



Securing the future... • *Improving services*  
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building  
2 High Street  
Perth  
PH1 5PH

10/01/2022

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 19 January 2022 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).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Michael Barnacle  
Councillor Rhona Brock  
Councillor Tom Gray  
Councillor David Illingworth  
Councillor Ian James  
Councillor Tom McEwan  
Councillor Crawford Reid  
Councillor Lewis Simpson  
Councillor Richard Watters  
Councillor Mike Williamson  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Wednesday, 19 January 2022**

**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/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 14 DECEMBER 2021 FOR APPROVAL**  
(copy to follow)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 21/00510/IPM - RESIDENTIAL DEVELOPMENT, LANDSCAPING, AND ASSOCIATED WORKS (IN PRINCIPLE), MIDDLETON OF FONAB (SITE H38), FOSS ROAD, PITLOCHRY** **5 - 34**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 22/3)
- 5(1)(ii) 21/00615/AMM - ERECTION OF 66 DWELLINGHOUSES, 16 DETACHED GARAGES, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 02/01482/IPM), LAND NORTH OF A912 AT OUDENARDE, BRIDGE OF EARN** **35 - 60**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 22/4)
- 5(1)(iii) 21/01833/AMM - ERECTION OF 28 DWELLINGHOUSES, 6 GARAGES AND ASSOCIATED WORKS (REVISED DESIGN** **61 - 78**

**AND CHANGE OF HOUSE TYPE FOR PLOTS 32-44, 89, 105-109, 114-120, 138 AND 139), LAND SOUTH OF BENTON ROAD, AUCHTERARDER**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 22/5)

**5(2) LOCAL APPLICATION**

**5(2)(i) 21/01106/FLL - ERECTION OF 11 LIGHT INDUSTRIAL UNITS AND ASSOCIATED WORKS, LAND SOUTH WEST OF WOODS OF PERTH LIMITED, AULD BOND ROAD, PERTH** **79 - 108**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 22/6)

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

**6(i) 21/00015/PAN - FORMATION OF BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED WORK AND INFRASTRUCTURE OF UP TO 49.9MW, LAND SOUTH EAST OF COUPAR ANGUS SUB-STATION, PLEASANCE ROAD, CUPAR ANGUS** **109 - 118**

Pre-Application Report by Head of Planning and Development  
(copy herewith 22/7)

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.

Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Report of Handling by Head of Planning & Development (Report No. 22/3)

**PROPOSAL:** Residential development, landscaping, and associated works (in principle)

**LOCATION:** Middleton of Fonab (Site H38) Foss Road, Pitlochry

Ref. No: [21/00510/IPM](#)  
 Ward No: P4 - Highland

### 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 would warrant departing from the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to 5.99 hectares (ha) and includes all of allocation H38 (5.2ha) within the Perth and Kinross Local Development Plan 2019 (LDP2) with the remaining 0.79ha outwith the allocation but within the identified Pitlochry settlement boundary. The H38 allocation is referred to as 'Middleton of Fonab' and provides an indicative capacity of between 54 and 85 homes.
- 2 Situated within the settlement boundary of Pitlochry, the site comprises unused agricultural land located on the south side of the River Tummel, between Foss Road (north) and the A9 Trunk Road to the south. Fonab Cemetery and Fonab Caravan Park lie immediately to the north, whilst Fonab Business Park is to the west of the access road/track. Further afield Pitlochry town centre is some 400 metres to the northeast.
- 3 This application seeks Planning Permission in Principle (PPP) for a residential development. An indicative site layout plan sets out the following:
  - 85 dwellings comprising 77 houses with between two and four bedrooms and 8 either one or two bedroomed flats;
  - Vehicular access from Foss Road;
  - An extension of Fonab Cemetery, at the southeast of the cemetery;
  - A green travel route through Fonab Cemetery;
  - Acoustic barriers along the boundary with the A9;
  - Retention of trees on the northern boundary;
  - SUDS provision at south-eastern corner.

## ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening (Ref: 20/01819/SCRN). Having considered

the proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposal is not EIA development.

### **PRE-APPLICATION CONSULTATION (PAC)**

- 5 The proposed development is also classified as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation (PAC) with the local community.
- 6 The related PAC Report supports the application and advises that an online public consultation event was carried out on 20 October 2020 and a website regarding the proposals went live on 5 October 2020. It is also advised that Pitlochry and Moulin Community Council, the 4 ward Councillors and MSP were all notified of the online exhibition. A leaflet drop was also carried out locally, in addition to required newspaper advert. It is considered that the applicant has fulfilled the Scottish Government's statutory requirements for pre-application consultations.

### **NATIONAL POLICY AND GUIDANCE**

- 7 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 2014**

- 8 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. This is a statutory document and material consideration in any planning application. It 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**

- 9 The Scottish Planning Policy (SPP) 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35

- Placemaking: paragraphs 36 – 57
- Valuing the Historic Environment: paragraphs 135-151
- Valuing the Natural Environment: paragraphs 193-218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

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

- PAN 1/2011 Planning and Noise;
- PAN 2/2011 Planning and Archaeology;
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- 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 policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

### **Creating Places 2013**

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

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

- 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.

## **A9 Dualling Project**

- 15 The A9 dualling programme will upgrade 129km of road between Perth and Inverness from single to dual carriageway. Transport Scotland's £3 billion programme is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities. One of the 11 sections programmed to be dualled is the 6.4km road from Pitlochry to Killiecrankie. The proposed application site is situated directly adjacent to the A9, and Road Orders have been served on the landowners affected as some of their land will be required for the dualling project.

## **DEVELOPMENT PLAN**

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

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

- 17 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:

*“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 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets
- Policy 10: Connecting People, Places and Markets

### **Perth and Kinross Local Development Plan 2**

- 19 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements



- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

## **LDP2 Allocation**

- 20 H38 is allocated for residential development for between 54 and 85 dwellings.

### **Site-Specific Developer Requirements**

- Flood Risk Assessment.
- Drainage Impact Assessment.
- Open watercourses to be retained and protected with a minimum 6m buffer strip and presumption against culverting.
- Access from the local road network with pedestrian and cycle connections onto Logierait Road and enhanced walking and cycling opportunities to town centre.
- Paths within the site to link to the core path network to the west.
- Green infrastructure on the site to link to the wider network along the northern boundary.
- Noise attenuation measures adjacent to A9.
- Landscape Framework.
- Enhancement of biodiversity.
- Compensatory planting for any felled trees will be required.
- An area of land to be reserved for the future expansion of Fonab Cemetery

## OTHER GUIDANCE

- 21 Developer Contributions and Affordable Housing Supplementary Guidance April 2020.
- 22 Placemaking Guide 2020.
- 23 Flood Risk and Flood Risk Assessments – Developer Guidance January 2021.

## RELEVANT SITE HISTORY

- 24 [10/01793/FLL](#) Detailed application for the temporary storage of topsoil. Approved December 2010.
- 25 [15/00011/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN agreed June 2015.
- 26 [20/00008/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN accepted October 2010.
- 27 [20/01819/SCRN](#) EIA Screening request for residential development. Decision issued advising EIA not required December 2020.

## CONSULTATIONS

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

### External

- 29 **Scottish Environment Protection Agency (SEPA):** No objection. Advising that they were content for PKC Structures and Flooding to provide detailed feedback on flood risk and drainage issues.
- 30 **Scottish Water:** No objection. Advised of water and wastewater capacity at the Killiecrankie Water Treatment Works and Pitlochry Wastewater Treatment Works.
- 31 **Transport Scotland:** No objection. Recommend that conditions are applied to any permission, including that the A9 dualling upgrade at this location should be completed before any development is commenced.
- 32 **Historic Environment Scotland (HES):** No objection. Advise there is no adverse impact on the nearby Dunfallandy Bell Cairn Scheduled Monument (SM2259).
- 33 **Perth and Kinross Heritage Trust (PKHT):** No objection. Recommend a programme of archaeological work is undertaken, secured through a planning condition applied to any permission.
- 34 **Pitlochry and Moulin Community Council:** No comments.

35 **Scottish Gas Networks:** Following a formal search it is confirmed that the proposal will not impact the gas pipelines in the vicinity of the site.

36 **Scottish Forestry:** No comments.

#### **Internal**

37 **Planning and Housing Strategy (PHS):** Advise that the principle of residential development on this site is well established through the current LDP2 'H38' allocation. Noting that, whilst this application seeks PPP, an indicative masterplan has been provided showing 85 units, which is the upper end of the capacity range identified. Also advise that the H38 allocation sets out a number of site-specific developer requirements, in respect of flooding, access, biodiversity and cemetery requirements.

38 **Transport Planning:** No objection. A number of conditions are recommended, regarding transport design standards.

39 **Environmental Health:** No objection. Advise of satisfaction in terms of air quality and noise, subject to a planning condition for the provision of an acoustic barrier.

40 **Community Greenspace:** No objection. A condition is recommended regarding open space, SUDs play area provision and expansion of Fonab cemetery.

41 **Biodiversity/Tree Officer:** Concerns raised, initially regarding range of surveys undertaken, however, go on to advise that the approach taken for surveys to date can be accepted subject to a programme of re-assessment for the detailed application(s).

42 **Structures and Flooding:** No objection on grounds of flood risk. Advise the drainage strategy is acceptable. Conditions recommended regarding SUDs and drainage matters.

43 **Development Contributions Officer:** Confirm that developer obligations are required for: affordable housing (25%) and primary education, for which conditions are recommended.

44 **Waste Services:** No objection.

#### **REPRESENTATIONS**

45 None.

#### **ADDITIONAL STATEMENTS**

46	EIA Screening Opinion	No EIA Required
	EIA Scoping Opinion	N/A
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Submitted as part of HRA

Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Planning Statement</li> <li>• Flood Risk Assessment;</li> <li>• Drainage Strategy</li> <li>• Transport Statement;</li> <li>• Air Quality Assessment;</li> <li>• Noise Impact Assessment;</li> <li>• Heritage Impact Assessment;</li> <li>• Ecological Appraisal;</li> <li>• Habitats Regulation Appraisal;</li> <li>• Landscape and Ecological Management Principles;</li> <li>• Tree Survey.</li> </ul>

## 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 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as well as the national planning and transport policy.

### Principle

- 48 The principle of residential development is established through the Tier 3 Settlement status of Pitlochry in TAYplan and the allocation as Site H38 in LDP2 for residential use. TAYplan advising that Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the additional development. Part of the access route into the site is not located within the LDP2 allocation but is within the Pitlochry settlement boundary and is therefore in principle is considered to be acceptable. The principle of residential development is thus established at this location. It is, however, necessary to undertake an assessment of the detail of this proposal.

### Design and Layout

- 49 As a PPP application, the proposals seek to establish the acceptability of the principle of residential use at this location. Precise details such as siting, layout, scale, height, design of buildings is not yet defined. Indeed, the detail of development is likely to evolve, reflecting both market forces and the evolution of new design standards and technology.

- 50 In this case, the submitted Indicative Masterplan demonstrates potential types and location of land-uses, the quantum of development, the extent of built development zones, structure of blue/green infrastructure and principal access points and routes into the site.
- 51 This information, whilst illustrative, is broadly acceptable in planning terms. It provides certainty over some matters of principle, such as where the residential area will be located and the proposed accesses, both of which are considered acceptable in principle. The indicative masterplan shows that nearly 30% of the units have either 1 or 2 bedrooms, across a mix of houses and flats. This is higher than the 10% required by Policy 25 of LDP2 and is welcomed. In addition, there is also the requirement for 25% of all dwellings to be 'affordable housing', as required by LDP2 Policy 20.
- 52 The submitted information provides confidence that the principle of the proposed development is acceptable in planning terms and can be delivered, taking into cognisance required landscape mitigation, while still allowing retention of control over further detailed design matters. Overall, the proposal is considered to comply with LDP 2 Policy 1 – Placemaking, at this principles stage of the planning process and also allows the detailed design to evolve. The detailed design would be confirmed through subsequent applications for the Approval of Matters Specified in Conditions (AMSC) (Condition 1), which, in turn, would be guided by the design and technical matters stipulated in other recommended planning conditions.

### **Landscape and Visual**

- 53 The capacity of the landscape to absorb the development and mitigation for visual impacts was considered through the LDP2 allocation, which partly leads to some of the site-specific requirements for mitigation. The site topographically faces north-east, away from the A9(T), towards Pitlochry. There is an extensive woodland boundary along Logiegait Road (east) and to the north, which also contains some 'ancient woodland'. Key views will be from the A9, particularly when travelling north. The boundary with the A9 will require landscape mitigation, including tree planting and acoustic fencing, to minimise visual impacts.
- 54 Community Greenspace have provided comments relating primarily to the design and layout of open spaces, play area, SUDs, and expansion of the adjacent Fonab Cemetery. The latter a site-specific requirement of the allocation in LDP2, such an extension being required to facilitate requirements over the next 20+ years. Details on what area of land is required has yet to be clarified and agreed. However, as a PPP application Condition 22 is recommended to ensure the required area is agreed between the Council and applicant, before a detailed application is submitted.
- 55 Matters related to the detailed design/layout and resultant visual impact will be fully addressed as part of subsequent detailed applications. Overall, in principle the proposal is considered to comply with LDP2 Policy 39. Conditions 15-19 will address the site-specific requirements for landscape framework provision, enhancement of biodiversity and compensatory planting for any felled trees.

## **Residential Amenity**

- 56 There are a limited number of residential properties to the north, close to the proposed access road and a caravan and camping site immediately to the east. An Air Quality Assessment (AQA) and Noise Impact Assessment (NIA) support the application and have been examined by PKC Environmental Health, in relation to amenity considerations. Each issue is considered below:

### Air Quality

- 57 The AQA was undertaken to determine if emissions associated with road traffic generated by the proposed development will have an adverse effect on air quality within the proposed site and on existing and future sensitive receptors. It has taken account of the Scottish Governments A9 dualling project and has assessed future air quality emissions at the site and the effect on local air quality.

### A9 Dualling

- 58 The AQA concluded that if dualling proceeds the impact from the development traffic is predicted to reduce for Nitrous Dioxide (NO<sub>2</sub>). The predicted impacts are of negligible significance and potential exposure is very low. Environmental Health confirms that the AQA indicates that air quality will be acceptable at the proposed development site.

### Development Traffic

- 59 In addition to the AQA, the Transport Statement (TS) states that the proposed residential development will generate between 240 and 360 vehicle movements per day. These proposed levels are considered low volume and that air quality is unlikely to be affected by the proposal. Environmental Health agree with the predicted impact on air quality. The proposal complies with LDP2 Policy 57.

### Noise

- 60 The NIA has assessed the impact of road traffic noise from the A9 on the proposed development site. The NIA states that the level of traffic noise will be slight/moderate at night-time and moderate/large during daytime. Mitigation measures are therefore required to reduce levels of noise impact to moderate/slight.
- 61 The NIA recommends that a 3.4 metre high and 25mm thick acoustic fence is constructed along the northern part of the south-western boundary to ensure noise levels for daytime and night-time can be achieved for both internal noise and in garden areas. Environmental Health agree with the NIA and recommend Condition 13 is applied to any permission to ensure the residential amenity of future residents are protected from road traffic noise. Subject to this mitigation, the proposal complies with LDP2 Policy 56.

