

Perth and Kinross Council
Planning & Development Management Committee – 13 March 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/72)

PROPOSAL: Erection of 4 dwellinghouses, 10 flats, bin and cycle storage, fencing and gates, formation of steps, parking area, landscaping and associated works

LOCATION: Land at disused Bowling Green and 42 Mitchell Street, Crieff

Ref. No: [18/02009/FLL](#)

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 application site relates to the disused bowling green at 42 Mitchell Street, Crieff, and is located within Crieff Conservation Area. The site is currently disused and is in a state of overgrowth. The site was granted planning permission in 2007 for the erection of 5 detached dwellinghouses (refer to application 06/01253/FUL) of which 1 has been constructed and is occupied. As such this permission has been implemented and is still valid. The site therefore still retains planning permission to construct the remaining 4 dwellinghouses.
- 2 It has been highlighted however that the developer has no longer intends to construct the remaining 4 detached dwellinghouses as market research carried out by the developer indicates that there is no longer a market for this type of development in Crieff. As such, in 2018, a new application was submitted for the erection of 4 dwellinghouses and 12 flats (refer to application 18/01287/FLL). This submission raised various concerns, namely in relation to design and density, transport arrangements and air quality. As such, the application was withdrawn in order for a more suitable scheme to be forthcoming.
- 3 Full planning permission is now being sought to construct a reduced scheme comprising of 4 dwellinghouses and 10 flats on the remaining undeveloped area of the site. The design of the units is contemporary with a mews character approach taken. The materials comprise of a combination of both grey and white smooth acrylic render with sections of slate slip cladding. Windows and doors will be grey timber framed units with all front doors being oak with a glass side screen. The roofs will be a single ply roof with a black UPVC hopper. The boundary treatments will be a 1.8metre high timber fence painted grey.

- 4 The general arrangement of the development will utilise the existing access from Mitchell Street and will lead relatively centrally through the site to a 'T' shaped junction. There will also be a pedestrian access to Millar Street to the south. A feature entrance will be created at the Mitchell Street access.

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 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 1: Location Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes
 - Policy 6: Developer Contributions
 - Policy 9: Managing TAYplan's Assets

Perth and Kinross Local Development Plan 2014

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

- 18 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 21 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

- 22 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 HE3A - Conservation Areas

- 23 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy TA1B - Transport Standards and Accessibility Requirements

- 24 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 EP2 - New Development and Flooding

- 25 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 EP8 - Noise Pollution

- 26 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

- 27 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which would adversely affect air quality may not be permitted. Within these areas, where the development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures.

Policy EP12 - Contaminated Land

- 28 Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure that the site/ land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site.

Policy NE2B - Forestry, Woodland and Trees

- 29 Where there are existing trees on a development site, any application should be accompanied by a tree survey. 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 30 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.
- 31 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.
- 32 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

- 33 [06/00048/FUL](#) - Erection of 5 dwellinghouses Decision Issued 23 March 2006: Application Refused by Development Control Committee 15 March 2006
- 34 [06/01253/FUL](#) - Erection of 5 dwellinghouses Decision Issued 25 January 2007: Application Approved by Development Control Committee 2 August 2006
- 35 [18/01287/FLL](#) - Erection of 4no. dwellinghouses, 12no. flats, bin and cycle storage, fencing and gates, formation of steps, a parking area, landscaping and associated works Decision Issued 4 September 2018: Application Withdrawn

CONSULTATIONS

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

External

Scottish Water

- 37 No objection to the proposed development. There is currently sufficient capacity in both the Turret Water Treatment Works and the Crieff Waste Water Treatment Works to service the development.

Internal

Transport Planning

- 38 No objection to the proposed development subject to conditional control regarding access, particularly in relation to pedestrian visibility, and street lighting.

Structures & Flooding

- 39 Structures & Flooding initially objected to the application due to a lack of information regarding the design of the surface water drainage system. The requested information was consequently submitted and the Structures & Flooding team now have no objection to the proposed development.

