Screening Opinion                              | Not Required                                                                                                    |
| Environmental Impact Assessment                | Not Required                                                                                                    |
| Appropriate Assessment                         | Not Required                                                                                                    |
| Design Statement / Design and Access Statement | Not Required                                                                                                    |
| Reports on Impact or Potential Impact          | Ecology Survey, Transport Assessment, Drainage Strategy, Tree Survey, Stage 1 Geo-Environmental Risk Assessment |

## **APPRAISAL**

60 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 which are identified in the policy section above.

### **Principle**

- 61 The site is located within an established residential area where policy RD1 of the Perth and Kinross Local Development Plan (LDP) applies. This states that infill residential development will be accepted where the density makes the most efficient use of the site and where existing residential amenity will be retained and respected. As such the general principle of residential development on this site is considered to be acceptable. A detailed assessment of the proposal in relation to design, scale, residential amenity and other relevant matters is outlined in the paragraphs below.

### **Design, Scale and Visual Amenity**

- 62 This area of Perth is characterised by a number of differing design styles and scales and includes terraced dwellinghouses of two storeys, single storey detached dwellings and three storey flats to the south. The properties in the surrounding area are finished in a mixture of materials including harling, timber cladding, brick, slate and concrete tiles.
- 63 The proposed flats are to be finished in a mixture of white and anthracite grey render with a buff facing brick base course. The windows are proposed to be anthracite grey uPVC. Given the mixture of finishes in the surrounding area I consider the proposed finishes to be appropriate in this context. I also consider the overall character of the area to be relatively mixed and as such there is scope for a set of three storey blocks to be acceptable on this site. It is recognised that there is previous planning application for a similarly scaled development on this site. It should be noted that the previous application on this site which committee were minded to approve, whilst being for a total of 27 units was actually proposed on a smaller site than that subject to this current application. This new application site is larger and includes the area of Eredine, an existing property to be demolished. The demolition of this existing property allows for the erection of an additional flatted block and the increase in units on the site.
- 64 Furthermore, the site steps up the rising topography from Rannoch Road at the lowest end to the north, up towards Jeanfield Road to the south. The site is well contained and surrounded by the existing development which in turn will limit the visual impact of the development from the public realm. Whilst the scale of the buildings will be more noticeable from the existing properties which surround the site, this is considered acceptable and the amenity issues associated with this are considered further in the Residential Amenity section below. The trees on the north boundary, which on the whole are proposed to be retained, will also provide a landscape context and screening of the flats when viewed from Rannoch Road. The existing flats to the south, which sit at a higher elevation than the proposed flats, will also screen the development from Jeanfield Road. Following the submission of amended plans, blocks 2 and 3 have been set further away from the eastern boundary of the site in order to limit the visual impact of the development when viewed from the properties on Goodlyburn Terrace and also to limit views of the site from those travelling along Rannoch Road.
- 65 Overall the scale and design of the proposed flats is considered to be appropriate given the well contained nature of the site and screening provided by existing

buildings and landscaping. 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.

## **Layout**

- 66 The layout proposes a central access into the site with the proposed flat blocks located along the north and south sides of the site. The parking bays are proposed outside each block of flats. The mature trees to the north of the site are proposed to be retained in order to provide landscape context and screening. The flats to the eastern end of the site are set back from the eastern boundary to allow a landscaped area on the eastern area of the site to be created and to ensure the retention of the existing hedge planting on the south east boundary of the site. Bin storage facilities are proposed within the site together with secure cycle parking facilities. The overall layout of the site is considered to be acceptable and makes best use of the site whilst respecting both residential and visual amenity. The density of the site relative to the surrounding character is considered to be acceptable and density levels to be appropriate whilst ensuring adequate levels of open space on the site are provided. Details of the proposed boundary treatments for the site will be requested by condition as will details of the proposed landscaping (conditions 3 and 7). The layout therefore accords with the placemaking policies of the LDP and the criteria outlined in policy RD1.

## **Residential Amenity**

- 67 A number of letters of representation have raised concerns regarding the potential impact which the development may have on the amenity of nearby residents. As described above, the layout of the site has been amended to position blocks 2 and 3 further from the eastern boundary of the site as there was initial concern regarding the proximity to these blocks to the properties on Goodlyburn Place. Blocks 2 and 3 are orientated to minimise the impact on residential amenity and to meet the Council's guidance. Recognised guidance on this matter which is based upon the Building Research Establishment's (BRE) guide on site layout planning which is applied throughout Perth and Kinross seeks a preference of 18m from window to window and a minimum of 9m window to boundary. The repositioning of these blocks ensures these guidelines are met on the eastern boundary.
- 68 Blocks 1 and 2 are located 19.5m from the rear garden boundaries of the properties on Rannoch Road at their closest point and approximately 31m from the rear windows of these properties. Whilst the proposed flats sit at a higher elevation than the properties to the north, this distance together with the trees on the north boundary are considered sufficient to mitigate any overlooking concerns to the properties on Rannoch Road.
- 69 Blocks 2 and 3 have been repositioned further west in the site and away from the eastern boundary of the site. This is to minimise the impact on the outlook of the properties on Goodlyburn Place and to ensure the guidance above is met. Block 2 is located 13.5m from the east boundary and block 3 located 11.8m from the

boundary. This revised position also offers the opportunity to provide additional planting on the eastern boundary of the site providing screening and a landscape buffer. This will be ensured by condition (Condition 7).

- 70 Blocks 3 and 4 sit close to the south boundary of the site; however they sit at a lower level than the existing flats to the south which will help to reduce the impact on the residential amenity of the adjacent flats. Furthermore, the existing hedging and planting adjacent to the south east corner and the presence of the car parking area for the existing flats will also screen the development and provide sufficient window to window distances.
- 71 Block 4 is positioned within 6.6m of the boundary with the new flats to the south and approximately 11m between windows. However, the south elevation of block 4 is proposed to be occupied by high level windows serving the kitchens of the flats which is considered acceptable. The windows of the main living areas and bedrooms are proposed on the west and east elevations of this block and as such, I am satisfied that no overlooking will occur.
- 72 On the western boundary of the site there is a detached bungalow which faces onto Goodlyburn Terrace towards the site. Blocks 1 and 4 sit closest to the western boundary. The west elevation of block 1 is to solely be occupied by bathroom windows which will utilise opaque glazing. The west elevation of block 4 is located 15m from the western boundary which again meets the Council's guidelines in terms of window to boundary distance and this is considered sufficient to ensure the amenity of this property is sufficiently protected.
- 73 In terms of daylight and sunlight reduction, again there is guidance in place which allows an assessment of impact to be made. The 25 degree approach applies. This requires suitable daylight for habitable rooms to be achieved when a 25 degree vertical angle is taken from the centre of the lowest window on an existing property. The line from this window at a 25 degree angle determines what the maximum ridge height of the adjacent building. A sectional drawing has been provided to show the relationship between the proposed development and existing buildings. The main properties which may be affected by loss of daylight are those in the new flats on Jeanfield Road to the south of the site which sits adjacent to block 4. This flat block extends to 10.2m at their highest point but benefits from a shallow roof pitch. This block has a finished floor level of 28.85m. Whereas the existing block to the south has a FFL of 34.25m. When taking a 25 degree vertical angle from the lowest window on the north elevation of the existing flats this extends above the eaves and ridge line of the proposed flats blocks, mainly due to the proposed flats sitting at a lower level than the existing flats.
- 74 In this instance given the distance between the existing properties and the proposed development and the difference in levels between the proposed flats and existing, orientation of the blocks and window positions, the proposal would not result in loss of daylight and sunlight to the surrounding properties or result in loss of daylight to the proposed flats.