## **Roads and Access**

- 62 A Transport Statement (TS) also supports the application and has been examined by both Transport Scotland and PKC Transport Planning. Neither have raised objection based on predicted traffic volumes, impact, road capacity or safety.
- 63 One of the site-specific requirements in LDP2 is for access from the local road network with pedestrian and cycle connections onto Logierait Road and enhanced walking and cycling opportunities to Pitlochry town centre. Early discussions with the applicant centred on the assumption that the connection to Logierait Road would be from the easternmost part of the site. However, an active travel route is now proposed through Fonab cemetery down to Logierait Road further to the north. This is due constraints along the eastern part of the site, in particular a significant change in levels and the obstruction by a small watercourse which means an access there is not feasible. Transport Planning are content with this arrangement and there are benefits to the northerly access route in allowing more direct connections to public transport services and the town centre.
- 64 The TS and other supporting information refer to active travel infrastructure improvements to achieve and maximise access by non-motorised means, via Logierait Road and the existing access to the adjacent Fonab Cemetery. Transport Planning advise that accessibility by non-motorised means is particularly important and should form a significant part of the detailed plans. Linkages and connections with the nearby Core Paths, including part of the Rob Roy Way, Rights of Way, Signposted Paths, bus stops, and Pitlochry town centre will be required to be delivered as site-specific requirements of LDP2. All providing for green infrastructure on the site to link to the wider network. Based on the indicative plans, it is noted that access is to be provided to the existing path network including the Rob Roy Way.
- 65 Whilst there is considerable detailed information required to be submitted and assessed at subsequent planning stages, both Transport Scotland and PKC Transport Planning do not raise any objection to the principle of the proposal. Subject to several transport related conditions (5 to 12) the proposal is considered to comply with LDP2 Policy 60.

### **A9 Dualling Project**

- 66 Transport Scotland (TS) have confirmed they are now progressing the dualling project, which includes the following:
- Grade separated junctions at Pitlochry North and South: Consisting predominantly of northbound widening of the single carriageway and improvements to existing dual carriageway over a length of some 700m.
  - A combined use underpass for the Rob Roy Way (immediately west of the application site)
  - Carriageway flooding mitigation, including SUDs, scour protection and management of flood flows.

- Compensatory planting, habitat creation, fencing and crossing structures.

67 The implication for the proposals is that development of housing will not be allowed to take place until the adjacent dualling works are completed, as the full impact of the dualling on the application site and extent and design of the future development is currently unknown. As a result, it is considered reasonable in these circumstances to defer development and provide a longer period to implement any planning permission, extending the standard 3 years to a period of 7 years in the proposed Direction. In addition, Transport Scotland propose a number of conditions related to the delivery of the A9 dualling.

### **Flood Risk and Drainage**

68 As specified by the site-specific requirements, a Flood Risk Assessment, and Drainage Strategy has been submitted and assessed by SEPA, Scottish Water, and PKC Structures and Flooding. SEPA confirmed they were content with PKC Structures & Flooding to provide feedback on flood risk and drainage.

#### Flood Risk

69 PKC Structures and Flooding confirm that the Pitlochry Flood Study does not identify the proposed site as being at risk from the nearby River Tummel.

70 The Flood Risk Assessment (FRA) confirms that, due to the topography of the site, the flood risk is minimal and two small nearby watercourses pose little also pose little flood risk. The FRA recommends that a further detailed assessment at the detailed drainage design stage will be required, in relation to the watercourse along the eastern boundary (Condition 29). The proposal is therefore considered to comply with the principles of LDP2 Policy 52.

#### Drainage

71 PKC Structures and Flooding and Scottish Water are satisfied with the proposed drainage strategy, advising it will be required to be refined at the detailed design stage and take account of greenfield run-off and attenuation volume calculations. The proposal at this stage of the process accords with LDP2 Policy 53 subject to Conditions 26, 27, 28 and 30.

### **Cultural Heritage**

72 A Heritage Impact Assessment (HIA) supports the application and has been reviewed by Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). The development site is considered to be archaeologically sensitive, as there is potential for unknown buried archaeology, particularly accounting for neighbouring historic sites such as Dunfallandy Bell Cairn Scheduled Monument (SM2259).

73 HES and PKHT are broadly in agreement with the HIA report. It confirms PKHT's pre-application comments on the likely requirement for a programme of archaeological works. It is recommended that an archaeological contractor



undertake some further desk-based work. PKHT also recommend a 10% archaeological evaluation, prior to any development work. Both matters can be agreed in a Working Scheme of Investigation (WSI) prior to works commencing. (Condition 14).

- 74 Regarding the setting of the Dunfallandy Bell Cairn Scheduled Monument PKHT welcome the proposed tree screening has been included, particularly as development would sit at a higher level.
- 75 PKHT encourages further consultation, to ensure detailed planning proposals adequately protect recorded heritage assets. PKHT recommend condition 14, for a programme of archaeological works. This will ensure compliance with LDP2 Policy 26 at this stage of the planning process.

### **Natural Heritage and Biodiversity**

- 76 An Ecological Survey, Habitats Regulation Appraisal and a Landscape and Ecological Management Principles document support the application. These have been examined by PKC's Biodiversity/Tree Officer.
- 77 There has been some concern expressed by PKC's Biodiversity Officer in relation to the level of ecology work undertaken to date. It is important to note, however, that this approach should be considered in the context of the related work undertaken by the Scottish Government in relation to the proposed A9 dualling project - a section of which is immediately adjacent to the application site. Transport Scotland require this road project to be completed prior to any development proposed in this application. Ecological surveys also require to be undertaken by Transport Scotland in advance of these road works and at this stage it is unclear as to the exact impact the dualling will have, both on local ecology and the application site itself. It is therefore accepted that an appropriate level of habitat and species surveys has been undertaken to date and, further, it is considered reasonable to delay the undertaking of further, more detailed ecological work until these road works are completed. Importantly, there is a strong potential that further surveys at this time will be abortive, as they will be 'out of date' in 18 months' time and required to be repeated at a point closer to the point when subsequent detailed applications are likely – in circa 3 years' time.
- 78 A Landscape and Ecology Management Plan, detailing: the quantity, locations, techniques, timescales, and monitoring arrangements of biodiversity enhancement measures is recommended to be prepared and submitted with detailed applications. Enhancement measures should also be incorporated into design schemes (Condition 23).
- 79 Overall, at this stage of the planning process, the application is considered to accord with LDP2 Policy 41 – Biodiversity, with further surveys required at the detailed stage and demonstrate biodiversity gains. (Conditions 24 and 25)

## Trees/Woodland

- 80 Both Scottish Forestry and the Council apply the principles of the Scottish Government Policy on Control of Woodland Removal, and there is a presumption in favour of protecting woodland resources. However, where loss of woodland is unavoidable, mitigation measures in the form of compensatory planting is required.
- 81 It is noted from the Planning Statement that, whilst the majority of existing woodland within and around the site will be retained and incorporated into the development, an area of commercial woodland will be felled to create the new access road and to accommodate two houses. PKCs Biodiversity/Tree Officer advises that retention of as much existing woodland, hedgerows, and individual trees is encouraged. This is especially applicable to the area where the vehicular access is proposed, as it is close to some ancient woodland. Although not legally protected, Ancient Woodland sites are an important and irreplaceable habitat. The Tayside Local Biodiversity Action Plan (LBAP) seeks to enhance, restore, and extend coverage of ancient woodland. Any tree loss will require compensatory planting as it is a site-specific requirement of its allocation in LDP2. Consideration of opportunities to enhance, restore and extend coverage of woodland and ancient woodland will be required at the detailed application stage, with focus on connectivity of habitats - which is key for biodiversity, particularly in a changing climate. Condition 16 will address this requirement.
- 82 Overall, the proposals do not raise any issues at this stage in terms of woodland loss. The proposal therefore complies with LDP2 Policy 40 – Forestry, Woodland and Trees (Condition 16).

## **Gas Pipeline**

- 83 A gas pipeline operated by Scottish Gas Networks (SGN) runs close to the eastern site boundary and provides gas to nearby residential properties and the employment area to the north. As required an online assessment on the potential impact of the proposed development has been carried out and the advice generated from SGN is that the applicant is made aware of the infrastructure in the area. (Informative 11)

## **Developer Contributions**

- 84 Following consultation with PKCs Developer Obligations Officer, Developer obligations are indicated to be required in relation to: affordable housing provision (25% of overall dwellings); primary education (provision of a new primary school); open space provision, play area provision; and maintenance of core path connections. A Section 75 legal agreement will be required at the detailed stage of the planning process, to secure required developer obligations and infrastructure delivery. At this stage of the planning process conditions are recommended to ensure the proposal and any future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance (Conditions 3 and 4).

## **Waste Collection**

- 85 No concerns have been expressed by PKC Waste Services in terms of the required waste provision, including recycling requirements. However, details will require to be fully considered and assessed at the detailed application stage of each submitted phase (Condition 31).

## **Economic Impact**

- 86 The development of dwellinghouses at this location will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on goods and services in the local economy in particular and further afield. Both will have a positive economic impact.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 87 None required, as conditions will defer this issue to the Matters Specified in Conditions or detailed application stage(s) (Conditions 3 and 4).

## **DIRECTION BY SCOTTISH MINISTERS**

- 88 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**

- 89 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and LDP2.
- 90 Based on the submitted Masterplan and supporting information, the principle of the proposed development is considered acceptable in planning terms. The proposal will create new housing, where there is limited availability of sites in Pitlochry and Highland Perthshire in general, to meet predicted population growth and provide a socio-economic benefit to the local economy.
- 91 Because of the ongoing A9 Dualling project immediately adjacent preventing construction taking place until the relevant road works are completed, it is considered reasonable that a longer permission of 7 years rather than the standard 3 years is applied, to allow detailed application(s) to be submitted. Further ecological surveys will be required in advance of any detailed submission.
- 92 Accordingly, the proposal is recommended for approval subject to the following direction and planning conditions.

## **RECOMMENDATION**

### **Approve**

### **Direction, Conditions and Reasons for Recommendation**

#### **DIRECTION**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (20/00510/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 7 years.

Reason: This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

#### **CONDITIONS**

##### **General AMSC**

1. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:
  - (i) a detailed masterplan including phasing and delivery plan;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings, relative to existing ground levels and a fixed datum point;
  - (iii) the siting, design, height, and external materials of all buildings or structures;
  - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;
  - (v) details of any screen walls/fencing including any retaining walls and acoustic fencing to be provided.
  - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance all to meet LDP2 Policy 32 requirements;
  - (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;

- (viii) details of open space, locally equipped area of play (LEAP), SUDs and path connections;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) updated noise impact assessment
- (xi) lighting details;
- (xii) bin storage, collection location, recycling facilities provision and access;
- (xiii) Landscape and Ecology Management Plan (LEMP)
- (xiv) a green travel plan including provision of electric vehicle (EV) charging points;
- (xv) archaeological working scheme of investigation;
- (xvi) updated Transport Statement;
- (xvii) updated Flood Risk Assessment;
- (xviii) updated Drainage Impact Assessment including SUDs Design;
- (xix) agreed area of expansion of Fonab Cemetery.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The submitted Masterplan (Ref: 21/00510/04) is purely indicative only and is not approved.

Reason: The permission is for planning permission in principle only.

### **Developer Contributions**

3. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

## **Transport**

5. Prior to the commencement of any works on site, the A9(T) Dualling upgrades at Pitlochry must be completed.

Reason: To ensure that the proposed access road is available; to ensure the safety of pedestrians and cyclists using the adjacent facilities; to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.

6. Prior to the occupation of any part of the development, a Residential Travel Pack that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

7. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

8. Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

9. Prior to the commencement of any works on site, fencing shall be erected in a manner and position to be agreed with the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The fencing shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accident.

10. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority in consultation with the Trunk Road Authority, Transport Scotland, before any works commence on site.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

11. 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 Scheme (CTMS) 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) vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority, after consultation with Transport Scotland as the Trunk Road Authority.
  - k) All vehicles transporting construction material to and from the proposed development shall be sheeted.
  - l) monitoring, reporting and implementation arrangements; and
  - m) arrangements for dealing with non-compliance.

The CTMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality; To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

12. Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

Reason: In the interests of pedestrian and traffic safety

### **Residential Amenity**

13. An acoustic barrier shall be constructed in line with the recommendations of Section 5.4 and Figure 4 of the approved Noise Impact Assessment (Ref: 21/00610/15) dated 24 March 2021. Prior to the commencement of the development a detailed plan for the acoustic barrier shall be submitted for approval of the Council as Planning Authority and shall be implemented in full in accordance to approved plan. The plan shall include details such as materials, height, thickness, length of barrier and sound reduction calculations.

Reason: In the interest of residential amenity.

### **Cultural Heritage**

14. No development shall 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 safeguard archaeology in the area.

### **Landscape**

15. As part of the first Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme including compensatory planting shall be submitted for the approval 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: To ensure a satisfactory standard of local environmental quality.

16. Prior to the commencement of development, a detailed scheme for compensatory woodland planting scheme either on or off site shall be



submitted to and approved in writing by the Council as Planning Authority. The scheme as approved shall include a woodland and landscape management plan and the entire scheme shall be implemented in accordance with the approved details and in full prior to the completion of the development approved.

Reason: In the interest of forestry planting and biodiversity.

17. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including any compensatory woodland planting (but not small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented 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.

18. As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

19. As part of the first Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

20. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

21. The asserted right of way/core paths/signposted paths PLRY/6; PLRY/30; PLRY 127 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.

Should any temporary diversions and signage be required to facilitate the development and/or any works proposed to the right of way/core path/signposted path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

22. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, details of an area of land not less than 0.5 acres, for the expansion of the existing Fonab Cemetery, shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with PKC Bereavement Services and Community Greenspace, unless an appropriate alternative site in Pitlochry is identified and agreed upon by the Council as Planning Authority.

Reason: In order to comply with the site-specific requirements, set out in the Perth & Kinross Local Development Plan and to allow for Perth & Kinross Council to further investigate possible sites for a new cemetery within Pitlochry or to establish the exact dimensions and access to an extension within the development redline area

### **Biodiversity**

23. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Management Plan shall be implemented in accordance with the approved plan.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

24. Prior to the submission of the first Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, and protected species shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

25. Where 18 months or more has elapsed between the timing of the ecological surveys, further updated survey(s) shall be undertaken (during the appropriate survey season) to determine the presence of any statutorily protected species. The survey(s) shall thereafter be submitted to the Planning Authority prior to the submission of any Approval of Matters Specified by Condition (AMSC). Should species be identified, any mitigation measures for their protection or relocation shall be submitted to and approved in writing by Perth & Kinross Council and thereafter implemented in accordance with a timetable agreed in writing with the Planning Authority before works commence on the site

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

26. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

### **Flood Risk and Drainage**

27. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage, and waste management provision.

Reason: To ensure a satisfactory standard of development quality and to ensure the provision of effective drainage for the site.

28. Further to Condition 1 above and as part of the first Approval of Matters Specified by Condition (AMSC) application a Drainage Impact Assessment (DIA) including detailed sustainable urban drainage system (SUDS) shall be submitted for the approval of the Council as Planning Authority. The DIA shall be developed in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance.

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

29. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

30. 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 ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

### **Waste**

31. As part of the first Approval of Matters Specified by Condition (AMSC) application, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units shall be occupied until the agreed scheme has been provided in full.

Reason: In order to ensure adequate servicing facilities are provided.

## **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**

None.

## **D INFORMATIVES**

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. 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.
7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. The granting of planning permission does not stop the continued right of public access along the existing core and signposted paths PLRY/6; PLRY/30 and PLRY/127. An order under the Town and Country Planning (Scotland) Act 1997, Section 208, or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

11. The developer is advised to contact Scottish Gas Networks, to discuss the work required in the vicinity of their infrastructure.