Development Negotiations Officer

- 40 In total, £86,355.00 is required from the following breakdown:

Affordable Housing: £42,750 (2.25 x £19,000 commuted sums)
Education: £43,605 (6.75 x £6,460)

Community Waste Advisor - Environment Service

- 41 No objection to the proposed development and noted the requirements for refuse collection on the site.

Environmental Health (Contaminated Land)

- 42 No objection to the proposed development subject to conditional control regarding contaminated land.

Environmental Health (Noise Odour)

- 43 Environmental Health initially requested further information in relation to Air Quality. The information was consequently received and Environmental Health now has no objection to the proposed development, subject to conditional control regarding Air Quality and Dust Management.

REPRESENTATIONS

- 44 44 letters of representation were received objecting to the proposed development. Of these 44 letters, 36 were from residents of Strathearn Court

who had the same letter of objection. In summary, the letters highlighted the following points:

- Loss of light
- Loss of amenity (reference to overlooking and overshadowing)
- Noise and odour (particular reference to bin store)
- Road safety and congestion
- Lack of parking
- Air quality
- Out of character with the surrounding area
- Density and design of development (reference to overdevelopment)
- Impact on visual amenity
- Loss of trees and existing boundary treatments
- Impacts from construction period
- Dog fouling and antisocial behaviour

- 45 These issues are addressed in the Appraisal section of the report, with the exception of dog fouling and antisocial behaviour, as this is not a material planning consideration.

ADDITIONAL STATEMENTS

46

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Site Investigation, Drainage Impact Assessment, Air Quality Assessment Submitted

APPRAISAL

- 47 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide.

Principle

- 48 The application site is within the settlement of Crieff as identified within the LDP; therefore Policy RD1 'Residential Areas' is directly applicable. As this proposal is within a residential area, the proposed use must therefore be compatible with residential uses. In this instance, as the proposed use is residential, this is considered to be compatible and thus the principle of the development is supportable.
- 49 The site is also located within the Crieff Conservation Area, therefore Policy HE3A 'Conservation Areas' will additionally be applied. Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area should be appropriate to its appearance, character and setting. The design of the proposed scheme and the nature of the site, by virtue of back land development, is not considered to raise any adverse concerns. The proposal is therefore considered to comply with Policy HE3A.
- 50 In addition to the above, the Placemaking policies PM1A and PM1B will be applied to ensure that the proposed development does not detract from the quality of place. For reasons mentioned within this report, the proposal is considered to comply with all relevant provisions of the aforementioned LDP and thus is recommended for approval.

Design and Layout

- 51 Of the 4 proposed dwellinghouses there are 2 different house types. Both house types are contemporary detached 4 bedroomed 2 storey units with integrated double garages, with the exception of plot 4 which has an integrated single garage. In addition to the integrated garages, plots 1, 5 and 6 have private driveways capable of accommodating 2 vehicles whilst plot 4 has a private driveway capable of accommodating 1 vehicle. Each dwellinghouse has private garden ground ranging from 205m² to 578m².
- 52 The 10 flats will be divided between 2 blocks. 4 flats will form plot 2 and 6 flats will form plot 3. All of the flats are 2 bedroomed units. There will be approximately 406m² of private garden ground for the flats at plot 2 and approximately 472m² for the flats at plot 3.
- 53 The provided design statement indicates that a mews character approach to the building design and site layout has been adopted to form a "micro-place". The buildings are pushed forward to the street edge and create a consistent building line. The design of the units are contemporary, define a clear street edge, are similarly proportioned plots, and frame views of the nearby church tower (Crieff Parish Church) creating wider connections to the Crieff Conservation Area.
- 54 The plot arrangement results in a narrow wynd. The submitted design statement indicates that this approach has been taken in reference to the local context of the Crieff Town Centre. The Conservation Officer is of the opinion

that the form of the proposal is suitable for a new development as it is respectful of the general arrangement of Crieff.

- 55 It is therefore considered that the contemporary mews approach is appropriate for this site and will contribute positively to the quality of place. This is due to the character of Crieff Town Centre and immediately neighbouring streets being similar with the majority of buildings being constructed to the road edge. The design of each of the units is considered to have acceptable frontages and clear definitions. Furthermore, the existing dwellinghouse on the site that was granted under application 06/01253/FUL will complement the development well and will not look out of place. The development has been designed to complement the existing building on the site rather than to match it.