- 75 As such based upon the above assessment the proposal is considered to accord with policies PM1A and B and RD1 where they refer to residential amenity.

### **Traffic and Transport**

- 76 Policy TA1B of the LDP requires new development to be well served by and be easily accessible to all modes of transport. A Transport Statement (TS) accompanies the application which outlines trip generation details, an assessment of parking standards, access into the site, and details sustainable transport links to the site. Transport Planning has reviewed the TS and accepted its conclusions.
- 77 In terms of trip generation for these affordable flats, the TRICS (Trip Rate Information Computer System) database was used as per standard practice and this showed that the proposal would generate a total of 9 vehicle movements in the AM peak and 11 vehicles in the PM peak. This is a very minimal increase in traffic and Transport Planning has confirmed that the road network is capable of absorbing this increase in traffic.
- 78 In terms of parking requirements the National Roads Development Guide (NRDG) dictates that affordable housing should be provided with 0.5 spaces per dwelling + 0.3 spaces for visitor parking per dwelling. As such a total of 20 car parking spaces and 12 visitor spaces (32 in total) are required on the basis of the NRDG. In this instance a total of 41 spaces with an additional 3 for disabled parking are proposed. The proposed parking arrangements are therefore considered to be acceptable and exceed the requirements of the NRDG.
- 79 Cycle parking facilities for each block are marked on the site plan to encourage sustainable transport use. No exact details of these have been provided and this will be secured by condition (Condition 9). The site is well served by footways and cycleway routes which provide access to nearby shops and other amenities. The site is also well served by public transport provision with frequent bus services on both Rannoch Road (14A and 34C) and on Jeanfield Road (2, 13, 14, 70 and 809) which provides links to various areas of Perth and further afield.
- 80 A footway link to provide pedestrian access onto Goodlyburn Terrace is proposed and the internal layout is considered to be appropriate in traffic and pedestrian safety terms.
- 81 A swept path plan has been supplied which demonstrates that service and emergency vehicles will be capable of entering and leaving the site.
- 82 The proposal is therefore considered to comply with the criteria outlined in Policy TA1B of the LDP.

### **Landscaping, Trees and Open Space**

- 83 As stated above some of the trees on the north boundary of the site are proposed to be felled to accommodate the development but the majority are to remain to

provide screening to the development and a landscape context in wider views. A Tree Survey has been submitted, as required by policy NE2B of the LDP, which identifies 27 trees of varying species within this tree belt. There are also some smaller, younger trees within a mixed woodland area which fall below the tree survey threshold. The survey identifies those trees which require to be felled to accommodate the development and indicates the retention of trees on the sloping bank between the proposed flats and the lock up garages to the north. The tree survey also proposes appropriate tree protection measures for the retained trees. The felling proposed is considered to be appropriate and ensures that the screening offered by retained trees is appropriate. The protection measures outlined in the report are also considered acceptable and will be ensured by condition (Condition 6). Some of the existing hedging on the site adjacent to Goodlyburn Terrace is also proposed to be removed to accommodate the new footpath and parking spaces for block 4. This can be compensated by additional replanting which will be secured by condition (Condition 2).

- 84 A landscape plan has been submitted which indicates that that additional shrub and tree planting is proposed within the site with an amenity area proposed at the eastern end of the site. As outlined elsewhere in this report there is opportunity to enhance the planting on the eastern boundary of the site to provide screening to the site and include semi mature trees and this can be secured by an appropriately worded condition. The existing hedge on the southern boundary is to be retained. The general outline of landscaping is considered acceptable and the exact details, density, species and ongoing maintenance can be secured by condition (Condition 2).

### **Waste Collection**

- 85 The western most part of the access into the site is proposed to be developed to an adoptable standard which will allow waste collection vehicles to enter the site. A series of bin store areas to serve the flats are proposed throughout the site and Waste Services have considered the level provided to be appropriate.

### **Ecology and Biodiversity**

- 86 The site has the potential to be habitat for bats. As such a bat survey has been submitted as per the requirements of policy NE3 of the LDP. The survey concludes that there are no bat roosts in the existing buildings on site or any of the surrounding trees and therefore the development will not impact on active roosting bats. The report outlines appropriate mitigation relating to both bats and breeding birds and this mitigation will be secured by condition (Condition 5). Furthermore bat boxes and swift boxes on the proposed site will be secured by condition (Conditions 11 and 12).

### **Flood Risk and Drainage**

- 87 Having considered SEPA's 2018 flood maps, the application site is not located within an area considered to be at risk from surface water flooding. Letters of representation have raised concern relating to surface water flooding.

Introducing hard surfaces within the site has the potential to exacerbate surface water run-off from the site and this requires to be addressed through a detailed Sustainable Urban Drainage System (SUDS) as required by policy EP3C of the LDP. The application indicates that a SUDS will be utilised and the submission states that this will connect to a Scottish Water surface water sewer. Structures and Flooding team has advised that they are aware of a number of issues from the sewer/drainage network in this part of Perth. However, they have concluded, from reviewing the proposed Drainage Strategy for the site, that the drainage system proposed is acceptable given the level of betterment over existing discharge rates within the site.

- 88 The proposal therefore accords with policies EP3B and C of the LDP.

### **Developer Contributions**

#### Education

- 89 The Council 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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 90 This proposal is within the catchment of Goodlyburn Primary School.
- 91 Education & Children's Services have no capacity concerns in this catchment area at this time.

#### Transport

- 92 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 93 The proposal will replace an existing private dwellinghouse and a gospel/community hall with 39 flatted units. The existing site uses are into account when calculating the Transport Infrastructure requirement.
- 94 The transport infrastructure contribution is calculated on 34 units (39 proposed – 5 existing equivalent). The contribution for affordable units is £1,775 per unit. The total contribution required is therefore £60,350.

### **Affordable Housing**

- 95 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning permission is being sought, is to be in the form of affordable housing.



- 96 The units will be let for social rent by Hillcrest Housing Association. As the entire development will be affordable the requirements of the Affordable Housing Policy are met. A condition will ensure all units are for affordable housing only (Condition 4).

### **Pedestrian Route along Goodlyburn Terrace**

- 97 Goodlyburn Terrace to the west of the site forms part of a historic pedestrian route linking Rannoch Road with Jeanfield Road which was effectively an access to the rear of the former Plough Inn prior to demolition. I am aware that this route is currently blocked due to the construction operations being undertaken on the flats at the former Plough Inn. The development subject to this application will not impact on the use of this route.

### **Construction Noise**

- 98 There is the potential at the construction stage for noise to affect existing residential properties. A condition is therefore recommended to limit noisy construction works (Condition 8).