Background Papers: None  
Contact Officer: Steve Callan  
Date: 6 January 2022

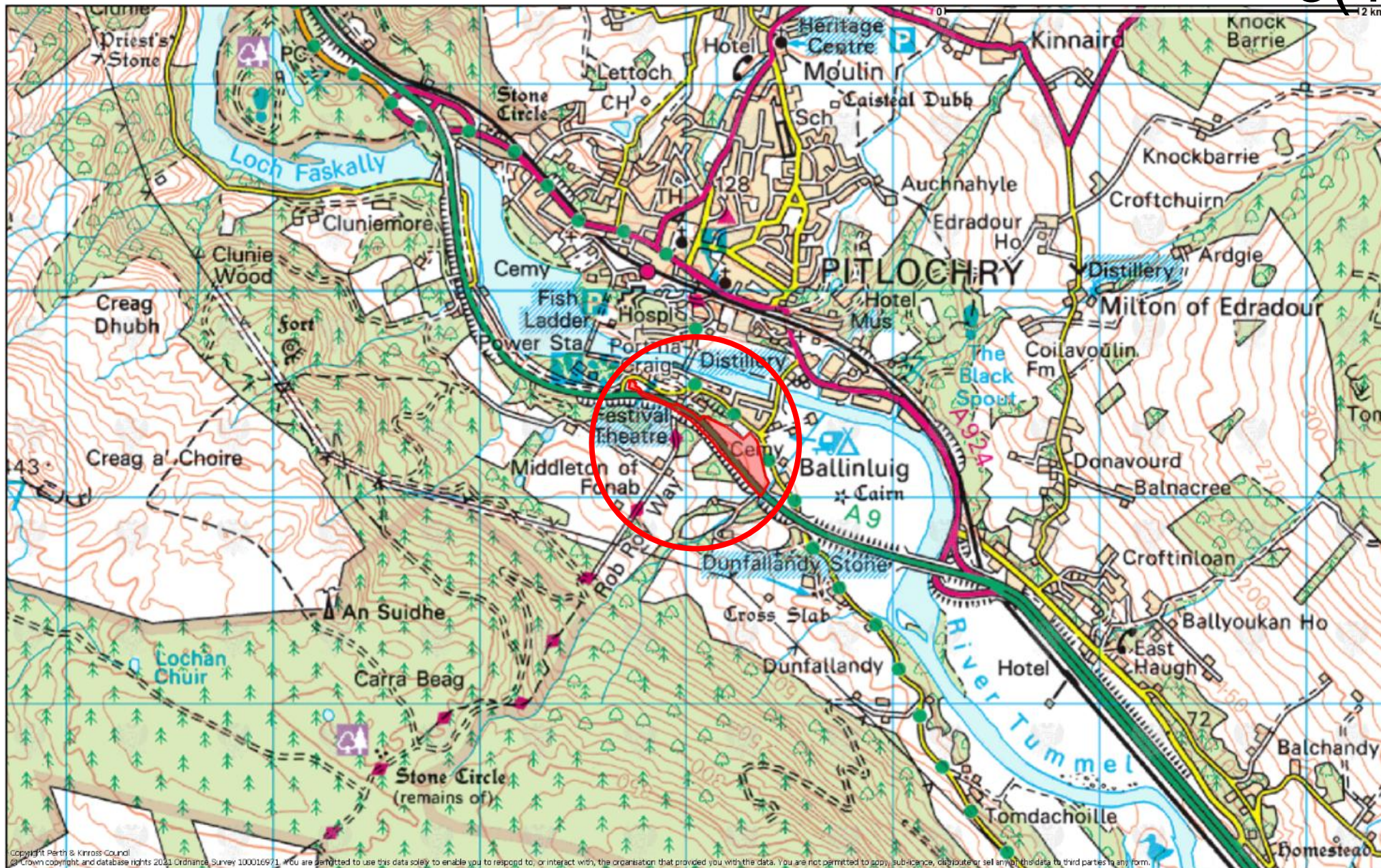
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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

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

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



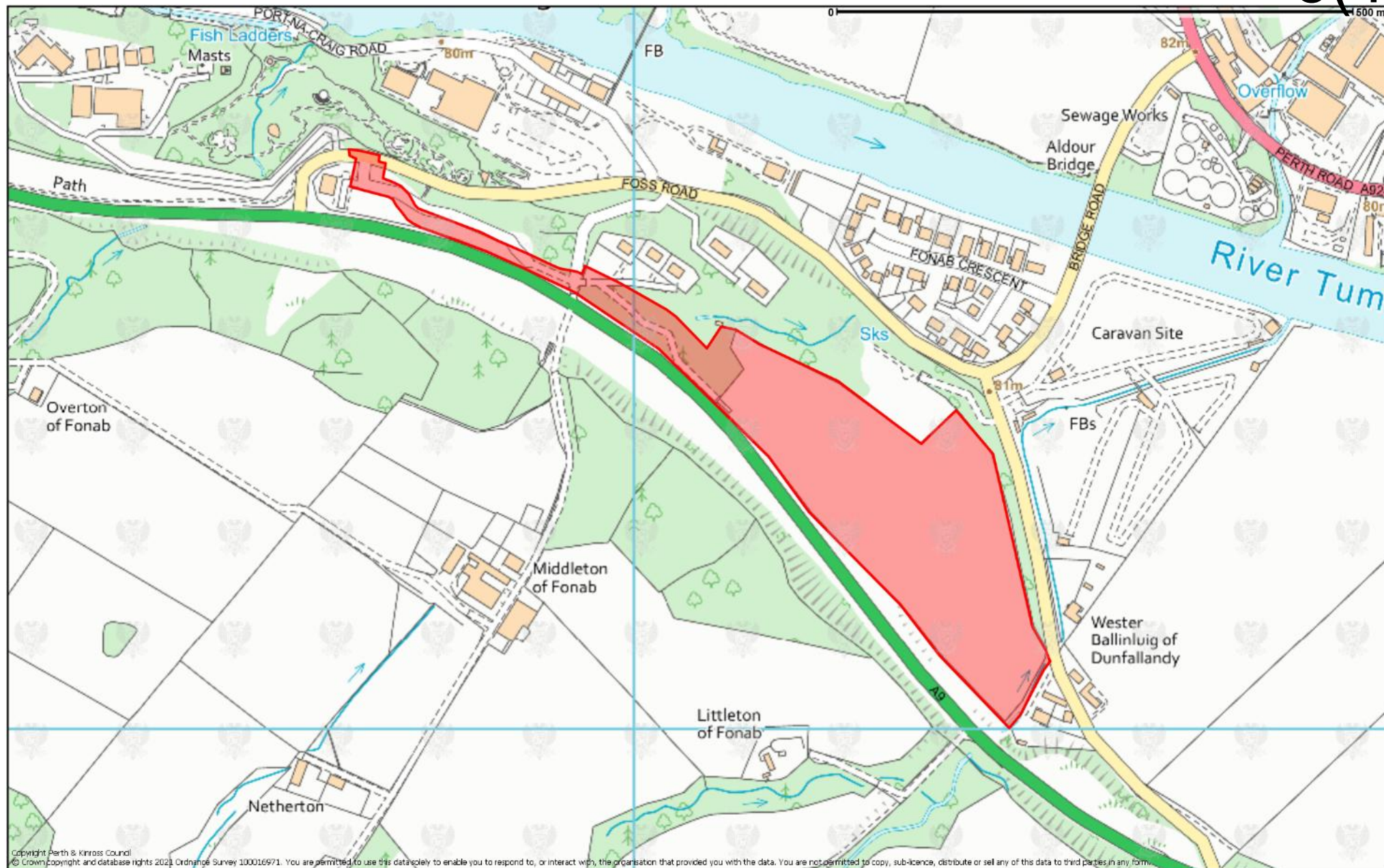


<p>© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p>	<p>Scale 1:25000</p>		<p>21/00510/IPM</p> <p>Residential development (H38) (in principle) - Land 300 Metres South East Of Middleton Of Fonab Cottages, Foss Road, Pitlochry</p>	
---	----------------------	--	---	--









Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:5000



21/00510/IPM

Residential development (H38) (in principle) - Land 300 Metres South East Of Middleton Of Fonab Cottages, Foss Road, Pitlochry





Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Report of Handling by Head of Planning and Development (Report No. 22/4)

**PROPOSAL:** Erection of 66 dwellinghouses, 16 detached garages, landscaping, and associated infrastructure (approval of matters specified in conditions 02/01482/IPM)

**LOCATION:** Land north of A912 at Oudenarde, Bridge of Earn

Ref. No: [21/00615/AMM](#)

Ward No: P9 - Almond and Earn

### **Summary**

This report recommends approval of the Approval of Matters Specified by Condition (AMSC) application for a residential development of 66 dwellinghouses at Oudenarde, Bridge of Earn.

Overall, this proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning Permission in Principle (PPP) (02/01482/OUT) was granted in September 2016 for a residential, commercial, and industrial development with associated school provision, open space, and landscaping. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and 08/01458/FUL) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. To date, 112 of these affordable homes have been completed by Hillcrest Housing Association. Other permissions associated to roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. More recently permission for part of Phase 2A of 159 dwellings(16/02156/AMM) was approved in October 2020 following a call-in by Scottish Ministers. Development has not yet commenced of this approval. As part of the call-in a Modification Order of the PPP was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions. A detailed planning history is set out in the 'Site History' section below.
- 2 The application site comprises an area of relatively level ground between the A912 to the south; the Edinburgh-Perth railway line to the north; the M90 to the west, with Bridge of Earn beyond; whilst immediately east is undeveloped land that has permission for 159 dwellings (16/02156/AMM). Beyond that is undeveloped land. The A912 road has been upgraded to facilitate the

development of land and includes a roundabout to provide access to areas to both its north and south.

- 3 Oudenarde (including the proposed site) is identified in TAYplan as a strategic development area. Related to this, it is allocated (H15) in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 for mixed use development, with an indicative residential capacity of 1,600 dwellings.
- 4 This AMSC application represents the second permission being sought under the amended PPP and represents a further element of 'Phase 2a' of the development overall (after the aforementioned affordable housing). Permission is sought for 66 bungalow style dwellinghouses, ranging from 2-3 bedroom in size, and for associated landscaping and infrastructure immediately north-west of the A912 roundabout. The proposed mix of housing is as follows.
  - 2-bedroom bungalow – 13 units
  - 3-bedroom bungalow – 53 units
- 5 The proposal includes a landscape buffer along the southern edge, adjacent to the A912, and along the western boundary with the M90 southbound slip road and the along northern boundary adjacent to a future park and ride facility. Cycling and walking routes would run through these landscape buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. Within the proposed central landscape strip, a play area is also proposed, and a recycling area is proposed in the northeast corner of the site near the access to the future park and ride site.

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

- 6 During the Scottish Government call-in of the Phase 2 application, the DPEA screened the overall site and found that an EIA was not required. This position continues to be accepted by the Council.

## **PRE-APPLICATION PROCESS**

- 7 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

## **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
  - 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
- 12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- 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 69 Planning & Building Standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Designing Streets 2010**

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

### **Creating Places 2013**

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

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

- 15 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**

- 16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

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

- 17 TAYplan sets out a vision for the region in 2036 and what must occur to bring about change to achieve this vision. The vision as set out states that:

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

- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets



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

- 19 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 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 application site forms part of a larger (123ha) allocation (H15 in LDP 2 for a mixed-use development (residential and employment). The Site-Specific Developer Requirements for Oudenarde includes the following:
- Implementation of approved Masterplan.
  - Subject to strategic transport appraisal (involving Transport Scotland), a new railway station may be required as part of the development.
  - Investigation of provision of a heat network using renewable or low carbon energy sources.
- 21 The principal relevant policies of LDP2 are, in summary:
- Policy 1: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 14: Open Space Retention and Provision
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 23: Delivery of Development Sites
  - Policy 24: Maintaining an Effective Housing Land Supply
  - Policy 25: Housing Mix
  - Policy 26: Scheduled Monuments and Archaeology
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 40: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53: Water Environment and Drainage
  - Policy 54: Health and Safety Consultation Zones
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 58: Contaminated Land
  - Policy 60: Transport Standards and Accessibility Requirements:

### **Supplementary Guidance**

- Placemaking Supplementary Guidance July 2020
- Developer Contributions and Affordable Housing Supplementary Guidance July 2020.

- Flood Risk and Flood Risk Assessments – Developer Supplementary Guidance January 2021

## **SITE HISTORY**

- 22 The following planning history is relevant:
- 23 [00/00573/OUT](#) Proposed new settlement development including residential, commercial, and industrial development with associated roads, school provision, open space, and landscaping. Application Withdrawn December 2001.
- 24 [01/01822/OUT](#) Formation of residential commercial and industrial development with associated school provision, open space, and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- 25 [02/01482/IPM](#) Formation of residential, commercial, and industrial development with associated school provision, open space, and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions
- 26 [05/00410/FUL](#) Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- 27 [06/01881/FUL](#) Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- 28 [07/00401/FUL](#) Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- 29 [07/01791/FUL](#) Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
- 30 [08/00582/FUL](#) Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- 31 [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.



- 32 [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- 33 [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- 34 [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- 35 [08/02303/FUL](#) Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- 36 [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- 37 [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.
- 38 [16/02156/AMM](#) Erection of 159 dwellinghouses with associated roads, drainage, and landscaping. Approved following a call-in by Scottish Ministers October 2020.

## CONSULTATIONS

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

### External

- 40 **Transport Scotland:** No objection, subject to recommended condition regarding trigger for M90 slip road junction works which accords with the PPP (as modified).
- 41 **Scottish Environment Protection Agency (SEPA):** No objection on the grounds of flood risk.
- 42 **Scottish Water:** No objection as there is capacity for water and wastewater in the area.
- 43 **Perth and Kinross Heritage Trust (PKHT):** No objection but advise that the site may have some archaeological potential and development will require monitoring.
- 44 **Earn Community Council:** Concerned about impact on primary education and health care provision, plus road safety and flood risk.

## Internal

- 45 **Planning and Housing Strategy:** No objection provided low and zero carbon technologies are secured with any permission (Condition 19).
- 46 **Transport Planning:** No objection as the proposed layout meets their required standards. Standard conditions requested plus one for bus stop provision on the A912.
- 47 **Structures and Flooding:** No objection provided a drainage condition is applied with any permission.
- 48 **Biodiversity Officer:** No objection, subject to a number of biodiversity conditions.
- 49 **Community Greenspace:** No objection.
- 50 **Waste Services:** No objection.
- 51 **Land Quality:** No objection as no records of contamination within proposed site.
- 52 **Developer Contributions Officer:** Notes planning permission 02/01482/IPM and that the associated S75 legal agreement establishes the developer contribution requirements and sets out time scales. Advises that S75 also applies to this proposal.

## REPRESENTATIONS

- 53 None.

## ADDITIONAL STATEMENTS

54	Screening Opinion	EIA not required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Drainage Assessment; Swept Path Analysis; Tree Report

## APPRAISAL

### Policy

- 55 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. Since the application was presented to the October 2017

Planning and Development Management Committee there has been a Development Plan change, with the adoption of TAYplan 2016-2036 (October 2017) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

## **Principle**

- 56 The principle of residential development is well established through the Tier 1 Settlement status in TAYplan and the allocation as Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented, with 112 completed and occupied to the northwest. A further 159 dwellings (16/02156/AMM) were consented for the south of the site in October 2020, but development has not commenced to date.
- 57 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

## **Transport and Access**

### Trunk Road

- 58 During the 16/02156/AMM application that was called in, the PPP was modified to include triggers for required and approved works to be carried out on the adjacent M90 trunk road. Condition 6 of Modified PPP requires the approved slip road junction interchanges to be constructed by the time the 348<sup>th</sup> dwelling is constructed. Based on the approvals to date, it is possible that the dwellinghouse number in this proposal will trigger this requirement during its implementation.
- 59 In the event that this trigger could be reached, it is pragmatic that the applicant is reminded of the requirement and what is expected to be delivered by them. Proposed Condition 7 is therefore recommended to be applied to this approval, to reflect the requirements of Condition 6 of the modified PPP. Therefore, the proposal is not considered to have any adverse impact on the Trunk Road network and is in compliance with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

### Local Road Network

- 60 Transport Planning have reviewed the proposal and they are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. The laybys on the A912 near the site entrance have been designed and constructed to accommodate the provision of bus stops. Condition 4 will ensure this is

provided by the start of the proposed second phase of this proposal. Conditions 2, 3, 5 and 6 will ensure all transport related works are completed to the required standards.