Landscape

- 56 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the proposed development within the settlement boundary of Crieff, which does not exceed two-storey in height and is sited in a back land area, is not considered to erode the local distinctiveness, diversity and quality of the landscape.

Residential Amenity

- 57 This current scheme has reduced the height of the flatted blocks to 2 storeys and has reconfigured the location of windows, from the earlier proposal, to help reduce overlooking.
- 58 Whilst the letters of representation received are noted, the proposal meets the standards required by the Council's Placemaking Guide. The Placemaking Guide recommends that window to boundary distance should be at least 9m. In this instance, the window to boundary distance is approximately 12.4m for plot 1, 12.3m for plots 4 and 5, and 9.3m for plot 6. With regards to the flats, these are 9m from plot 2 and 9.1m from plot 3. All of these distances are compliant with the Placemaking Guide. On the south east elevation, facing Mitchell Street, the closest window to window distance is approximately 28m. On the south west elevation, facing Millar Street, the closest window to window distance is approximately 21m. To the north east boundary with Strathearn Court, whilst the distance window to window is only approximately 11m, this is considered to be acceptable as the windows of concern are not habitable rooms (a hallway and an en-suite). To the north west, the main property of concern is 'The Lea' off Ferntower Road. The proposed house in Plot 4 will have a window to window distance of approximately 14m, with the window to boundary distance being over 11m. Again, this is considered acceptable, however, as it is not the principal elevation of The Lea (side elevation) and the presence of the existing mature hedge along the full length of the boundary will significantly reduce any potential overlooking at ground floor level. In regards to the upper floor level, whilst there will be glazing

extending the full height of the elevation facing towards the neighbouring property, the upper floor windows serve to provide light into a void space above the lounge area on the ground floor. As such the presence of the upper floor windows does not raise any concerns in relation to overlooking. Taking the above into account, the proposed development is considered to be acceptable and in compliance with the relevant Placemaking Policies, PM1A and PM1B.

- 59 With regards to the amenity of the future occupiers of the proposed development itself, it is considered that there is sufficient amenity space for each of the properties. Each dwellinghouse has private garden ground ranging from 205m² to 578m². These gardens are considered appropriate scales for 4 bedroomed units. There will also be approximately 406m² of private garden ground for the flats at plot 2 and approximately 472m² for the flats at plot 3. Again, this is considered to be sufficient amenity space and in compliance with the requirements of the Placemaking Policies, PM1A and PM1B.

Roads and Access

- 60 The general arrangement of the development will utilise the existing access from Mitchell Street and will lead relatively centrally through the site to a 'T' shaped junction. There will also be a pedestrian access to Millar Street to the south. Following concerns with the recently withdrawn application, the applicant has demonstrated that the 'T' shaped junction can provide safe manoeuvring for refuse vehicles and emergency services. A shared surface environment is proposed and the provided design statement states that this is to give pedestrians priority, encourage social interaction and foster a sense of community whilst reducing vehicle speed - adopting home zone principles. The scheme has been assessed by Transport Planning who are satisfied that the proposed arrangements are acceptable.
- 61 The proposed vehicular access from Mitchell Street is considered to be acceptable as it is similar to that previously granted under the 2006 application (06/01253/FUL). An additional pedestrian link to Millar Street will also be formed, which was not proposed under the 2006 application. This pedestrian access utilises an existing narrow lane which will provide improved permeability through the site, providing residents with an alternative means of access onto Millar Street and the town centre beyond.
- 62 With regards to parking, a concern raised within some of the letters of representations received, a total of 32 spaces have been provided in addition to a 12 space secure cycle store. Four of these 32 vehicle spaces are visitor spaces. In addition to the provided spaces, each of the 4 dwellinghouses has an integrated garage. With regards to the plots themselves, plots 1, 5 and 6 have private driveways capable of accommodating 2 vehicles whilst plot 4 has a private driveway capable of accommodating 1 vehicle. The Council's Transport Planner has assessed the proposals and advised that a sufficient number of parking spaces have been achieved in the development. Whilst Transport Planning has no objection to the proposed development, conditional control is recommended regarding street lighting and pedestrian access at the Mitchell Street entrance. This is therefore proposed to be covered by condition

(Conditions 5 & 6). Overall, it is considered that there are no adverse implications created in regards to roads and access due to a suitable arrangement being achieved on the site which is compliant with the relevant transport policy of the Local Development Plan, Policy TA1B 'Transport Standards and Accessibility Requirements'.