### **Air Quality**

- 99 Environmental Health raised concerns in their initial consultation response regarding the potential impact which the development may have on the Perth Air Quality Management Area (AQMA) which is referred to in policy EP11 of the LDP. Following submission of additional information by the applicant it was concluded that there will be no impact on air quality.

### **Loss of Value to Properties**

- 100 The loss of value to surrounding properties is not a material planning consideration.

### **Contaminated Land**

- 101 An outline contaminated land assessment has been submitted with the application which indicates that there may be scope for contamination associated with the former uses of the site. On that basis and in accordance with policy EP12 and the recommendations contained within the outline assessment a condition is recommended to ensure the provision of a detailed contaminated land assessment with appropriate mitigation measures (Condition 10).

### **Economic Impact**

- 102 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.

### **Road Maintenance**

- 103 A letter of representation has raised concerns regarding maintenance of the road into the site and surrounding roads. The road into the site and surrounding roads would be subject to ongoing road maintenance measures as is considered appropriate by Perth and Kinross Council as the road serving the site is proposed to be adopted. The maintenance of roads is not a measure which is dictated through the granting of planning permission.

## **LEGAL AGREEMENTS**

- 104 A Section 75 Legal Agreement may be required depending on how applicant wishes to pay the required Developer contributions.

## **DIRECTION BY SCOTTISH MINISTERS**

- 105 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**

- 106 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.
- 107 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, 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).

## **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.

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.

Background Papers: 29 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 6 December 2018

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

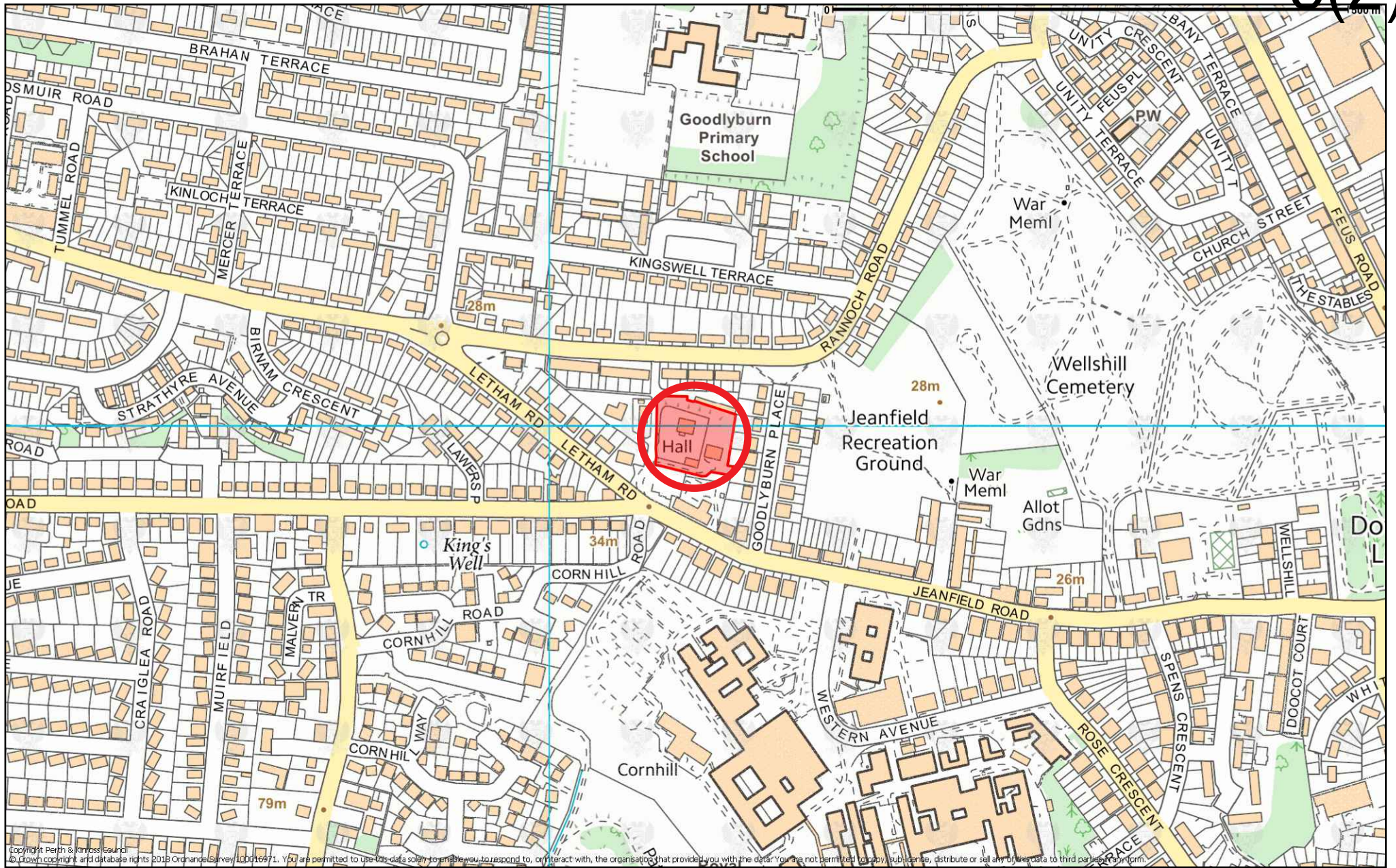
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Scale 1:5000



18/01290/FLL

Demolition of buildings and dwellinghouse and erection of 39no. flats and associated works on Land 40 Metres East Of Firview









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Scale 1:1000



18/01290/FLL

Demolition of buildings and dwellinghouse and erection of 39no. flats and associated works on Land 40 Metres East Of Firview





Perth and Kinross Council  
Planning & Development Management Committee – 18 December 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/404)

|                  |                                                                                                                           |
|------------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8). |
| <b>LOCATION:</b> | Land North West of Boreland House, Cleish.                                                                                |

Ref. No: [18/01684/FLL](#)  
Ward No: P8 - Kinross-shire

### **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 is located within a small building group approximately 0.9km west of Cleish and comprises a former farm steading area. The site is bound by a public road to the west, with residential development to the north, south and east. Vehicular access to the dwellinghouses will continue to be from the public road from a position to the north of the former roadside steading.
- 2 The application site received planning permission in May 2011 for the conversion of the traditional stone steading building along the road frontage to form 3 dwellinghouses and the erection of 5 new dwellinghouses within the remainder of the site.
- 3 Unfortunately, the applicant subsequently demolished the stone steading and as a consequence, it was considered to have invalidated the entire 2011 permission (09/00500/FLL) as the 5 new build dwellinghouses received planning permission on the basis that the roadside steading conversion occurred.
- 4 Subsequently, detailed planning permission (in part retrospect) was sought in 2015 (15/01033/FLL) in order to try to regularise the entire development. The application sought permission to rebuild the steading in a design similar to the demolished building. This application was approved by the Development Management Committee in August 2015, subject to numerous conditions and a full understanding that no further variation of the permission should occur on the site.