#### Internal Road and Parking

- 61 The internal road layout was previously approved and is largely completed on-site. In terms of car parking, the developers have provided in-curtilage parking down the sides of houses at the key access points to the site to help reduce the visual dominance of cars. Access is also proposed to the area reserved for the park and ride site approved under the PPP immediately north of the proposed site. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
- 62 A Construction Traffic Management Scheme (CTMS) will be required prior to the commencement of development, and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 6).
- 63 Overall, the proposal therefore complies with LDP2 Policy 60; as the trunk and local transport network can accommodate the proposed level traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

#### **Phasing and Delivery**

- 64 As advised by both Transport Scotland and Transport Planning, the current proposal, if constructed after or in tandem with the 16/02156/AMM approval, could reach or exceed the 348-dwelling trigger in Condition 6 of the modified PPP for the delivery of the M90 slip road junctions. As already mentioned, Condition 7 recommended within this application is worded to remind the applicant of their obligation for these works to be carried out should this phase trigger the number of dwellings specified.
- 65 There are other infrastructure and phasing matters that are provided for within the Section 75 Legal Agreement secured as part of the PPP application. Also, in conjunction with this, the approved Phasing Plan submitted under 16/02156/AMM, several clauses and triggers for the approval of detailed matters were included. The current proposal requires the following to be met:
- Clause 8.2: Structural Planting for each development parcel. This is proposed to be delivered in conjunction with this application.
  - Clause 10.3.2: Construct and practically completion or procure the construction and practical completion of the bridge over the rail line linking it with the identified area for the primary school. The applicant has advised it makes sense to start providing the required bridge in tandem with approval of this site as construction activity will be in the same area. Once the bridge is complete this will in turn trigger the construction of the first phase of the required primary school (Clause 10.3.4).

- Clause 11: Education Contributions. The first education contribution will be required to be paid before any open market dwelling can be occupied.

66 Delivery of the bridge must be provided no later than the completion of this phase and will need permission in its own right plus other technical approvals. The bridge over the rail line will be a significant milestone for the development of Oudenarde, as it will open up the site for further development proposal, including the primary school, village centre, sports pitches etc. It will also provide the residents of the existing affordable housing development with improved and quicker access to the M90 and beyond.

### **Density, Design and Layout**

67 Through Creating Places 2013, the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, with it being important at all scales of development.

68 Further Designing Streets, published in 2010 by the Scottish Government, suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.

69 In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case, the proposal includes two vehicular and four pedestrian/cyclist access points. It is considered to be a highly permeable and well-connected site, within the approved Oudenarde Masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP2 Policies 42 – Green Infrastructure and 60 - Transport Standards and Accessibility Requirements.

70 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible, i.e., doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path

connections to Bridge of Earn. The proposal is in line with PAN 77 - Designing Safer Places and LDP2 Policy 1 - Placemaking.

- 71 The proposal consists of 66 single storey bungalow style dwellings. In isolation the proposal for just bungalows does not comply with LDP2 Policy 25 - Housing Mix. However, when assessed cumulatively with the extant approvals for Phase 1 and 2 developments, which are mainly 2 storey dwellings ranging from 2–5-bedroom dwellings, together with the mix for the wider masterplan site likely to come forward, the provision of 66 bungalows adds to the housing mix and provides added choice for house purchasers. In addition, the closest residential development at Brontonfield is all bungalow style dwellings. It is therefore considered to comply with Policy 25.
- 72 In terms of materials, an acceptable palette of materials is proposed. Applicant proposes finishes of white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with Phase 1 and the first approval of Phase 2A (16/02156/AMM) and will help integrate the development into the locale.
- 73 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 74 Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a mix of open market housing within the overall site that complies with the LDP2 Policies 1 and 25 and Placemaking Guidance 2020.

### **Drainage and Flooding**

- 75 The site is not located within a recorded area of flood risk. The Community Council have raised concerns about flooding in the area. However, as the site topography is flat and predominantly clay, a Drainage Assessment has been submitted, and has been assessed by the Council's Structures and Flooding Team.
- 76 Drainage calculations show that the site is not at risk of surface flooding, but that other undeveloped phases of the wider Oudenarde site were at such risk. Evidence has been provided confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 77 The Structures and Flooding team are content that the current proposal is not at risk of flooding and during the development of future phases additional storage can be accommodated within a suitably designed SUDS scheme.
- 78 The Scottish Environment Protection Agency (SEPA) also confirm there will be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage. (Condition 18)

## **Open Space and Recreation Provision**

- 79 The approved PPP masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents.
- 80 Landscape buffers are proposed to the southern boundary and western boundaries. Within the central strip of open space and landscape buffer, a play area is also proposed. The proposed play area will be immediately overlooked by the front elevations of proposed dwellings and would then benefit from natural surveillance.
- 81 It is considered that the location of proposed open space, landscape buffers and play area is acceptable and will benefit future residents in the area. Detailed design of the play area will need to be agreed (Condition 10). The proposal complies with LDP2 Policy 14 – Open Space Retention and Provision.

## **Residential Amenity**

### Overlooking

- 82 All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings. In addition, all the dwellings are bungalows on a flat site so there will be no elevated house plots that will cause any overlooking issues.

### Overshadowing, loss of sunlight and daylight.

- 83 The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 84 Taking cognisance of this BRE document, the distances between new and existing properties and site levels at the southern end of the site, it is considered an acceptable level of daylight and sunlight will be provided to each property. Overall, in terms of residential amenity the proposal complies with LDP2 Policy 1 – Placemaking and the Placemaking Guidance 2020.

## **Ecology**

- 85 The Council's Biodiversity/Tree Officer recognised that a new landscape buffer is proposed. It was recommended that a tree survey, be carried out. The applicant provided a Tree Survey to assist consideration of this matter.
- 86 Acceptable levels of landscape buffers of 10 metres around the perimeter of the site and through the centre will provide a high number of native trees and will result in a biodiversity enhancement to what is currently on site. Subject to number of biodiversity conditions (13 to 17), the proposal complies with LDP2 Policy 41 – Biodiversity.

## **Archaeology**

- 87 PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 4).

## **Waste**

- 88 The Council's Waste Services team provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. A recycling centre is proposed in the north-eastern corner of the site, and this provision is supported. An informative will ensure the collection of waste will address the bin requirements (Informative 10).

## **Developer Contributions including Affordable Housing**

- 89 This site has PPP under 02/01482/IPM. The associated S75 Legal Agreement establishes the developer contribution requirements and payment time scales.
- 90 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses, of which 112 are now completed. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. It is accepted that affordable housing is not therefore required within this proposed phase.

## **Health Care**

- 91 The site is allocated in LDP2 for 1,600 dwellings and NHST were formally consulted during the plan-making process. However, neither NHST nor the HCSP provided feedback at the time of the site being allocated within LDP2. In any case, as this is an application for 66 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved PPP masterplan provides a local centre, which could include health and social care facilities (doctors and dentist) at a later phase. In the longer term it is anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.
- 92 For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.



## **Economic Impact**

- 93 The development of 66 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

## **LEGAL AGREEMENTS**

- 94 This site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

## **DIRECTION BY SCOTTISH MINISTERS**

- 95 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion or, beyond the directions detailed above, no further call-in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 96 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The proposal seeks detailed permission for development on a strategic site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.
- 97 Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 98 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 99 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application subject to the following conditions:**

### **General AMSC**

1. The proposed development must be carried out in accordance with the approved plans herewith, 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.

### **Transport**

2. Prior to the occupation of any dwellinghouse, 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 Development Plan.

3. 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 written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 35<sup>th</sup> dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning

Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) 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 developer'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 protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland.

The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that

aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

### **Landscape/Open Space**

8. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site shall be submitted for the 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

9. 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 Development Plan.

10. Prior to the commencement of development, a detailed layout of the proposed children's play area indicated in the site layout plan (Plan ref: 21/00615/26) shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved play area shall be laid out and equipped within six months of the first dwelling occupied on 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 residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

### **Biodiversity**

11. 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), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to

and agreed in writing by the Council as Planning Authority. 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 and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

12. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by 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).

13. 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.

14. 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 Council as Planning Authority.

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

15. Prior to the commencement of development hereby approved, details of the location and specification of bat and bird nesting opportunities (boxes, bricks, or tubes) on 25% of the approved dwellings shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, they shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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).

16. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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 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).

### **Drainage**

18. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the 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.

### **Low Carbon**

19. Development shall not commence until specifying measures for each dwelling to maximise environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of each dwelling.

Reason: In the interest of protecting the environment and sustainability.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
4. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. Please apply to the Street Naming and Numbering Officer, The Housing & 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).
7. 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The proposed 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.

9. 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.
10. 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.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
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 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
13. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: None  
 Contact Officer: Steve Callan  
 Date: 6 January 2022

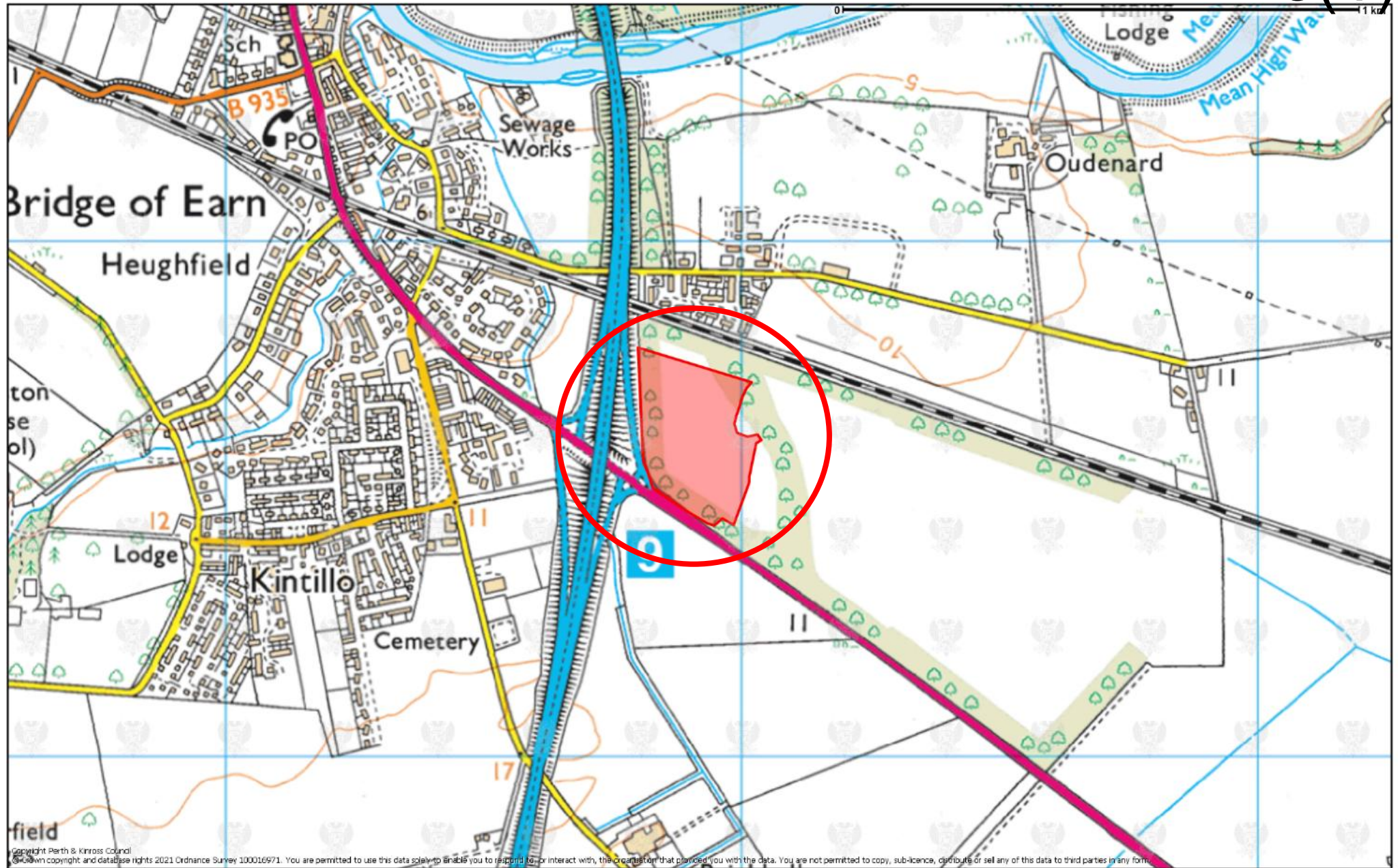
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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

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

All Council Services can offer a telephone translation facility.





© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



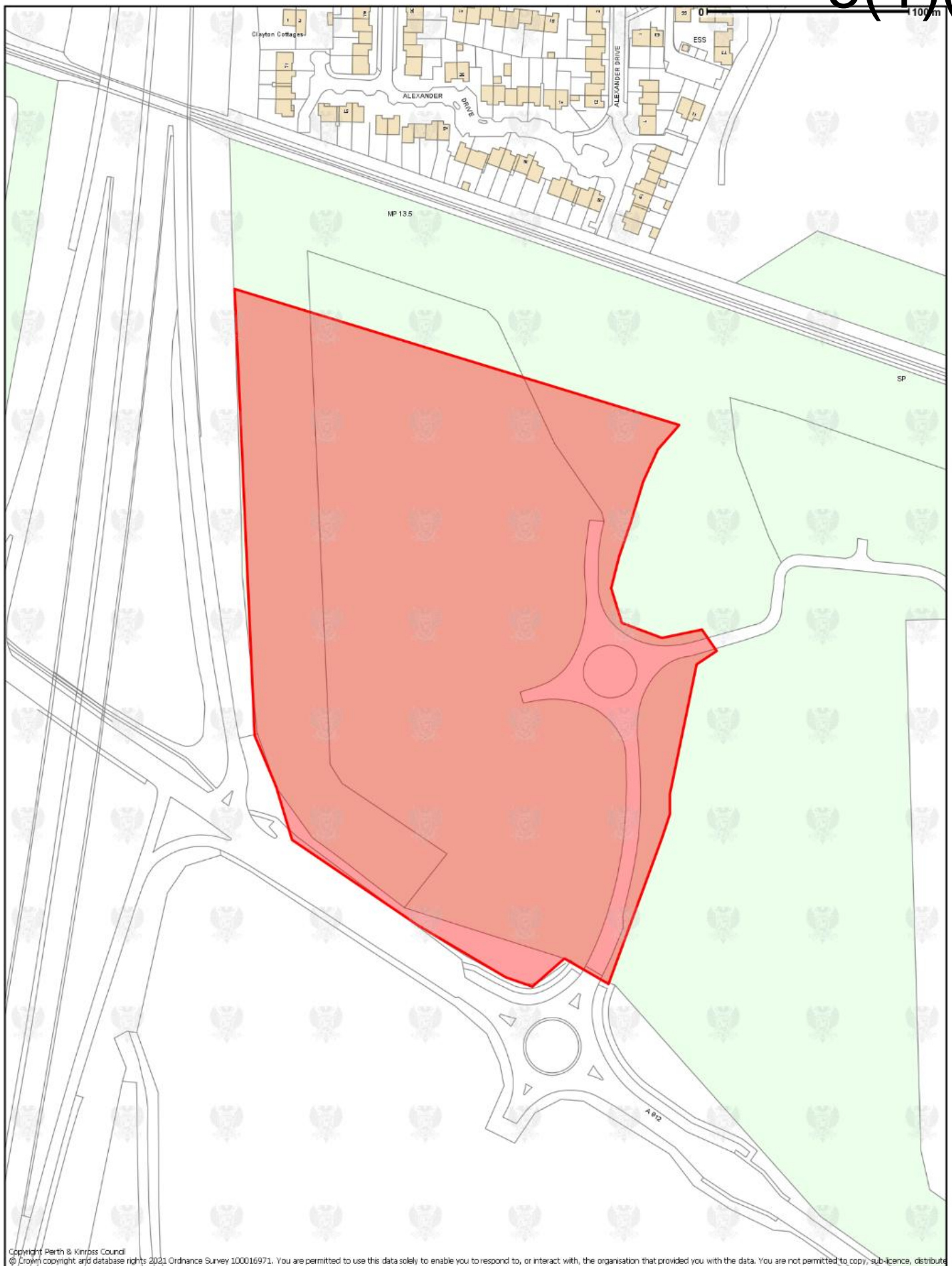
21/00615/AMM

Erection of 67 dwellinghouses, 16 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) - Land To The North Of A912 At Oudenarde Bridge Of Earn









Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute

© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale 1:2500

**21/00615/AMM**

Erection of 67 dwellinghouses, 16 detached garages, landscaping and associated infrastructure (approval of matters specified in conditions 02/01482/IPM) - Land To The North Of A912 At Oudenarde Bridge Of Earn





Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Report of Handling by Head of Planning & Development (Report 22/5)

**PROPOSAL:** Erection of 28 dwellinghouses, 6 garages and associated works (revised design and change of house type for plots 32-44, 89, 105-109, 114-120, 138 and 139)

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

Ref. No: [21/01833/AMM](#)  
Ward No: P7- Strathallan

### Summary

This report recommends approval of the application for the erection of 28 dwelling houses, 6 garages and associated works, within a wider development which is part of an allocated housing site, forming part of a larger area benefiting from an extant detailed permission for 116 dwellings. The proposals are considered to comply with the relevant provisions of the Perth and Kinross Local Development Plan 2 (2019), whilst there are no material considerations apparent which otherwise outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site extends to 1.4 hectares (Ha) and is situated on the north-eastern edge of Auchterarder. It forms part of a wider development area, originally identified as part of the 'Auchterarder Framework' for the northern expansion of Auchterarder. A Planning Permission in Principle (PPP) (16/01809/IPM) incorporates the site and sees an associated Section 75 legal agreement. A subsequent Approval of Matters Specified in Conditions (AMSC), across a large 4.45Ha area was granted in January 2019. That AMSC permission allows 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works. 29 of those 116 house types were amended by a subsequent AMSC (20/01513/AMM). The current application now seeks to further adapt approved house types on another 28 of the previously approved plots.
2. The proposed change of house types across the affected plots are:
  - 3 bed 'Dursley' house type replacing the 3 bed 'Gainford' – both the consented and proposed units have accommodation within the roofspace, and are of a similar general design.
  - 4 bed 'Dukeswood' and 'Hampsfield' replacing the 4 bed 'Harris', 'Farnham' or 5 bed 'Kendal' – all the consented and proposed units are full two storey and again are similar in appearance.

- 4 bed 'Denewood' replacing the 4 bed 'Elland' or 'Daresbury' - all the consented and proposed units are full two storey and are similar in appearance.
  - 5 bed 'Heddon' replacing the 4 bed 'Harris' or 5 bed 'Kendal' - all consented and proposed units are full two storey, and the 'Heddon' and 'Harris' are similar in appearance. The 'Heddon' house type sees more significant differences from the 'Kendal' in terms of its overall appearance, and roof form.
  - 5 bed 'Laurieston' replacing the 5 bed 'Kingsley' or 'Nairn' - all consented and proposed units are full two storey. 'Laurieston' and 'Kingsley' are of a similar design, whilst 'Laurieston' is materially different from 'Nairn' in terms of its general appearance, and roof form.
  - 5 bed 'Kingsmoor' and 'Melton' replacing the 5 bed 'Roslin', 'Leven' or 'Nairn' - all consented and proposed units are full two storey. The 'Melton' and 'Nairn' are similar in appearance, however the appearance and roof form of the others are materially different.
  - 6 bed 'Longrush' replacing the 6 bed 'Mellor' – both house types are similar in appearance.
3. The principal road layout remains unaltered, however there are some minor variations to pavements to accommodate changes in the position of driveways. Six detached garages are also proposed across the 28 plots.
  4. Some of the individual amendments would potentially be non-material variations if considered in isolation, with only minor design alterations to the same principal house design. The application does however include more significant material changes, which introduce a new house type.

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

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

### **PRE-APPLICATION CONSULTATION**

6. As an AMSC application, there is no formal further pre-application consultation with the local community required.

### **NATIONAL POLICY AND GUIDANCE**

7. 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 2014**

8. 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. This is a statutory document and material consideration in any planning application. It 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.

## **The Scottish Planning Policy 2014 (SPP)**

9. The Scottish Planning Policy (SPP) 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.
10. 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**

11. 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**

12. 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**

13. Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was

created to support the Scottish Government's place-making agenda, alongside Creating Places.

### **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.

### **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:

*"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
  - Policy 2: Shaping Better Quality Places
  - Policy 4: Homes
  - Policy 6: Developer Contributions
  - Policy 8: Green Networks

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

18. The Perth & Kinross Local Development Plan 2 (2019) (LDP2) 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.

19. The principal relevant policies are, in summary;
  - Policy 1: Placemaking
  - Policy 5: Infrastructure Contributions
  - Policy 15: Public Access



- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
- Policy 39: Landscape
- Policy 40: Trees
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport and Accessibility Requirements

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance 2020**

20. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Guide 2020**

21. This document sets out the Council's policies on placemaking standards.

## **SITE HISTORY**

22. [08/01133/IPM](#) Planning Permission in Principle for a Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development was approved on 31 October 2013
23. [16/01809/IPM](#) A S42 application seeking the deletion of condition 14 of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) was approved on 3 August 2018.
24. [18/01591/AMM](#) Approval of matters specified in conditions associated to 16/01809/IPM was issued on 7 February 2019, allowing the erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works.
25. [20/01513/AMM](#) Approved On 15 December 2020 for Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139)

## CONSULTATIONS

26. The following bodies were consulted on the application:

### External

27. **Scottish Water:** No objection.
28. **NHS:** No response received. However, there would be no significant impact beyond that of the previously approved scheme, as the number of dwellinghouses remains the same and the number of bedrooms in the dwellinghouses is comparable.
29. **Transport Scotland:** No objection.

### Internal

30. **Transport Planning:** No objection.
31. **Development Contributions Officer:** No objection. Advise that developer contributions and affordable housing requirements are secured by the existing legal agreement.
32. **Structures And Flooding:** No comments.

## REPRESENTATIONS

33. No representations have been received.

## ADDITIONAL STATEMENTS

34	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	AA Not Required
	Design Statement or Design and Access Statement	Not submitted
	Report on Impact or Potential Impact	Not Required

## APPRAISAL

35. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

## **Principle**

36. The site benefits from PPP permission (16/01809/IPM) and also detailed planning permission through AMSC approvals (18/01591/AMM and 20/01513/AMM). These allow for 116 dwellinghouses across a larger site, referred to as Phase 2. The current proposals replicate the number and extent of plots, as well as the general scale of development, as approved initially by 18/01591/AMM and then amended by 20/01513/AMM. These arrangements were considered to align with the land use and scale of development envisioned by the Auchterarder Framework and the PPP.
37. The principle of residential development on this site is therefore established and continues to be acceptable in terms of Development Plan strategy. Rather this application seeks to change the detail of how the site is to be developed, proposing revised house types for 28 previously approved plots. The general road layout and open space relationship remains consistent with that of the extant permission and associated Roads Construction Consent (RCC).
38. However detailed consideration is required to review the new house types proposed in their immediate and wider site context.

## **Design and Layout**

39. Condition 1 of the PPP requires the siting, design and external appearance of buildings to be subject to approval.
40. As stated above, the proposed layout is consistent with the approved AMSC planning permissions and continues to fit well with the site characteristics and surrounding built development.
41. The material finishes continue to include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors, thus is considered to remain appropriate.
42. The revised house types are generally similar to those already consented, however, there are some which are materially different from the extant permission but collectively, they all continue to be comfortably accommodated within the existing plots and wider site layout.
43. The most significant changes are at: Plots 40-42, 105, 115, 138 and 139 when a different house type is being introduced. The remainder of the plots are largely variations of the previously approved house types with minor elevational alterations and slight changes to roof forms – which retains the same scale and appearance of the units from what has already been approved. In terms of the new house types on the seven plots mentioned, all the proposed house types sit comfortably within their plots, in the street scene and relate well to the general form and scale of house types already approved on the corresponding plots.

44. Taken as a whole, and within the wider site context, the proposed design, scale and form of development is considered to be acceptable and correspondingly in accordance with LDP placemaking policy and the PPP

### **Residential Amenity**

45. Policies 1 and 17 generally seek to protect residential amenity. Policies 55 and 56 also require consideration of potential light and noise pollution. Analysis has found no concerns with existing and proposed residential amenity levels aligned with those of the extant planning permission. Therefore, the proposals are considered to continue to comply with LDP2 policy. A standard condition in relation to domestic plant/equipment for heating/ventilation purposes is recommended to ensure noise nuisance does not occur (Condition 2).

### **Overlooking**

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

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

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

### **Landscape and Visual Amenity**

48. Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy, and 42: Green Infrastructure, are all relevant considerations in relation to landscape and visual amenity.
49. Beyond the proposed change of house types, there are no material changes to that of detailed permissions 18/01591/AMM and 20/01513/AMM. The balance and allocation of the different open spaces and planting proposals remain aligned and therefore are considered to remain satisfactory and compliant with LDP2 policy.

### **Roads and Access**

50. Policies 1, 15 and 60 apply to assessing roads and access matters. In this regard, the number of parking spaces remains the same, which is deemed acceptable and complies with the appropriate standards. The general road layout is also consistent with that of the extant permission. There are therefore no implications regarding traffic and road safety resulting and the proposals are considered to satisfy the terms of LDP2 Policy 60 – Transport Standards and Accessibility Requirements. Minor amendments to the RCC to reflect the repositioning of some private driveways will be required but this not of concern (Informative Note 12).

## **Drainage and Flooding**

51. Policy 53 requires all new development to employ SUDS measures. In this respect, drainage arrangements remain as secured under the wider approved permission. Conditional control can however be applied to ensure SUDS requirements are met (Condition 4).
52. As such the proposals are considered to continue to satisfy both the conditions of the PPP and the requirements of LDP2 Policy EP53, in respect of surface water drainage.

## **Energy and Low Carbon Technology**

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

## **Waste Collection**

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

## **Natural Heritage and Biodiversity**

55. It considered that there will be no additional impact on biodiversity as a result of the development, in comparison to that of permission 18/01591/AMM. Particularly that wider site is either completed or well into the construction phases and the detailed landscaping proposals are consistent with that supported and approved as part of extant planning permission 18/01591/AMM. Hedgehog 'highways' are encouraged, as per the earlier permissions (Informative note 10).

## **Developer Contributions**

56. A Section 75 legal agreement is in place via the PPP (16/001809/IPM) and will secure necessary infrastructure for the site and surrounding area. For this area known as 'Hunters Meadow', it covers:
  - Community Facilities.
  - Sports Facilities
  - Open Space
  - Roads/Transport
  - Affordable Housing

## **Economic Impact**

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

## **VARIATION OF APPLICATION UNDER SECTION 32A**

58. No variations made.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

59. There is an extant legal agreement in place across the wider site.

## **DIRECTION BY SCOTTISH MINISTERS**

60. 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**

61. In summary, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
62. In this case, the application seeks permission for a change of house types for 28 of the 116 dwellinghouse benefitting from an extant planning permission. These proposals are considered to continue to comply with the approved TAYplan 2016 and Local Development Plan 2 (2019), in respect of development within a defined settlement boundary.
63. Overall, it is considered competent and compliant with the key principles of LDP2 and consistent with the terms of the PPP and is recommended for Approval and there are no new material considerations which would warrant a refusal of the application.

## **RECOMMENDATION**

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

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

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

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

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

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

5. Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability and in accordance with Policy 32 of Perth and Kinross Local Development Plan 2 (2019) (LDP2).

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

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



9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is continued to be encouraged to provide for hedgehog shelter, and commuting routing through the development, through the design of gardens, decking and access to gardens and greenspaces. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>
11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC.[Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).
12. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications. The applicant should be aware that the changes to the pavements/driveways locations will require an amendment to the existing RCC.

Background Papers: No letters of representation  
Contact Officer: Andy Baxter  
Date: 6 January 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

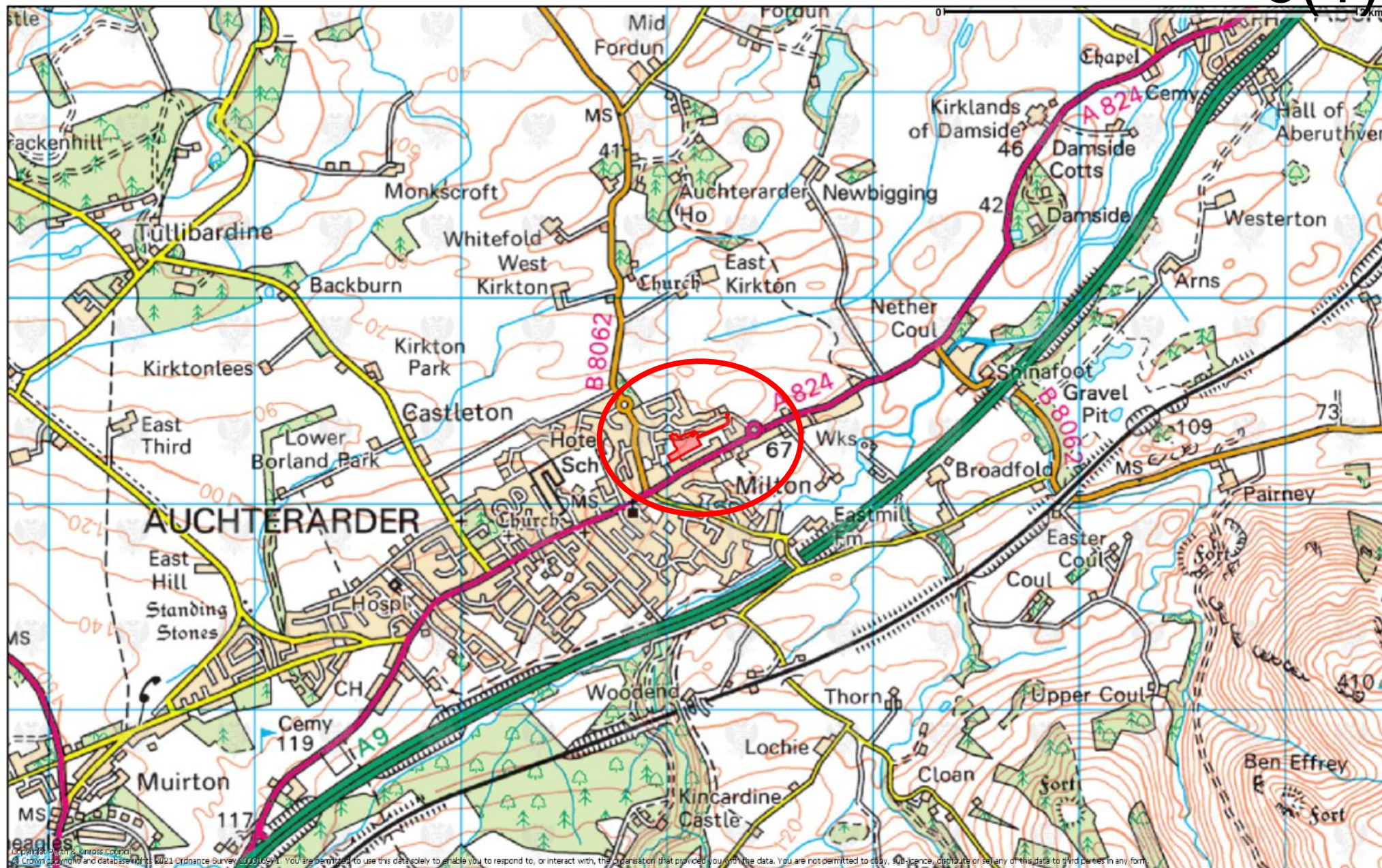
If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

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

All Council Services can offer a telephone translation facility.







© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:25000



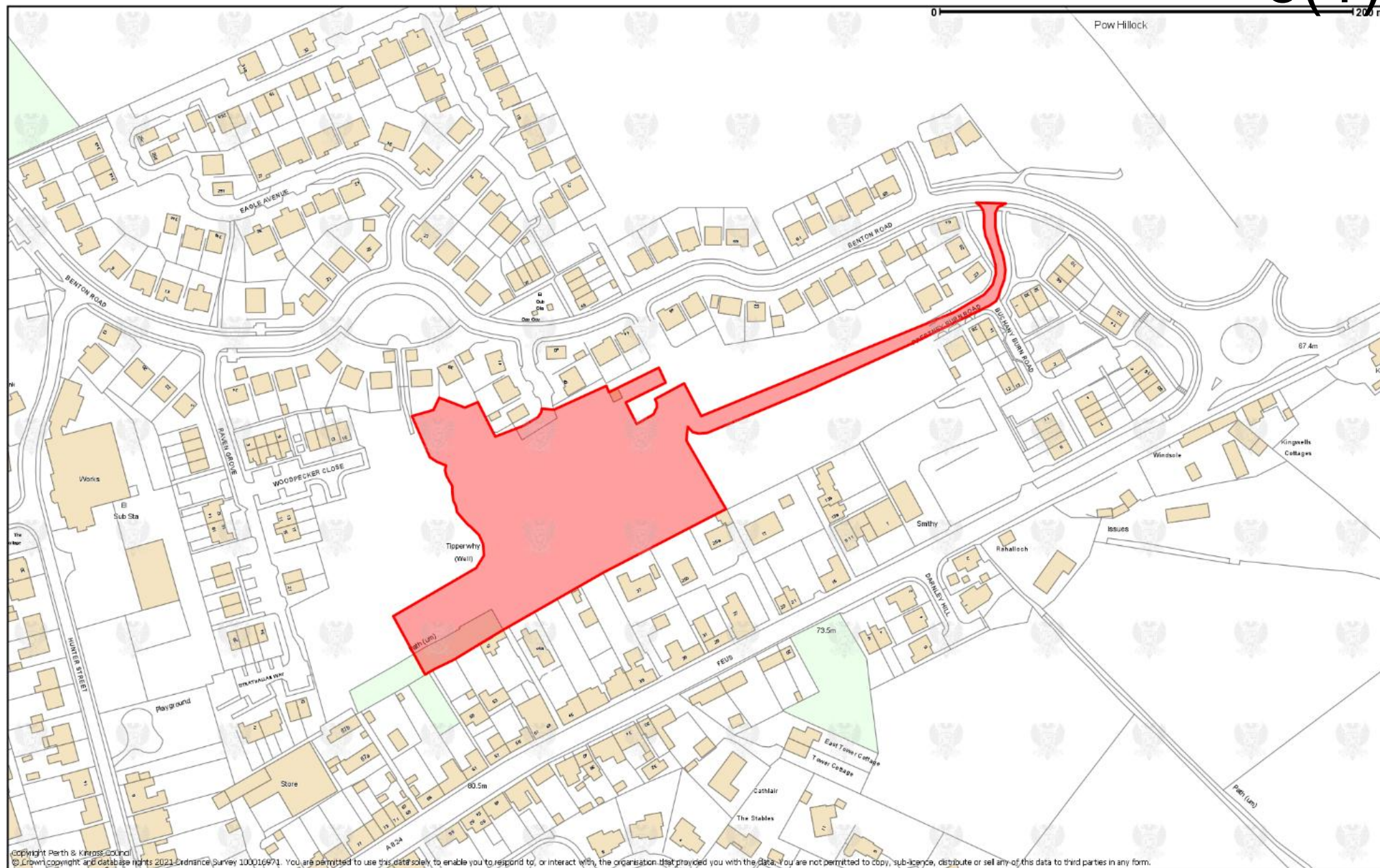
21/01833/AMM

Erection of 28 dwellingshouses, 6 garages and associated works (revised design and change of house type for plots 32-44, 89, 105-109, 114-120, 138 and 139) - Land South of Benton Road, Auchterarder









© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:2500



21/01833/AMM

Erection of 28 dwellings, 6 garages and associated works (revised design and change of house type for plots 32-44, 89, 105-109, 114-120, 138 and 139) - Land South Of Benton Road, Auchterarder





Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Report of Handling by Head of Planning & Development (Report No. 22/6)

**PROPOSAL:** Erection of 11 light industrial units and associated works

**LOCATION:** Land SW of Woods of Perth Limited, Auld Bond Road, Perth

Ref. No: [21/01106/FLL](#)

Ward No: P11- Perth City North

### **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 11 light industrial units and associated works on a site located at the south western end of Auld Bond Road in north west Perth. It should be noted that this application is a re-submission following the withdrawal of a previous application (21/00149/FLL) on this site for a similar development which contained insufficient information to enable a full assessment to be made. The application site is bound on the south eastern side by a cycle/footway which links onto Auld Bond Road with residential development at Cragganmore Place beyond. To the north west is the A9 trunk road and a recently constructed footbridge which links the application site to Inveralmond Industrial Estate on the opposite side of the A9. To the north east is the Inveralmond Business Centre and the Thermo Fisher Scientific facility beyond. To the south west is a SUDS pond which is associated with the recent upgrade works to the A9/A85 junction, which is located further west. A shared use cycle/footway which links to the bridge over the A9 wraps around the western edge of the site. The application site was used as a compound during the A9/A85 junction works but is now vacant with the north east and south west boundaries occupied by scrub trees.
- 2 The proposal involves the erection of a total of four buildings with a vehicular access taken from a new access which incorporates a cycle and footway link to Auld Bond Road. The buildings can be described as follows:
- 3 Building 1:  
 Located to the north east of the site adjacent to the A9 and Inveralmond Business Centre. This is proposed to be 42m x 22m in footprint and 11.9m in height to ridge with a pitched roof. It is proposed to be finished in azure blue cladding on the walls and grey cladding on the roof. This building has an internal floor space which would enable it to be used by a single occupier.

- 4 **Building 2:**  
Located to the south east of the site, closest to the access into the site. This is proposed to be the same footprint as building 1 (42m x 22m) but is lower in height, 7.1m with a pitched roof. This building has an internal layout which would allow it to be used by either a single occupier or split between two occupiers. The building is proposed to be finished azure blue with a grey roof similar to building 1.
- 5 **Building 3:**  
This “building” is described as building 3 in the planning submission but is actually made up of two smaller linear buildings. Located to the south western end of the site, this building is closest to the SUDS pond referenced above and is made up of two individual rows of units. The southern most row is proposed to accommodate three units and is 54.8m x 10m in footprint. It is proposed to have a monopitch roof. The northern most row is proposed to be 52m x 10m in footprint of a similar design as the southern row but is proposed to be split internally to accommodate six units. Each of the buildings is proposed to have a small mezzanine level. The finishing materials of both buildings is proposed to be anthracite grey on the walls and roof. Both buildings are proposed to be 6.7m to the highest point of the monopitch roof.
- 6 The public road section of Auld Bond Road currently ends adjacent to the Inveralmond Business Centre where there is an existing gate and there is an existing shared use footway/cycle route which continues from this point along the south western edge of the site. The proposal is to extend Auld Bond Road to the south west towards the site with a new access into the site between buildings 2 and 3. A total of 76 car parking spaces are proposed within the site. A landscaping scheme also accompanies the application which includes tree planting around the western edge of the site adjacent to the existing shared use foot/cycle way, hedge planting to the south of building 2 and shrub planting along the north east boundary of the site.

## **NATIONAL POLICY AND GUIDANCE**

- 7 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 2014**

- 8 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. This is a statutory document and material consideration in any planning application. It 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.



## **The Scottish Planning Policy 2014 (SSP)**

- 9 The Scottish Planning Policy (SPP) 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.
- 10 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
  - Supporting Business and Employment: paragraphs 32 – 108
  - Valuing the Historic Environment: paragraphs 135-151
  - Managing Flood Risk and Drainage: paragraphs 254-268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269-291

## **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 33 Development of Contaminated Land
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60: Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 82: Local Authority Interest Developments
  - PAN 1/2011: Planning and Noise
  - PAN 2/2011: Planning and Archaeology

## **Creating Places 2013**

- 12 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**

- 13 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## **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 2019.

## **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 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 3: A First Choice For Investment
  - Policy 9: Managing TAYplans Assets

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

- 19 The Local Development Plan 2 (2019) (LDP2) 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 application site is located within an area allocated for core employment uses in the plan.

21 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance 2020**

23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## **SITE HISTORY**

24 [19/01018/ADV](#) Advertisement Consent application for Display of signs was Withdrawn on 26 August 2019.

25 [21/00149/FLL](#) Full Planning Permission application for Erection of 11 light industrial units and associated works was Withdrawn on 30 March 2021.

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 27 No objection. Advice that there is capacity in the water supply network and public wastewater system but note proximity of main water pipe.

#### **NatureScot**

- 28 No comments.

#### **Health And Safety Executive**

- 29 Do not advise against development of site on health and safety grounds.

#### **Perth And Kinross Heritage Trust**

- 30 Site is of potential archaeological value and therefore conditions are recommended to ensure an archaeological evaluation is undertaken and to ensure an area of archaeological interest is fenced off during construction.

### **Internal**

#### **Biodiversity/Tree Officer**

- 31 The submitted ecology survey is considered to be appropriate and the mitigation contained within is considered to be acceptable subject to conditions. Following amendments, the submitted landscaping scheme is considered to be appropriate.

#### **Commercial Waste Team**

- 32 Waste bin storage facilities proposed on site are considered to be acceptable.

#### **Development Contributions Officer**

- 33 Developer Contribution of £47,740 towards Transport Infrastructure is required.

#### **Transport Planning**

- 34 Transport Statement considered to be sufficient and public road network is capable of accommodating the traffic which would be generated by the development. The access arrangements are also considered to be acceptable subject to the submission of a Construction Traffic Management Plan.

## **Structures And Flooding**

- 35 There are no flood risk concerns. Some minor comments on the submitted Drainage Strategy which can be resolved by condition.

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

- 36 Air Quality Assessment considered to be appropriate and therefore, the development is not considered to cause significant changes in traffic-related pollutants from the operation of the development.
- 37 Noise Impact Assessment considered to be sufficient in demonstrating noise levels associated with the development and it is concluded that noise levels are not of a significant level and would not unduly impact on neighbouring residential receptors subject to conditions.

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

- 38 Due to historic railway use of the site there may be scope for contamination on site and therefore a contaminated land investigation should be secured by condition.

## **REPRESENTATIONS**

- 39 A total of eight letters of representation have been received in respect of the current application. A further period of neighbour notification was carried out following the submission of additional information. The main issues raised within the representations are:
- Adverse effect on visual amenity
  - Loss of open space
  - Loss of trees
  - Vacant land available for development in other industrial sites elsewhere
  - Loss of landscaping at rear of Cragganmore Place
  - Noise pollution
  - Road safety
  - Traffic congestion and cumulative impact
  - Construction disruption
  - Excessive height
  - Flood risk
  - Light Pollution
  - Loss of sunlight/daylight
  - Out of character with area
  - Overlooking
  - Impact on bio diversity
  - Need for maintenance of proposed landscaping areas
  - Litter
  - Use of road as overnight parking for lorries
  - Transport Assessment and Noise Impact Assessment carried out during a pandemic when outcomes could be flawed

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

## **ADDITIONAL STATEMENTS**

41	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Noise Impact Assessment Drainage Strategy Report Transport Statement Ecology Survey Tree Survey Air Quality Assessment Construction Method and Phasing Landscaping and Planting Scheme and Maintenance

## **APPRAISAL**

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019.
- 43 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 Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

### **Principle**

- 44 The application site is located within an area designated for core employment uses where Policy 7A of the Perth and Kinross Local Development Plan 2019 (LDP2) applies. The site is specifically allocated for core employment uses and policy 7A states that areas identified for core business and industrial land should be utilised for class 4, 5 and 6 uses. Policy 7A states that areas identified for employment uses should be retained for such uses and includes a number of criteria which require to be considered. These include protecting the amenity of nearby residents, the local road network being suitable for the traffic generated by the proposal, provision of good walking and cycling facilities and ensuring the protection of European designated sites, amongst others. Whilst it is noted that a number of the letters of representation state that this type of development

should be located elsewhere, for example within the Inveralmond Industrial Estate to the north, the site is specifically allocated in LDP2 for employment based uses and therefore, given this allocation it is expected that the site would be developed at some point. As the proposal involves light industrial/business class 4 uses, the proposal complies with the "core" allocation outlined within LDP2 and therefore the principle of developing the site for these uses is considered to be acceptable and to accord with Policy 7A. The individual criteria within Policy 7A will be assessed in more detail below.

### **Design, Visual Amenity and Layout**

- 45 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 46 The area is characterised by both residential scale development to the south on Cragganmore Place and the adjacent Inveralmond Business Centre and larger Thermo Fisher plant to the north east. The area, therefore, generally has a mixed character. The development proposes a single central access which allows the buildings to effectively form a courtyard around the access, with the majority of the car parking areas on the site contained within the courtyard area. The proposed development involves the erection of the smaller buildings (2 and 3) to the south of the site, closer to the access as these have a better physical relationship with the housing given their lesser scale. Their size and scale is outlined within the introduction above. Building 2 also has an entrance facing onto the new access into the site and the south elevation of building 3 has also been designed to ensure there is no blank elevation facing onto the access and shared use foot/cycle way. This provides both buildings with an active frontage onto public areas as required by the Placemaking Supplementary Guidance. There is a large linear area of vegetation outwith the application site to the south of the proposed access which provides a landscaped buffer between the proposed development site and the rear gardens of the adjacent housing. This is proposed to be retained but will be tidied up by the applicant during construction of the access road. The scale of buildings 2 and 3 and the presence of the landscape belt are considered to be sufficient to ensure the visual impact of the development on the residential receptors to the south east of the site is acceptable.
- 47 Building 1 is larger and is located towards the rear (north) of the site which is considered to be the most appropriate location for this scale of building. It is, however, to be set back from the A9 Trunk road by approximately 23m which will help to limit its visual impact. This building will also be seen in context with the large scale shared foot/cycle bridge which crosses the A9 to the immediate north of the site.
- 48 The bulk, massing and height of development on the site steps down towards the open space to the south west corner of the site. This, together with the landscaping on the boundary of the site, which is referred to in more detail below, helps to provide the development with an appropriate relationship with the open space and also helps to create a defined edge to the allocated employment site.

- 49 Sectional drawings are contained within the Design and Access Statement which help to demonstrate the scale of development relative to the adjacent business centre and housing. A series of 3D drawings have also been submitted to provide further understanding on the overall context of the site and scale of the buildings.
- 50 The finishing materials include profiled metal cladding in both blue and grey colours which are similar to those finishes used on the adjacent business centre and Thermo Fisher site and are therefore considered to be acceptable. The proposed finishes, which include varying coloured panelling on the elevations, also helps to break up the bulk and mass of the buildings. A condition is recommended to ensure final finishing material details are submitted for approval (Condition 2).
- 51 The site layout also includes security fencing and gates on the south and north sides of the site but this is proposed to be located inside the proposed landscaping scheme which will help to limit its visual impact as much as possible and will ensure the public façade of the development site is appropriate.
- 52 The scale, design and layout of the proposed development is considered to be appropriate in the context of the wider site and the surrounding buildings. The proposed design, scale and layout is therefore considered to comply with policy 1A and B, relating to placemaking and the criteria within Policy 7A of LDP2.