Drainage and Flooding

- 63 The site is not in an area of known flood risk. The proposed development does however have the potential to create surface water drainage implications. This was also raised within some of the letters of representation received. The Council's Structures & Flooding section initially objected to the application due to a lack of information regarding the design of the surface water drainage system. A Drainage Impact Assessment was submitted and the Structures & Flooding team now have no objection to the proposed development, subject to conditional control regarding road level (Condition 3). An informative will also be added to the permission to ensure that the applicant is aware of the Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 (Informative 10). The proposal therefore complies with policy EP2 'New Development and Flooding' in relation to flooding and drainage.

Waste Collection

- 64 Each of the 4 proposed dwellinghouses incorporate a private bin storage area, whilst a communal bin store is provided for each of the 2 blocks of flats. Concerns were raised within some of the letters of representation received in relation to the siting of the bin stores for the flats. Environmental Health and the Community Waste Team were both consulted as part of this application, neither of whom have concerns at the location of the bin stores. The applicant has also demonstrated that bin refuse vehicles can enter the site and manoeuvre safely. It is therefore considered that there are no adverse concerns in relation to waste collection. An informative (Informative 6) is proposed to ensure that waste collection is in accordance with the Council's requirements.

Conservation Considerations

- 65 The site is located within Crieff Conservation Area. There are no listed buildings immediately adjoining the site. Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area should be appropriate to its appearance, character and setting.
- 66 In this instance, due to the back land nature of the site and not being highly visible from the public road, the proposal is not considered to have any adverse impact upon the attributes that give rise to the designation as a Conservation Area. Furthermore the site in its current state does not contribute positively to the Crieff Conservation Area. Its development therefore poses an opportunity to enhance the area, as required by Policy HE3A of the LDP.

- 67 The contemporary approach with a mews character is considered to be of an acceptable design for the Crieff Conservation Area without detracting from the qualities of the surrounding area. The materials have been slightly amended from the previously withdrawn application to take account of the comments from the Conservation Officer. The timber framed windows and oak doors are considered to be of a high quality which is reflective of the streetscene. The scale is also acceptable and will not dominate the streetscene when viewed from Mitchell Street, Millar Street, Strathearn Court or Ferntower Road, which are the closest public roads to the proposed development. The setting of the nearby buildings will also not be compromised by the proposed development. Again, this is due to the back land nature of the development site. The proposal is therefore considered to be compliant with Policy HE3A 'Conservation Areas'.

Contaminated Land

- 68 The proposed development is on land that is identified as being on a former bowling green. It is not uncommon for material to have been imported onto a site during the construction of a bowling green.
- 69 A site investigation report has been completed for the site however there are no details included regarding the risk assessment which has been carried out on the soil analysis results with regards either potential risk to human health, the water environment or the water supply pipes. There is also no justification provided for which soils have or have not been tested, in particular there is very little testing in the top 600mm. As such, Environmental Health has recommended that a condition is added any permission regarding contaminated land (Condition 4).

Air Quality

- 70 The site is adjacent to the Crieff Air Quality Management Area (AQMA). As such, Environmental Health requested further information to ensure that the development is in accordance with acceptable levels of air quality. The submitted information demonstrated that acceptable levels could be achieved. Environmental Health now has no objection to the proposed development, subject to conditional control regarding Dust Management during construction and being in accordance with the findings of the Air Quality report (Conditions 2 & 7). This will not only control air quality levels but will also help to address some of the concerns raised within the letters of representation regarding the impacts from the construction period. The proposal is therefore considered to be compliant with Policy EP11 'Air Quality Management Areas'.