- 5 Whilst monitoring the development in late February 2016, the Council's Enforcement Officer noted that the roadside building appeared to be higher than what had been approved. A number of meetings and discussions took place with the Developer and his agent to try and resolve the issue and ensure the building was built as per the approved plans.
- 6 The replacement building was higher than the approved plans and resulted in an increase in wall head by nearly 300 mm resulting in a ridge height increase of a similar 300mm. The changes to the wall head and ridge height had the added consequence of a change in window dimensions to narrower horizontal proportions for the windows below the wallhead and the dormer windows.
- 7 A request for a Non-Material Variation (NMV) for those altered works was rejected in March 2016 and, in an attempt to regularise the development, the applicant submitted an application to amend the approved plans of the roadside steading building in isolation (16/00656/FLL). This application was refused under delegated powers and a subsequent review to the Local Review Body was dismissed.
- 8 As a consequence, the site has lain dormant with the unauthorised timber frame up since 2016. With no protection from the elements the framework deteriorated over time and was removed from site.
- 9 A new application is now under consideration seeking to gain permission for the replacement building forming three dwellinghouses (plots 6, 7 and 8). The proposed height is as previously refused but there have been some minor changes to the design including a clipped eaves design rather than overhanging eaves as previously submitted.

## **PRE-APPLICATION CONSULTATION**

- 10 There have been ongoing discussions with the Developer which have included dialogue with Local Members, in an attempt to move the development of the site forward. This has resulted in this current application being submitted.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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**

- 12 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**

- 13 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.
- 14 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**

- 15 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**

- 16 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**

- 17 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**

- 18 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**

- 19 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**

- 20 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:
- 21 *"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."* There are no specific policies or strategies directly relevant to this proposal.

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

- 22 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.
- 23 The principal relevant policies are, in summary;



### **Policy PM1A - Placemaking**

- 24 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**

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

### **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 RD3 - Housing in the Countryside**

- 27 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment 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 TA1B - Transport Standards and Accessibility Requirements**

- 29 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 EP7C - Drainage within the Loch Leven Catchment**

- 30 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

## **Policy EP12 - Contaminated Land**

- 31 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.

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

- 32 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.
- 33 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.
- 34 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**

[09/00500/FLL](#) Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses- Application approved by Development Management Committee, decision issued 17 May 2011

[14/01769/FLL](#) Modification of permission 09/00500/FLL (Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses) removal of condition 4 relating to window / door type – Application approved under delegated powers, decision issued 29 January 2015

[15/01033/FLL](#) Demolition of steading and erection of 8 dwellinghouses (in part retrospect) Application approved by Development Management Committee, decision issued 6 November 2015

[16/00656/FLL](#) Erection of 3 dwellinghouses (change in design) (in part retrospect) Application refused under delegated powers, decision issued 21 July 2016

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 36 No objection to the proposal

#### **Cleish & Blairadam Community Council**

- 37 Concerns have been raised about the site history and the current status of the development. Should development be approved they request clipped eaves and previous conditions to be repeated.

### **Internal**

#### **Environmental Health (Contaminated Land)**

- 38 No objection, four part contaminated land condition required.

#### **Development Negotiations Officer**

- 39 Contributions should be as per the existing S75 which will need to be updated.

#### **Structures and Flooding**

- 40 No objection on flood risk

#### **Transport Planning**

- 41 No objection, access formed

## REPRESENTATIONS

- 42 The following points were raised in the 8 representations received (4 objections/comment and 4 letters of support) which includes a letter from the Community Council:

### Against

- Replacement should be a replica
- Lack of details on finish materials

### Support

- Support for current proposal if it ensures the development is complete and the developer meets all previous planning conditions.
- 43 It should be noted that a number of the letters state that although unhappy with the lack of progress on the development site up until now, they are not opposed to this submission if it brings the development to a conclusion.
- 44 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Not Required |
| Reports on Impact or Potential Impact          | Not Required |

## APPRAISAL

- 45 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.

## **Principle**

- 46 The principle of development on the site has been established previously under the Housing in the Countryside Policy and Guide. The demolition of the steading and replacement with a replica has also been considered to comply with policy. This application relates to the replacement not being a replica of the former steading.
- 47 Notwithstanding the history on this site, the Housing in the Countryside Supplementary Guidance states under Category 5, which relates to conversion or replacement of redundant non-domestic buildings, that where an existing building requires to be reconstructed, replacements must be generally faithful to the design form and may incorporate non-original features which adapt it to modern space standards or reflect a local architectural idiom.
- 48 Therefore the policy does not require an exact replica of the former steading but this stance was taken previously due to the unauthorised demolition. However, if it had been established prior to demolition that the steading had become, through time, unable to be reconstructed because of structural deficiencies then the minor changes proposed would not be a departure from policy.

## **Design and Layout**

- 49 The site has an extensive history with a firm position being taken previously by the Development Management Committee on the unauthorised demolition of the steading and the requirement for an exact replica to be rebuilt. This approach, in turn, led to the refusal of the application which was in part retrospect for the new building which was constructed 300mm higher than that which had planning permission. A review of this decision was dismissed by the Local Review Body following from the earlier Development Management Committee's stance.
- 50 This approach has unfortunately resulted in the development of the site coming to a standstill which has most certainly been to the detriment of the amenity of the area and the concern of local residents.
- 51 This current application, once again, seeks to replace the demolished steading with a very similar building to that which was previously refused. The proposed height remains at 300mm higher than that which was previously granted planning permission. The applicant has confirmed that the 300mm increase would accommodate a 2.4m internal floor to ceiling height which is more attractive to prospective buyers. It is considered by the Developer that this increased height is vital to providing an attractive residential property for potential purchasers and is needed to ensure the site is developed out. The Community Council requested that the proposed design be altered to have clipped eaves to replicate the original detailing of the steading which is considered to be an important feature. The Developer has now amended his design to accommodate this request.

- 52 The application for the replacement steading (ref 15/01033/FLL) had a number of very detailed conditions to deliver a high quality finish. The conditions covered, for example, site inspections at three construction phases to the submission of a detailed coursing plan these conditions are proposed to be reapplied to this permission (Conditions 3 – 9 and 17).
- 53 A previous stipulation was also that no work was to commence on plots 1 and 5 until the steading was completed. Plots 1 and 5 remain undeveloped and are shown within the applicant's control and therefore it is reasonable to repeat this condition (Condition 2).

### **Residential Amenity**

- 54 The proposed dwellinghouses all have a suitably sized garden area and are located far enough from each other to ensure an acceptable level of residential amenity is achieved in a manner which would not adversely affect any of the existing properties nearby.
- 55 The dwellinghouses have 9m deep rear gardens and adjacent dwellinghouses (constructed and approved) would not be overlooked due to the proposed boundary planting (Condition 16) and the orientation of the buildings.

### **Contaminated Land**

- 56 The site has been inspected previously in relation to contaminated land and required the retrospective fit of gas protection measures. The Contaminated Land Officer has requested that the four part contaminated land condition be added to ensure that the measures required are covered under this new permission (Condition 15).

### **Visual Amenity**

- 57 The site has been an eyesore for a number of years and there is a strong desire in the community to get the development completed, which would improve the wider visual amenity of the area.