### **Trees and Landscaping**

- 53 Policy 40B of LDP2 relates to trees and woodland and states that a tree survey should accompany any proposal where there are existing trees on the site. Furthermore, the placemaking policies of tLDP2 (Policies 1A and B) require that development must contribute positively to the surrounding natural and built environment.
- 54 Development and land use change should be compatible with the distinctive characteristics and features of Perth & 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 formation of a light industrial development on this site, within the settlement boundary, is not considered to significantly erode the quality of the landscape.
- 55 The site currently hosts areas of young trees, many of which are native broadleaf tree species. Some trees have colonised the site, such as Goat willows, but many of the trees have been planted presumably as part of an earlier landscape scheme.
- 56 A tree survey and landscaping plan have been submitted with the application. The tree survey is very detailed and has examined the tree groupings and made certain recommendations. The layout involves the felling of all trees on site. Whilst the loss of trees at the site is regrettable, it is considered that if a robust landscape scheme can be secured, then the development could be appropriately integrated.



- 57 A landscaping plan has been submitted with the proposal and has been updated to reflect initial comments from the Council's Tree and Woodland Officer due to the lack of native species. The revised landscaping proposal includes the planting of a total of 28 new heavy standard trees on the south, west and north boundaries of the site, together with shrub planting and a wild flower meadow mix wrapping around these sides of the site. This will provide the site with a landscape buffer to the adjacent shared use foot/cycle route and open space to the west of the site and will provide a defined edge to the wider allocated employment site. The proposal also involves hedge planting to the south of building 2 adjacent to the new access and some shrub planting on the north eastern boundary of the site. The details of the revised landscaping scheme have been accepted by the Council's Tree and Woodland Officer. The extent of new landscaping on the site is considered to be acceptable and the implementation and maintenance of the scheme can be secured by condition (Condition 3). A further condition is also recommended to ensure replanting is undertaken should any of the planting fail to become established (Condition 4).
- 58 Letters of representation have raised concerns with the loss of open space on the site. However, this site is not zoned open space in LDP2. While it is noted that residents may put amenity value on this space, it is not afforded the same protection under Policy 15 of LDP2 which relates to zoned areas of open space. Overall, it is not considered that the loss of this area of grass and landscaping is of significant detriment to the area particularly given that the site is allocated for employment based development.
- 59 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

### **Residential Amenity (Noise)**

- 60 Policy 7A and 56 of LDP2 relate to residential amenity and noise pollution and seek to ensure that residential amenity is maintained and that there is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive uses. As already mentioned, there are residential properties located to the south of the site on the opposite side of Auld Bond Road. A Noise Impact Assessment (NIA) accompanies the application. This is based upon the proposed noise levels in comparison with the existing background noise levels. These background noise levels include existing noise levels from the A9 Trunk road and other operations in the area. The NIA has been prepared in accordance with recognised methodology for assessing commercial and industrial noise. It also considers the noise associated with deliveries and traffic using the new access into the site and ties up with the information contained within the submitted Transport Statement. The NIA also considers noise associated with deliveries, yard activities, noise breakout from units and external plant. Some concerns have been expressed in letters of representation regarding the timing of the NIA and the assessment taking place during a pandemic. Environmental Health have confirmed that the NIA has been undertaken in accordance with the correct methodology and the current pandemic does not alter the conclusion or ability to make an assessment. The report concludes that in absolute terms, no increase in noise would be

measurable at the adjacent residential properties and along the façade of the adjacent Inveralmond Business Centre. The conclusions of the NIA have been accepted by PKC Environmental Health subject to conditions which limit servicing and deliveries to 0700-1900 Monday to Saturday only (Condition 5) and the attenuation of plant noise (Condition 6).

- 61 The proposal is therefore considered to accord with the requirements of Policy 7A and 56 of the LDP2 in relation to construction noise, subject to conditions.

### **Residential Amenity (Overlooking)**

- 62 The separation distances between the proposed development and existing dwellings meet the guidelines of 9 metre window to boundary distances and 18 metre window to window distances. In this instance, there are not considered to be any overlooking concerns associated with the proposal. Whilst there are windows on the south elevation of building 3, these will look towards an existing area of landscaping which provides screening from the rear gardens of properties on Cragganmore Place. This existing landscaping, which is proposed to be retained, will ensure there is no overlooking from the development.

### **Residential Amenity (Loss of Daylight/Overshadowing)**

- 63 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established planning consideration.
- 64 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degree rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.
- 65 Having carried out an assessment of the proposed development, the height of the proposed development does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.

### **Construction and Construction Access**

- 66 There is potential for construction operations and construction traffic to be of detriment to the amenity of local residents. It is therefore necessary to consider appropriate mitigation measures during construction to limit the extent of impact on residents as much as possible. A construction method statement has therefore been submitted with the application to outline how construction works are to be undertaken and phased. This indicates that construction will proceed in phases. Phase 1 involves the construction of buildings 1 and 2 on the eastern side of the site, while the remainder of the site is utilised for construction vehicles and site cabins. Phase 2 will then commence following the completion of buildings 1 and 2 where site cabins and parking for construction vehicles will be

moved to the north of the site while works to construct building 3 are commenced. This will ensure the site is utilised for all construction parking operations and will ensure that the public road is not significantly occupied by construction traffic which has been a concern during other recent developments in the area. A condition is recommended to ensure the development proceeds in accordance with the Construction Method Statement or another suitably agreed construction phasing scheme (Condition 7).

- 67 Environmental Health have reviewed the construction method statement and consider this to be acceptable and to provide appropriate mitigation during construction hours subject to conditions which limit construction hours 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 (as identified by Scottish Government) (Condition 8). A further condition is also recommended for the submission of a Construction Traffic Management Plan to ensure there is control of all construction traffic associated with the development to limit the impact on the local community. This can be secured by condition (Condition 11). Subject to the above mitigation the construction operations can be suitably controlled to minimise the extent of impact on nearby residents as much as possible.

### **Light Pollution**

- 68 Policy 55 of LDP2 states that permission will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The submission includes details of the proposed lighting on site which is mainly focussed within the courtyard area where the proposed buildings will help to screen the lighting from residential receptors. The submission also includes a report demonstrating the illuminance resulting from the lighting and demonstrates that it will not significantly impact on nearby residences. There will also be four street lighting columns on the access into the site. The lighting columns on the street must meet Council standards and will require to be agreed in advance with the Council's Street Lighting Department. An informative is recommended on any permission to ensure the applicant is aware of these requirements. The extent of lighting which is proposed within the site is acceptable and will help to limit light pollution as much as possible whilst ensuring the safety of employees and visitors during hours of darkness. The proposed lighting will also be seen in the context of the existing lighting at adjacent businesses and with the lighting on adjacent residential streets to the south. The proposal is therefore not considered to generate any significant light pollution. A condition is recommended to ensure that there is no light spill onto neighbouring land in the interests of visual and residential amenity (Condition 9). Subject to this condition, the proposal is considered to accord with Policy 55 of the LDP2.

### **Access/Traffic/Transport**

- 69 Policy 60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. It also requires the development site to be adequately served by sustainable means of transport. The submission includes an updated Transport Statement (TS) which outlines the implications on the road network of the proposed development. Letters of

representation have also raised concerns regarding the traffic levels on Auld Bond Road currently, given the recent Thermo Fisher development to the north east. The Transport Statement provides an indication of the existing operational characteristics of the site, an assessment of the existing road network and details on the proposed characteristics and transport arrangements for the proposed development. It also includes trip generation data based upon the TRICS database which is an industry recognised standard in assessing potential traffic generation. A number of concerns regarding traffic generation have been expressed in letters of representation from nearby neighbours. PKC Transport Planning have confirmed that the TS has been undertaken using the correct methodology and that there are no concerns with this assessment being carried out during a pandemic as identified in some letters of representation.

- 70 Access to the site is proposed utilising an extension to Auld Bond Road to the south west with a new access to be provided centrally on the south east boundary of the site. The buildings will face into the site with service yard and car parking areas proposed both centrally within the site and towards the north of the site adjacent to the A9. A total of 76 car parking spaces are proposed. Transport Planning have reviewed the layout and consider the new access and parking to be acceptable in terms of road safety. The extent of car parking on the site is acceptable and in accordance with the National Roads Development Guide which requires 1 space per 50sqm of floor space.
- 71 The TS indicates that the overall daily total of movements which is likely between the period of 0500-2100hrs is 99 with 65 departures. This equates to 66 cars arriving and 44 cars departing over this period with the remainder walking, cycling, using public transport or being a car passenger. Given the proposed light industrial use, there is also an expectation that there will be goods vehicles movements, and this is estimated to be no more than two or three two way trips each day. The TS also applies mode share calculations which calculates that 67% of users will arrive by car, 8% as a car passenger, 8% on public transport and 17% walking. The TS then concludes that as the peak times for a Class 4 use are generally outwith normal peak times the impact on the road network during normal peak journey times will be insignificant. Transport Planning have assessed the TS and consider the level of additional traffic to be generated by the proposal to be acceptable and capable of being accommodated on the existing road network subject to conditions.
- 72 The Transport Statement also indicates that the developer will encourage sustainable means of transport and identifies existing pedestrian and cycle routes close to the building. There is a 3m wide shared use path for cyclists and pedestrians on Auld Bond Road. Links to the Sustrans National Cycle Route (NCR 77) are located to the north at Ruthvenfield Road which provides traffic free links into Perth and the north. The site is also well served by pedestrian routes on the core path network along the Mill Lade to the south which provides links into Perth City Centre, to the west towards Almond Valley and the south towards Tulloch and Letham. The access into the site will also include an extension to the shared use path on Auld Bond Road to provide an improved link to the south west. Details of this will be secured by condition (Condition 10).

- 73 In terms of public transport, the closest bus stop is at Auld Bond House adjacent to the Scottish and Southern Energy Offices (SSE) and is served by the 4, 23, 27, 34 and 34A which provide links to Perth City Centre, Aberfeldy, Blairgowrie, Stanley and Spittalfield.
- 74 A bicycle parking area for 8 cycles is proposed on site. A staff green travel plan should also be submitted to ensure that details of measures taken to promote sustainable travel to the site are undertaken (Condition 12).
- 75 In general terms, the site is in a sustainable location and is well served by public transport. Whilst it is accepted that traffic levels on local roads will increase as a result of the development and that there have been traffic increases in the area given the presence of the Thermo Fisher site, the Inveralmond Business Park and the SSE building, there is an expectation, given the allocation of the site for redevelopment that there will be some level of traffic increase in the area as a result of new development. Transport Planning have confirmed that the level of increase is considered acceptable when considered cumulatively with recent development. Furthermore, the application site is in a sustainable location which is well served by public transport and close to existing walking and cycle routes in all directions. The TS demonstrates the extent of increase in traffic levels and that this can be accommodated on the current road network in conjunction with other recent development. Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

### **Developer Contributions**

- 76 Policy 5 of LDP2 refers to infrastructure contributions and states that contributions will be sought where the development is considered to generate additional impact on local infrastructure. In this instance, the Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 (SG) applies which 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. The level of contribution is calculated based upon floor space as outlined in the Supplementary Guidance. In this instance, the site is located within the Perth Core Area and therefore in accordance with paragraph 6.20 of the SG the contribution equates to 3410sqm x £14 = £47,740. The applicant has indicated that they wish to pay the contribution upfront.

### **Archaeology**

- 77 Policy 26B of LDP2 states that the Council will protect areas or sites of known archaeological interest. In this instance, Perth and Kinross Heritage Trust (PKHT) have stated that the site is close to the historic Perth Town Lade (ref:MPK2508), parts of which date back to Roman Times. There are also potential remains of a Roman Road close to the site. It is therefore recommended that an archaeological evaluation be undertaken to assess the presence/absence of any archaeological remains on site. This can be secured by condition (Condition 13) to ensure compliance with Policy 26B of LDP2. A further condition is also recommended to ensure the provision of protective fencing around the town lade archaeological feature (Condition 14).

## **Bio Diversity**

- 78 Policy 41 of LDP2 relates to biodiversity and seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated. The submission includes an Ecological Survey which has been reviewed and accepted by the Council's Biodiversity Officer. This includes a survey of all potential species on the site and concludes that the site has potential to be habitat for breeding birds and on that basis, recommended that site clearance is undertaken outwith the breeding season. It also recommends that bat boxes are incorporated into the buildings and that a further reptile survey of the site is undertaken. The recommendations and mitigation measures contained within the report will be secured as a condition (Condition 15). The survey also recommends that escape ramps on excavations are provided for mammals. All of the above can be secured by conditions (Conditions 16-18).
- 79 Subject to these conditions it is considered that the proposal will meet the requirements of Policy 41 of LDP2.

## **Flood Risk**

- 80 Policy 52 relates to flooding and states that 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 possibility of flooding from any source. There is no flood risk apparent on this site.

## **Drainage**

- 81 Policy 53B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. The submission indicates that the proposed development will connect to the public drainage network which is in accordance with the policy. In terms of surface water drainage, this is to be catered for through a SUDS system and details are included within the submitted Drainage Strategy and Drainage Design Report. This has been reviewed by PKC Structures and Flooding who consider it be generally acceptable but with some comments provided on the detailed design. These comments can be addressed by condition (Condition 19) to secure the detailed design of the SUDS system. Subject to this condition the proposal accords with Policy 53C of LDP2.

## **Air Quality**

- 82 The site is located within the Perth Air Quality Management Area where Policy 57 of LDP2 applies. This states that an air quality assessment will be required where the Council considers that there may be an impact on air quality from the development and that mitigation measures are employed. Due to the additional transport levels associated with this proposal, an Air Quality Assessment has been submitted. This indicates that the road traffic which will result from the development is of negligible significance at all receptors and meets Scottish Government objectives. Therefore, the development is not considered to cause significant changes in traffic-related pollutants from the operation. The results of

the assessment have been accepted by PKC Environmental Health subject to conditions relating to the standard of any gas fired boilers and the submission of a Dust Management Plan for the construction stage of development (Conditions 20 and 21). On that basis, the proposal is considered to comply with Policy 57 of LDP2.

### **Contaminated Land**

- 83 The proposed development is on land historically identified as being used for railway operations. There is the potential for the development site to have been contaminated as a result of this former land use. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use as required by Policy 58A of LDP2. This can be secured by condition (Condition 22).

### **Health and Safety Consultation Zone**

- 84 Policy 54 of LDP2 states that the Council must take full account of the advice from the Health and Safety Executive in relation to the proximity of a site to a major hazard or pipeline. The site is located within the inner and middle Health and Safety consultation zone for the Flogas Britain site which is located on the northern side of the A9. The Health and Safety Executive have been consulted and have indicated that they do not advise against the granting of planning permission based upon there being fewer than 100 occupants within the buildings and the buildings being less than 3 storeys in height. In this instance, the buildings are a mixture of single storey and two storeys and the applicant has confirmed that there will be fewer than 100 occupants for each building. On that basis, the proposal is considered to comply with Policy 54 of the LDP2 in regard to health and safety consultation zones.

### **Waste Collection and Litter**

- 85 A bin store area is marked on the submitted plans and the road layout and access to the site can accommodate the bin vehicles required to service the site. PKC Waste Services have been consulted on the proposal and consider the proposed arrangements to be acceptable. Some concerns have been expressed in letters of representation regarding the creation of litter from the site. There is no evidence to suggest that litter levels from the site would be any greater than any other development site. Appropriate provision for waste collection has been provided on the site.

### **Loss of Value**

- 86 The loss of value to an adjacent residential property is not a material planning consideration and therefore has no bearing on the assessment of this application.

### **Planning Authority with an Interest in the Land**

- 87 The Council has an interest in this land. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure

for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 88 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, provision of additional car parking, revisions to the landscaping scheme and submission of amended transport statement, construction method statement, drainage strategy, lighting report and air quality assessment. The variations to the application were re-advertised and neighbours re-notified.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 89 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 90 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**

- 91 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 92 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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



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

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

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

3. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme 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.