Natural Heritage, Biodiversity and Trees

- 71 Since the bowling green became unused, the site has been left to deteriorate. As such, there are now large areas of overgrowth. It is proposed to fell the overgrowth and trees in the centre of the site and retain a number of the trees on the site boundaries. It in the interests of protecting the trees to be retained, a condition will be added (Condition 10) to ensure the protection of the trees during construction. A condition will also be added (Condition 11) to ensure

that the planting scheme proposed is implemented as part of the construction phase. This will ensure that the development is compliant with Policy NE2B 'Forestry, Woodland and Trees'.

- 72 The overgrowth and trees to be removed could provide habitat for protected species and nesting birds. Whilst it is noted that there are no known records of protected species on the site itself, it is considered appropriate to add informatives to the permission to highlight this possibility (Informatives 7 & 8) site itself. This will ensure compliance with Policy NE3 'Biodiversity'.

Developer Contributions

Affordable Housing

- 73 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 74 The previous planning permission was granted for 5 units under 06/01253/FUL. This permission had an affordable housing requirement of 1.25 units and a commuted sum payment was made. The contribution paid on the previous permission will be offset against the current proposal and all contribution requirements calculated on the additional units proposed.
- 75 The Affordable Housing requirement is based on 9 units (14 – 5) giving a requirement of 2.25 units. Due to the scale of the proposal a commuted sum payment is agreed in lieu of onsite provision. The commuted sum level for the Strathearn Housing market Area is £19,000 per unit.

Primary Education

- 76 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating 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.
- 77 This proposal is within the catchment of Crieff Primary School.
- 78 An allowance will be given for the previous planning permission which predated the adoption of the Primary Education Contributions policy. No contributions are required from Affordable Housing units. The primary education contribution will be calculated on 6.75 units (9 – 2.25).

Total

- 79 In total, £86,355.00 is required from the following breakdown:

Affordable Housing: £42,750 (2.25 x £19,000)

Education: £43,605 (6.75 x £6,460)

- 80 The applicant has indicated that they wish for a Section 75 agreement to allow the Council to secure the contributions.

Economic Impact

- 81 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

LEGAL AGREEMENTS

- 82 The applicant has indicated that a Section 75 legal agreement would be the preferred option for the Council to secure the £86,355.00 contributions required.

DIRECTION BY SCOTTISH MINISTERS

- 83 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

- 84 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.
- 85 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.

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

2. Prior to the commencement of the development, a dust management plan for the construction stage of the development, detailing prevention, control and

mitigation measures for dust and noise control, shall be submitted for further written agreement of the Council as Planning Authority in consultation with PKC Environmental Health. Thereafter the agreed scheme will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

3. Prior to the commencement of development, full details of all road levels must be submitted to and agreed in writing by the Council as Planning Authority in consultation with PKC Structures and Flooding. Thereafter, the scheme as agreed must be implemented for the life of the development.

Reason – In the interest of flood risk.

4. Prior to the commencement of development, 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.

5. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type A junction Figure 5.5 access detail. A kerbed footway build-out (3m radius) should be constructed either side of the junction to aid vehicle and pedestrian visibility.

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

6. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the

agreed scheme. Lighting cables in the footway should be lowered with twin wall ducting following any access improvements.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

7. The recommendations contained within Section 6 of the Air Quality Management Plan hereby approved (18/02009/34), prepared by Resource and Environmental Consultants Limited (January 2019), shall be fully adhered to, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of air quality.

8. Prior to the commencement of development, a detailed site plan containing proposed site levels for the entire development site shall be submitted for further written agreement of the Council as Planning Authority. Thereafter the agreed scheme will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

9. Prior to the commencement of development details of the proposed external storage identified within plots 2 and 3 shall be submitted for further written agreement of the Council as Planning Authority. Thereafter the agreed details will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

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

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

11. 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.

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

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 is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the

site and should ensure adequate measures are provided on site to allow for the collection of waste.

- 7 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
- 8 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 9 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
- 10 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>

Background Papers: 44 letters of representation
Contact Officer: Sean Panton
Date: 28 February 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.