### **Biodiversity**

- 58 The original application considered the potential for protected species within existing buildings. As part of the recommendations on the previous survey, bat boxes and a barn owl nest box and ledge were required. This shall be repeated as a condition on this permission to ensure this work is completed (Conditions 12 and 13).

## **Roads and Access**

- 59 The access to the site has already been formed and the proposed plans show the parking for the three houses to be in a central courtyard where turning is also accommodated. The access type and gradient of the access will be covered by condition (Conditions 10 and 11).

## **Drainage and Flooding**

- 60 The site is located within the Loch Leven Catchment Area where LDP policies seek to secure phosphate reduction measures in the interests of maintaining the Conservation value and interest of the Loch (SSSI, SPA RAMSAR).
- 61 In the 2015 application SEPA confirmed that the drainage proposals would deliver the necessary 125% gains and did not raise an objection on flood grounds. The proposed changes do not impact on required drainage and flooding infrastructure.
- 62 The drainage requirements were originally covered by a Section 75 Legal Agreement, however, today this would be covered by planning conditions. The drainage has however been implemented and a CAR license issued by SEPA, consequently, no further conditions will be required in relation to phosphorous mitigation.

## **Developer Contributions**

- 63 There is a Section 75 legal agreement in place for this site to ensure that the required affordable housing and education contributions are secured. This Agreement requires to be updated to cover this new planning permission. Alternatively the contributions could be paid upfront to release this permission.

## **Economic Impact**

- 64 The economic impact of the proposal is likely to be minimal and mainly limited to the construction phase of the development.

## **LEGAL AGREEMENTS**

- 65 An updated Section 75 legal agreement will be required as the existing Section 75 has not been future proofed to take account of a revised permission on the site, unless the contributions are paid upfront.

## **DIRECTION BY SCOTTISH MINISTERS**

- 66 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**

- 67 As a result of the history described above, the site has been an eyesore for a number of years and there is a strong desire in the local community to get the development completed. The previous approach which took a hard-line with the developer unfortunately has not moved the development forward. It is therefore considered that the amendments proposed to the previous scheme are considered acceptable and this will hopefully conclude the development of the former steading site with three new dwellings in the steading type building and allow the completion of the development on Plots 1 and 5. Whilst not an ideal situation, I consider the recommendation of approval will allow the conclusion of this development.
- 68 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.
- 69 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 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 erection

Development 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 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 3m<sup>2</sup> 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.

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 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.

## **B 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.

## **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 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.

## **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 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 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 Environmental 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.

Background Papers: 8 letters of representation  
Contact Officer: Joanne Ferguson 01738 475320  
Date: 6 December 2018

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

|                                                                                                                                                                                                                                                             |
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**Planning & Development  
 Management Committee**



Scale 1:5000

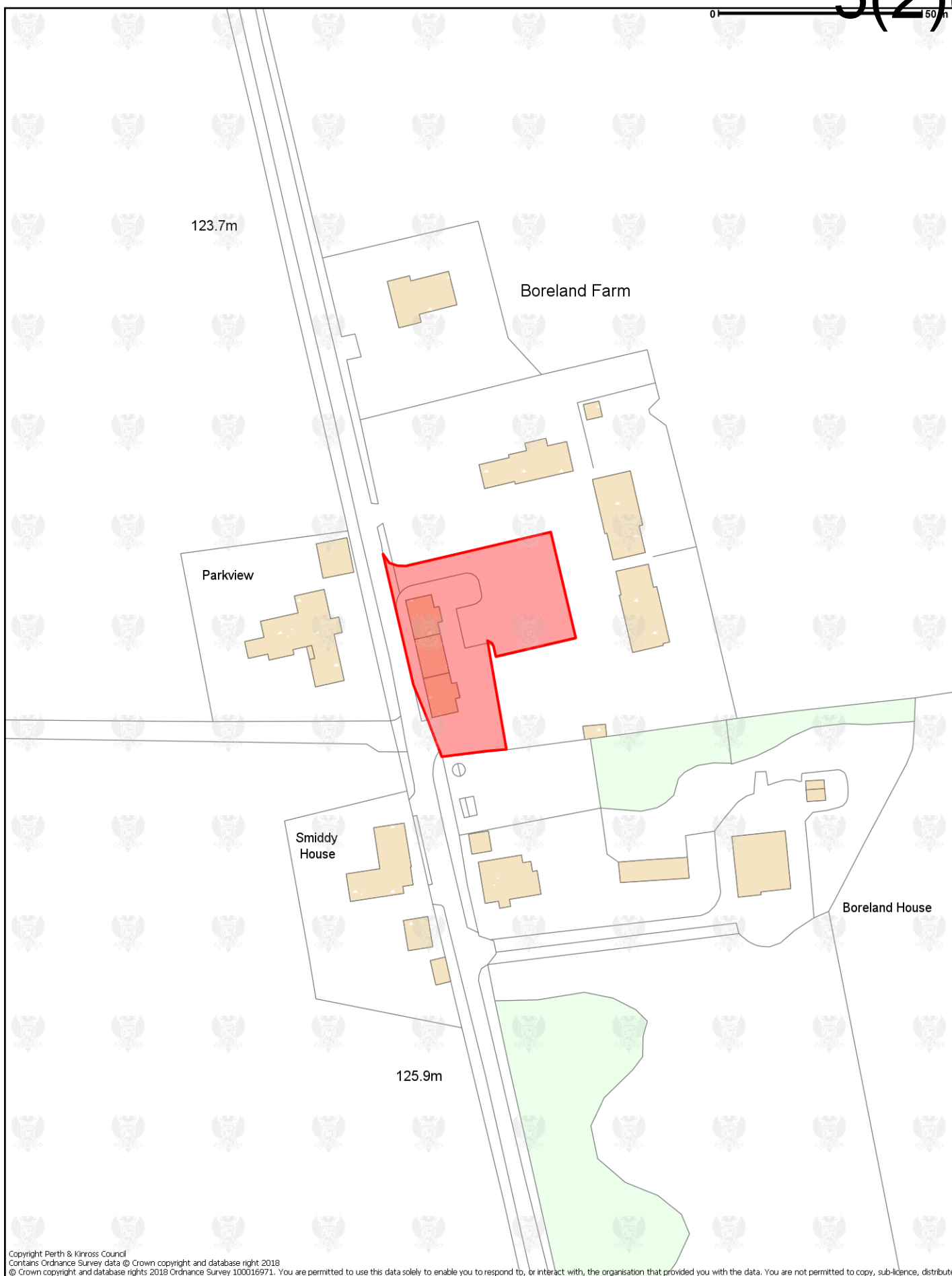
**18/01684/FLL**

Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8) at Land 100 Metres North West Of Boreland House, Cleish









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**Planning & Development  
Management Committee**



Scale 1:1250

**18/01684/FLL**

Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8) at Land 100 Metres North West Of Boreland House, Cleish





Perth and Kinross Council  
Planning & Development Management Committee – 18 December 2018  
Report of Handling by Interim Development Quality Manager  
 (Report No.18/403)

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>PROPOSAL:</b> | Alterations to roundabout, landscaping and associated works. |
| <b>LOCATION:</b> | Swallow Roundabout, Invergowrie.                             |

Ref. No: [18/01770/FLL](#)  
 Ward No: P1 - Carse of Gowrie

### **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 Planning permission is sought for alterations and associated landscaping works to the Swallow Roundabout which is located at the junction between the A90 Trunk road, Riverside Drive, Kingsway West and Dykes of Gray Road on the boundary between Perth and Kinross Council (PKC) and Dundee City Council (DCC). Planning permission for works to the entire roundabout was granted by DCC on 22 May 2015 ([15/00076/FULL](#)). This application was subsequently renewed on 29 June 2018 ([18/00149/FULL](#)). The majority of the land subject to the roundabout works is located within DCC with a small area on the southern edge located within PKC which equates to approximately 15% of the total site. This planning application therefore relates to that particular section of the works only.
- 2 The roundabout works were granted by DCC as part of the agreement to develop the Western Gateway/Village, a large scale residential and employment land development to the north west of the roundabout in order to cater for the additional traffic which will be generated by the development. As part of the approved development, the works to the roundabout require to be implemented by the time the 270th house is constructed. The works are proposed to improve traffic flows through the junction to ensure the increased traffic flows as a result of the approved developments can be accommodated without a net detriment to the road network.
- 3 Whilst this application to be determined by PKC only relates to a section of the roundabout, for ease of reference and for clarity, the total works to the roundabout involve physically increasing the size of the roundabout, increasing

the number of approach lanes and signalisation. The overall works may be summarised as follows:

- An alteration to the shape and size of the Swallow Roundabout at the A90/A85, Dundee. The central island of the junction will be more 'lozenge shaped' and it will become signalised.
- Additional lane width will be provided on the roundabout and on the A90 approaches.
- The road to Liff on the west side of the roundabout will be widened to provide an additional lane for eastbound traffic.
- A new footway/cycleway facility with signalised crossings will be incorporated into the scheme.

## **PRE-APPLICATION CONSULTATION**

- 4 No formal pre application was undertaken, however, the application was subject to various discussions prior to submission.

## **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

### **Planning Advice Notes**

- 9 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**

- 10 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**

- 11 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**

- 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.
- 18 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

### **Policy 10: Connecting People, Places and Markets**

- 19 Seek to enhance connectivity of people, places and markets by safeguarding land for strategic transport hubs and related infrastructure including those which are essential to support a modal shift and reduce the need to travel and support a reduction in carbon emissions and air pollution.

### **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 TA1A - Transport Standards and Accessibility Requirements**

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

**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 PM1A - Placemaking**

- 24 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**

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

**Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 26 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.
- 27 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.
- 28 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**

- 29 No PKC planning history but the following applications were granted by Dundee City Council

[15/00076/FULL](#) - Works to upgrade the Swallow Roundabout Approved 22 May 2015 by DCC

[18/00149/FULL](#) - Works to upgrade the Swallow Roundabout – Approved 29 June 2018 by DCC

## **CONSULTATIONS**

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

### **Internal**

### **Environmental Health (Contaminated Land)**

- 31 No objection received.

### **Transport Planning**

- 32 It is concluded that without the improvement works to the roundabout the consented development in the surrounding area will only exacerbate any existing traffic issues. The wider impact of this proposal is of significant benefit to residents of the Perth & Kinross Council area commuting to Dundee and further afield along the A90 corridor through improved and more reliable journey times. The proposal also improves facilities for active travel users (walking/cycling) to navigate the roundabout in a safer and controlled manner.

### **Development Negotiations Officer**

- 33 No contributions required.

### **Structures and Flooding**

- 34 No objection.



## **External**

### **Scottish Gas Network**

- 35 No objection received.

### **Transport Scotland**

- 36 No objection subject to informatives regarding procedures for carryout out works to the Trunk Road Network.

### **Dundee City Council**

- 37 Dundee City Council granted planning consent for the upgrade works to the Swallow Roundabout. Subsequent to this it was clarified that a separate planning permission was required from Perth and Kinross Council for a small element of the works.
- 38 The purpose of the development is to enable works to upgrade the capacity of the Swallow Roundabout which will improve traffic flows in the local area and enable the full implementation of the planning permission for new housing at the Western Gateway without detriment to the operation of the trunk road.
- 39 Further housing developments at the Western Gateway are proposed within the TAYplan for the period 2019-2029. Increasing capacity at the roundabout junction will enable this additional house building, helping meet demand for housing in Dundee and the wider TAYplan area.
- 40 The upgrade works will also improve pedestrian and cycle movement across the A90 Kingsway and the A85 Riverside Avenue by completing the footpath and cycleway from Dykes of Gray across the Swallow Roundabout to link with the network on Riverside Drive and Invergowrie.
- 41 Dundee City Council supports the application.

## **REPRESENTATIONS**

- 42 The following points were raised in the 38 representations received:
- Exacerbate rat running through Invergowrie and Carse of Gowrie during morning and evenings and associated impact on road safety and pollution/school and elderly
  - Lack of information relating to potential increased rat running
  - Increased traffic congestion on roundabout
  - Need for a left filter lane/alternative arrangements
  - Need for additional traffic calming in Invergowrie

- No need for traffic lights as there aren't many current delays
- Need for further traffic surveys
- Noise pollution
- Air pollution
- Impact on those leaving Invergowrie to enter Riverside Drive

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

## **ADDITIONAL STATEMENTS**

|                                                |                                                         |
|------------------------------------------------|---------------------------------------------------------|
| Environment Statement                          | Not Required                                            |
| Screening Opinion                              | Not Required                                            |
| Environmental Impact Assessment                | Not Required                                            |
| Appropriate Assessment                         | Not Required                                            |
| Design Statement / Design and Access Statement | Not Required                                            |
| Reports on Impact or Potential Impact          | Modelling and Assessment Report<br>Supporting Statement |

## **APPRAISAL**

44 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, which are outlined above.

### **Policy Appraisal**

- 45 Policy TA1A of the Local Development Plan (LDP) refers to traffic and transport and states that encouragement will be given to the improvement of existing transport infrastructure provided they are compatible with adjoining land uses. Policy TA1B relates to new development proposals and requires new development to be designed for the safety and convenience of all users amongst other criteria. For the reasons outlined below I consider the proposed works to the roundabout to comply with policies TA1A and B of the LDP.
- 46 Policies PM1A and B relate to placemaking and seek to ensure that new development respects the character and amenity of place and that the design should complement its surroundings in terms of appearance, scale and finishes.

I consider the minor nature of physical works to the roundabout to be acceptable and in accordance with policies PM1A and B of the LDP.

### **Traffic and Transport Safety**

- 47 As outlined above, the Western Villages development to the north west of the Swallow Roundabout was granted planning consent by Dundee City Council for 738 residential units. The information submitted with that application indicates a predicted vehicle trip generation of 1062 vehicles in the AM period (07:00 - 10:00) & 1346 vehicles in the PM period (15:30 - 18:30). This additional traffic loading and the predicted increase in national traffic growth (National Traffic Forecasts) in conjunction with further development along the A90 corridor will negatively impact on the operation of the existing Swallow Roundabout, increasing journey time, increasing maximum queue length and any associated rat running occurring through Invergowrie. In order to cater for this the improvement measures outlined in this application require to be undertaken.
- 48 Members should note that the application under consideration here does not relate to or allow for consideration of the Western Villages development and the associated increase in traffic generation. That application is outwith the boundaries of PKC and has already been granted planning permission by DCC. This application solely relates to physical improvements to the roundabout for motorised and non-motorised users of only a 15% area the wider roundabout. The alterations are proposed to allow for improved journey times and improved queue lengths through signalisation. As part of this application, traffic impact from the Western Villages application has been modelled using Dundee City Council's traffic modelling to demonstrate the operational benefit of signalling the roundabout. This is considered to be an appropriate manner for modelling traffic impact. The information submitted concludes that journey times through the roundabout, with the additional traffic loading associated with the Western Villages application, will be improved.
- 49 These figures are consistent with the operational differences between a roundabout and traffic signals. The traffic signals apply a set time delay through light phasing as opposed to the normal flow of a roundabout. Through optimisation of the signals, when traffic flows on the A90 are lighter, more signal phasing time can be given to the A85 such as during off peak times to mitigate any impact on journey time at these times.
- 50 It is my view, based upon the information submitted that any rat running routing from the A90 onto the local road network and through Invergowrie would be significantly reduced in comparison with not carrying out any improvements to the roundabout. On the whole this is a very significant operational improvement on this approach.
- 51 Dundee City Council have placed a condition on the Western Gateway development that once the number of residential units exceeds an 800 unit threshold, a traffic modelling assessment should be undertaken to determine the

potential impact of the trips associated with the remaining development plots on the operation of the Swallow roundabout. Transport Planning have concluded that this is a reasonable course of action and will better inform decisions on final residential numbers based on the actual measured traffic impact of 800 residential units and identify any further mitigation requirements in relation to traffic and particularly to rat running through Invergowrie. The applicant has offered to carry out survey work to establish a baseline of rat running traffic levels through Invergowrie and this is welcomed to inform decision making going forward. Perth & Kinross Council being a neighbouring Planning Authority would be invited to input and comment on any further associated planning applications and the resulting mitigation identified through this assessment process including any impact on Invergowrie.

- 52 In summary, without these proposed improvement works the increased traffic from the consented 738 unit residential development sum of 2408 vehicles over the AM & PM periods would likely exacerbate any existing traffic issues within Invergowrie. The wider impact of this proposal is of significant benefit to residents of the Perth & Kinross Council area commuting to Dundee and further afield along the A90 corridor through improved and more reliable journey times. The proposals will also improve facilities for active travel users (walking/cycling) to navigate the roundabout in a safer and controlled manner.
- 53 If this application is not approved the associated impact of the approved residential developments on the Swallow Roundabout would increase traffic congestion and result in associated detrimental impact on the residents of Invergowrie.

It is therefore concluded that application adheres to the requirements and criteria outlined in policies TA1A and B of the LDP.

#### **Left Filter Lane**

- 54 There was mention of a proposed dedicated left filter lane from Riverside Drive onto the A90 towards Perth in previous discussions regarding potential upgrades to the roundabout. However, following discussions, it is understood that this is not deliverable as it would not allow for the pedestrian and cycle improvements to allow crossing of the proposed roundabout, there is insufficient space to accommodate it and there is potential impact on the existing filter lane into the A90 filling station. Furthermore there is a requirement to ensure traffic controls on each of the arms of the roundabout to facilitate the pedestrian and cycle movements through the roundabout hence even if a dedicated land could be installed this would still require traffic signal controls.
- 55 The improvements in terms of crossing the roundabout on all arms is considered to be an important aspect of the upgrades as it is very difficult to cross the roundabout currently as a pedestrian or cyclist.

- 56 Nevertheless no filter lane is proposed as part of this application and the Council is required to consider the proposals as submitted and for the reasons outlined above these are considered to be acceptable and in accordance with the Local Development Plan.

### **Visual Impact**

- 57 The physical works proposed to the roundabout are considered to be acceptable and are considered to have a negligible impact on the visual amenity of the area. The proposal therefore accords with the relevant placemaking criteria outlined in policies PM1A and B of the LDP.

### **Use of Conditions**

- 58 Circular 4/1998 outlines the use of conditions on a planning application and states that they require to be relevant to planning, relevant to the development permitted, enforceable, precise and reasonable. There have been discussions relating to the imposition of a condition relating to a financial contribution towards potential traffic calming measures in Invergowrie. It is important to note that this application relates to the physical alterations to the roundabout only rather than the associated wider developments which result in traffic generation on the road network. I therefore do not consider the imposition of a condition seeking a financial contribution to be relevant to this particular development. Consideration of this matter requires to be carried out as part of the assessment of the housing development applications which will impact on the use of the Swallow Roundabout. The assessment of impact of the first application at Western Gateway has been undertaken with the conclusion being that the signalisation of the roundabout and associated works are required to cater for the increase in traffic and this has been conditioned as part of that consent.
- 59 It is noted that the Developer has offered to undertake survey work following completion of the roundabout improvements to establish the potential impact and has indicated that there would be scope for a financial contribution to be made. The works proposed to the roundabout as part of this application will cater for the increase in traffic in the area associated with the Western Villages application. Whilst the survey work and potential financial contribution are welcomed, it is my view that the assessment and consideration of these matters would require to be undertaken by Dundee City Council should any further applications come forward for large scale development where the traffic generation will go beyond that which can be catered for by these roundabout improvements. Perth and Kinross Council would be given the opportunity to comment on these large scale developments, as a statutory consultee, when these applications are received.
- 60 As such I conclude that the imposition of a condition which seeks a financial contribution from the developer associated with this particular application would fail to meet the six tests for conditions outlined in circular 4/1998 and would therefore be *ultra-vires*.

### **Developer Contributions**

- 61 There is no policy requirement for a developer contribution associated with this proposal.

### **Economic Impact**

- 62 Whilst there is potential wider economic benefit associated with the wider developments associated with these improvement works I do not consider the specific improvements to the roundabout to result in any substantial economic benefit beyond those associated with construction operations.

### **LEGAL AGREEMENTS**

- 63 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 64 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**

- 65 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.
- 66 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.

## **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**

None.

## **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 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.

Background Papers: 38 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 6 December 2018

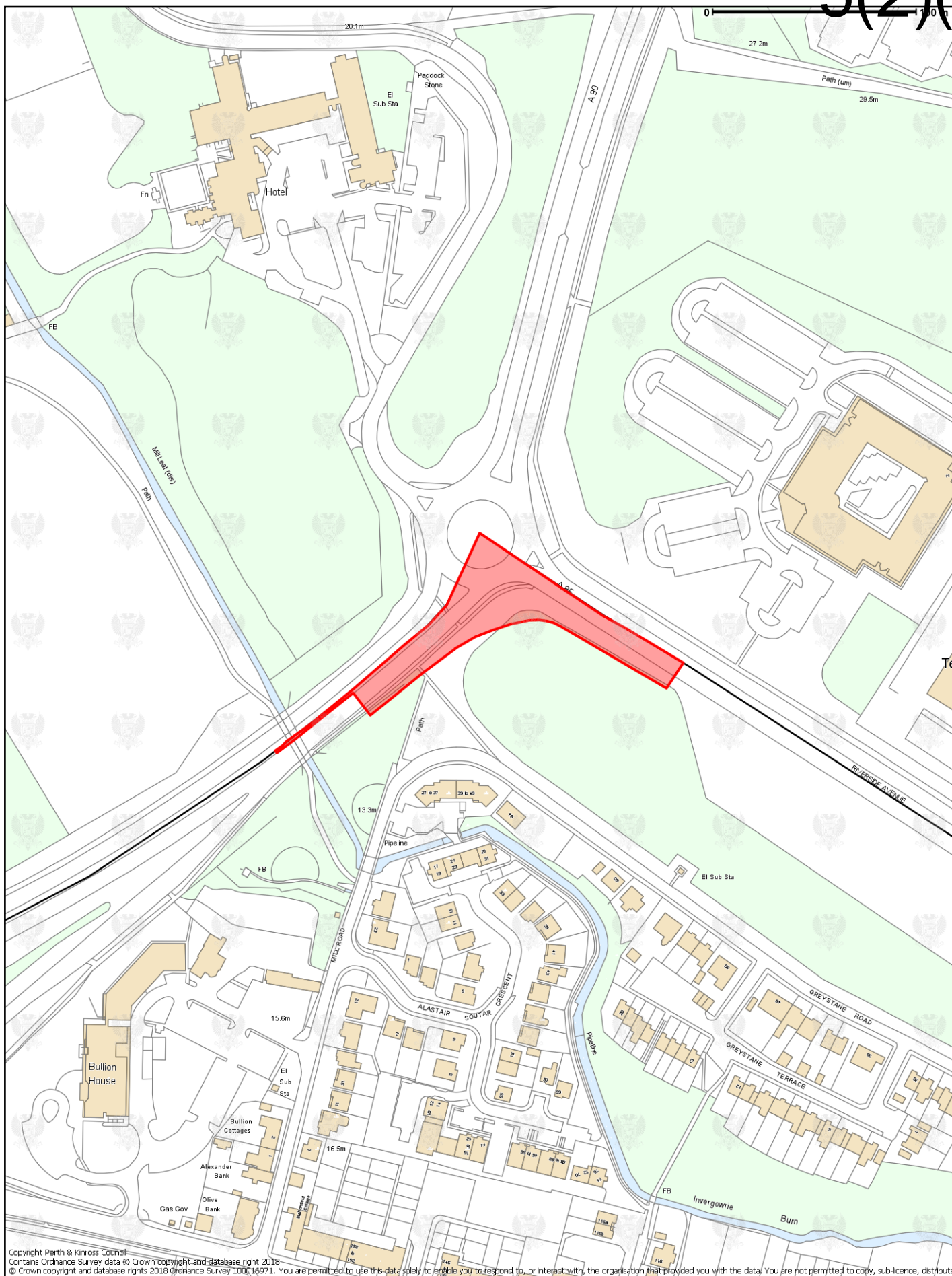
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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**Planning & Development  
Management Committee**



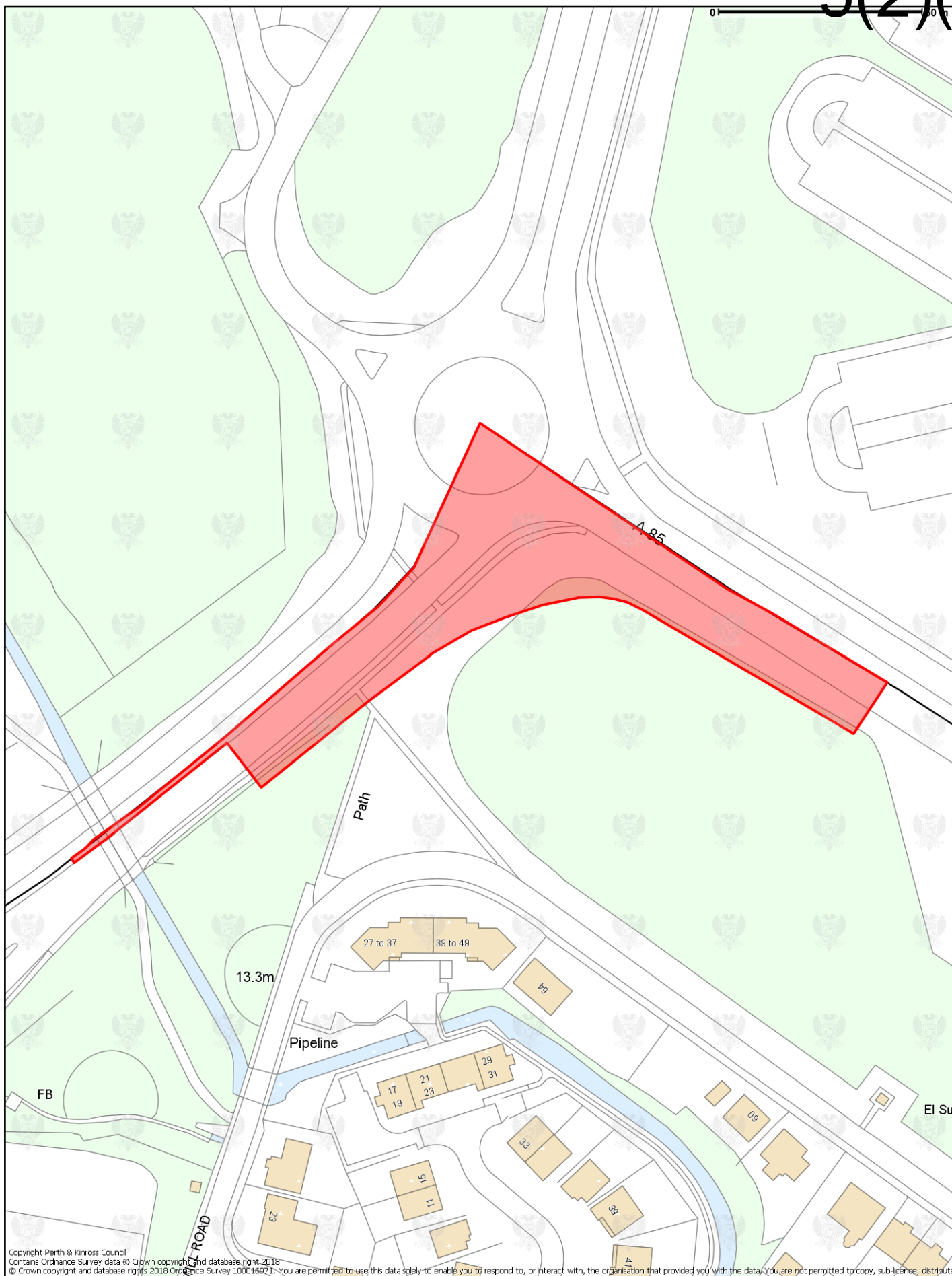
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**18/01770/FLL**

**Alterations to roundabout, landscaping and  
associated works at Swallow Roundabout,  
Invergowrie**







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**Planning & Development Management Committee**



**18/01770/FLL**

**Alterations to roundabout, landscaping and associated works at Swallow Roundabout, Invergowrie**