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

5. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

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

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

7. The development hereby approved shall be proceed in accordance with the phasing outlined within the Construction Method Statement (doc ref:38 and 39) or in accordance to a similar Construction Method Statement as is approved in writing prior to the commencement of any development on site.

Reason: To ensure appropriate phasing of the construction on site and to ensure there is adequate space within the site for site vehicles, plant and site

huts and to limit the impact on the public road network and nearby residential receptors.

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 (as identified by Scottish Government).

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

9. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: To minimise light pollution in the interests of residential amenity.

10. Prior to the commencement of any development on site, exact details of the proposed shared use path along the new access into the site, and its connection to the existing shared use path to the north east and south west of the site 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 any of the buildings hereby approved being brought into use.

Reason: To ensure the existing shared use path continues along the access into the site in the interests of encouraging the use of sustainable means of transport.

11. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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 interests of pedestrian and traffic safety and in the interests of residential amenity.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP 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. The TP as agreed shall be adhered to during operation of the site.

Reason: To encourage the use of sustainable modes of transport.

13. 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.

14. Prior to the commencement of the development hereby approved, protective fencing shall be erected around archaeological feature MPK3508 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.

15. The conclusions and recommended action points within the supporting biodiversity survey (doc ref:26) 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 protecting environmental quality and of biodiversity.

16. 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 the interests of protecting environmental quality and of biodiversity.

17. Prior to the commencement of development hereby approved, details of the location and specification of five bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the five 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 protecting environmental quality and of biodiversity.

18. All site clearance shall be commenced outwith the bird breeding season (March to August) to the satisfaction of the Council as Planning Authority.

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

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the 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.

20. Prior to the commencement of the development hereby approved a Dust Management Plan (DMP) for the construction stage of the development shall be submitted to and agreed in writing by the Council as Planning Authority.

The DMP shall include monitoring procedures mitigation measures and a complaints procedure as outlined in Appendix D of the Air Quality Screening Assessment report dated June 2021 (doc ref:37). The DMP as approved in writing shall be strictly adhered to for the duration of all construction works on site.

Reason: To control dust emissions during construction in the interests of residential amenity.

21. The installation of any gas fired boilers for the development shall meet a minimum standard of < 40mgNOx/kWh to the satisfaction of the Council as Planning Authority in consultation with Environmental Health.

Reason: In the interests of air quality

22. 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.

## **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/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
7. The applicant should be aware of the requirement to discuss the provision of street lighting on the access into the site with the Council's Street Lighting Team and agreement should be reached within them prior to installation of any street lighting columns.
8. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments as it contains advice relevant to your development.  
  
<https://www.pkc.gov.uk/article/20801/Supplementary-Guidance-Flood-Risk-and-Flood-Risk-Assessments>
9. The applicant should be aware of the comments received from Scottish Water regarding the presence of a Scottish Water asset on the site as identified in the consultation response from Scottish Water dated 29th July 2021 and should

contact Scottish Water at the earliest opportunity to discuss the implications of this on the development.

10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout, access and landscaping and the submission of a revised Transport Statement, Construction Method Statement, Drainage Strategy and Air Quality Assessment.

Background Papers: 8 letters of representation  
Contact Officer: John Williamson  
Date: 6 January 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

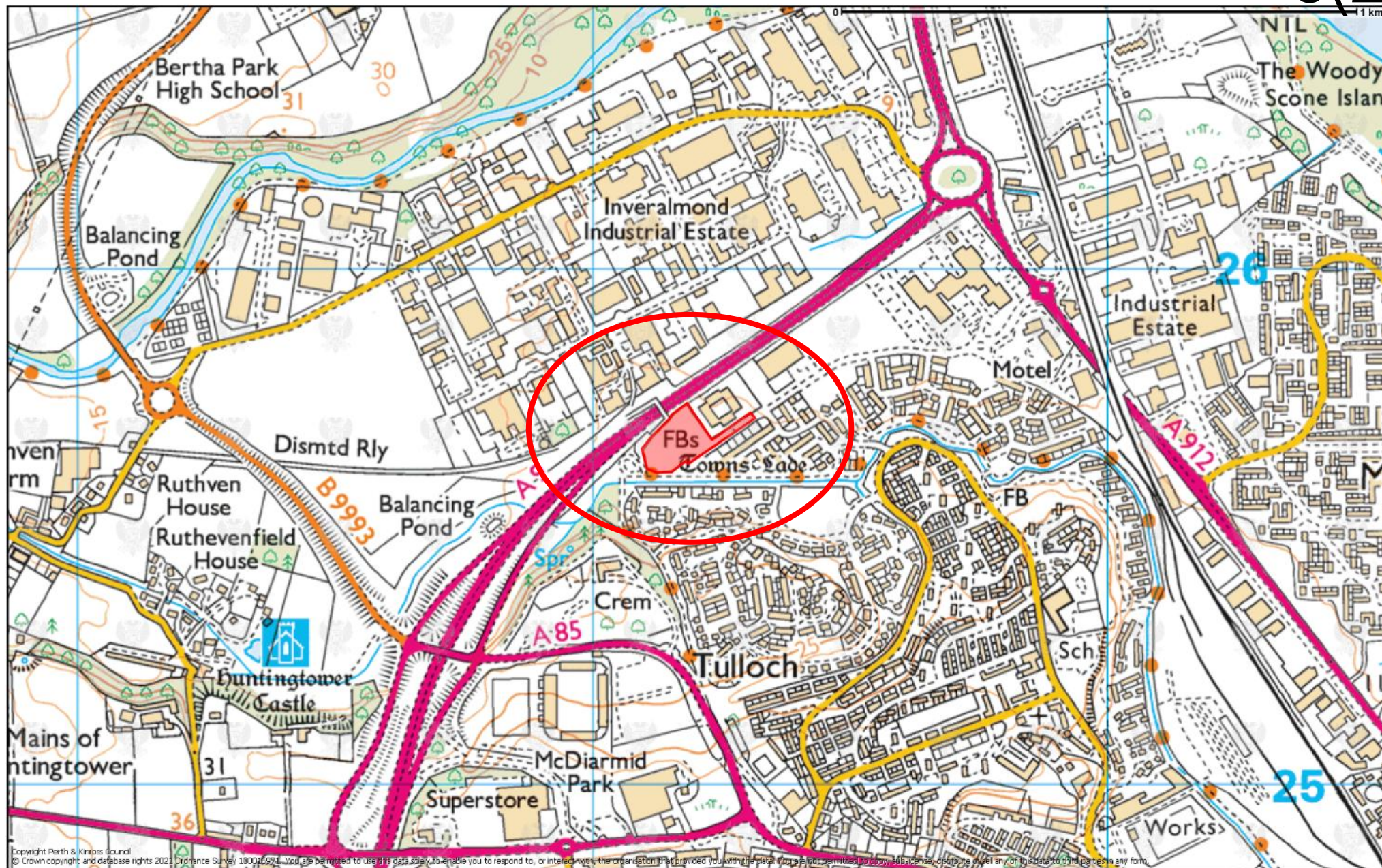
If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
---

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

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







© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



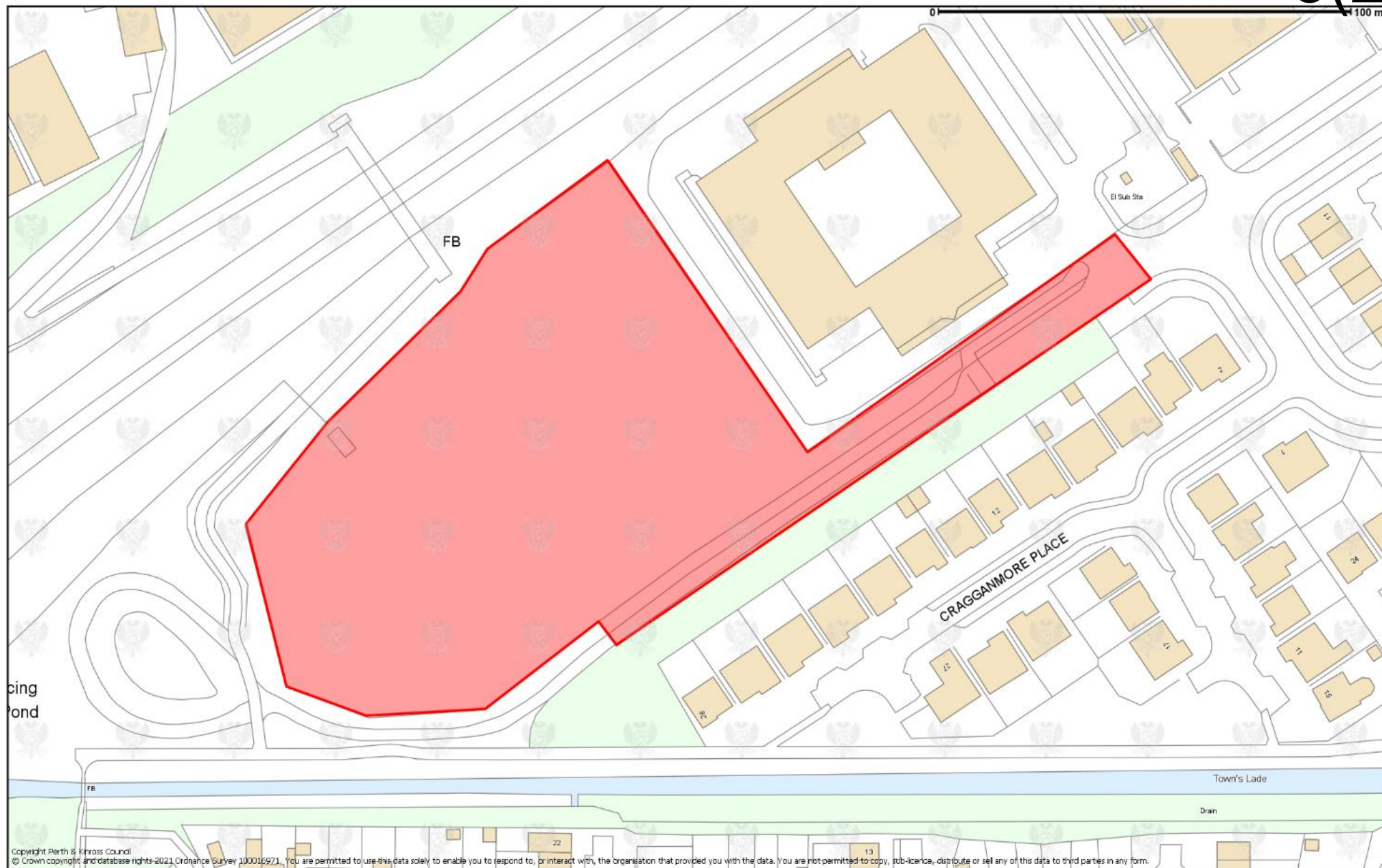
21/01106/FLL

Erection of 11 light industrial units and associated works - Land 90 Metres South West Of Woods Of Perth Limited, Auld Bond Road, Perth









© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:1250



21/01106/FLL

Erection of 11 light industrial units and associated works - Land 90 Metres South West Of Woods Of Perth Limited, Auld Bond Road, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Pre-Application Report by Head of Planning & Development (Report No. 22/7)

**PROPOSAL:** Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW

**LOCATION:** Land SE of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [21/00015/PAN](#)  
Ward No: P2 – Strathmore

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the formation of a battery energy storage system of up to 49.9 megawatts (MW) generation capacity with associated work and infrastructure. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 3 November 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in any planning application.
2. This PoAN seeks to formally establish a major development and specifically relates to proposed changes to the design of a proposal that received planning permission at the Planning and Development Management Planning Committee on 24 September 2019. The exact scale and design of the development will likely be indicative during pre-application discussions, but based on the description of the development, will be of a scale capable of supporting up to 49.9MW storage capacity, contained and accommodated by associated infrastructure.
3. Following the applicant requiring to amend the detail of the development, a request for a non-material variation to the planning permission was submitted to the Planning Authority. However, due to the extent and number of changes proposed, it was considered that the revised scheme materially varied from the extant permission and that a new planning application was required. It is also important to note that works have commenced on site and that these relate to the revised scheme now being proposed, rather than that previously approved.

As a result, following discussions between the applicant/agent and officers, works stopped in December 2021 and the site demobilised.

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

4. Due to the scale and nature of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening request is required to be submitted by the applicant or shall be screened at the time of a formal planning submission. For the extant permission ([19/00513/FLM](#)), it was concluded that EIA was not required.

## **PRE-APPLICATION CONSULTATION**

5. The Proposal of Application Notice 21/00015/PAN confirmed that two interactive consultation events were to be held. These took place on Wednesday 1 December and Thursday 16 December 2021 between 16:30 and 18:30. A public open day was also to be held at the development site on Tuesday 11 January 2022 between 10:00 and 13:00 for a general discussion about the proposal and to answer questions. The two online events were hosted on Microsoft Teams accessed via the [applicant's website](#). These online events included a live presentation and question and answer session. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **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 2014**

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. This is a statutory document and material consideration in any planning application. It 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.

### **The Scottish Planning Policy 2014 (SPP)**

8. The Scottish Planning Policy (SPP) 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
- Supporting Business and Employment: paragraphs 92-108
- Delivering Heat and Electricity: paragraphs 152-174
- Valuing the Natural Environment: paragraphs 193 – 218;
- Maximising the benefits of Green Infrastructure: 219-233
- Managing Flood Risk and Drainage: 254-268

### **Planning Advice Notes**

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- Update to the Climate Change Plan: 2018-2032 – Securing a Green Recovery on a Path to Net Zero (December 2020)
- Scottish Energy Strategy The future of energy in Scotland (December 2017)

## **LOCAL POLICY AND GUIDANCE**

### **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 2019.

### **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:

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

13. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

## **Perth and Kinross Local Development Plan 2**

14. The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

15. LDP2 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.”*

16. Within LDP2, the following policies are of particular importance in the assessment of this application:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 6: Settlement Boundaries

Policy 8: Rural Business and Diversification

Policy 15: Public Access

Policy 33: Renewable and Low Carbon Energy

Policy 35: Electricity Transmission Infrastructure

Policy 39: Landscape

Policy 41: Biodiversity

Policy 50: Prime Agricultural Land

Policy 51: Soils

Policy 52: New Development and Flooding

Policy 53: Water Environment and Drainage

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

Policy 60B: Transport Standards and Accessibility Requirements

### **OTHER POLICIES**

17. The following supplementary guidance and documents are of particular importance in the assessment of this application:

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Landscape Supplementary Guidance – 2020
- Renewable and Low Carbon Energy – draft Supplementary Guidance 2019
- Planning for Nature & Biodiversity – draft Development Management and Wildlife Guide (2021)
- Air Quality - Supplementary Guidance 2020

### **SITE HISTORY**

18. [16/02230/FLL](#) Full Planning Permission for Erection of switchroom facility and associated works. Approved On 9 March 2017.
19. [18/00016/PAN](#) Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment,



store, vehicular access, track and associated works. Accepted 6 February 2019.

20. [19/00513/FLM](#) Full Planning Permission Major for Formation of a battery storage facility, vehicular access and associated works. Approved On 24 September 2019.
21. 21/01186/FLL Request for Non-Material Variation in relation to the layout of 19/00513/FLM. Refused 16 July 2021.

## **CONSULTATIONS**

22. As part of the planning application process the following bodies would be consulted:

### **External**

23.
  - Scottish Natural Heritage
  - Scottish Water
  - Scottish Environment Protection Agency
  - R S P B
  - Perth and Kinross Heritage Trust
  - Dundee Airport
  - Coupar Angus and Bendochy Community Council

### **Internal**

24.
  - Biodiversity Officer
  - Strategy and Policy
  - Structures and Flooding
  - Community Greenspace
  - Environmental Health (Noise/ Odour)
  - Transport Planning
  - Development Negotiations Officer

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

25. The key considerations against which any application will be assessed include:
  - a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Cultural Heritage
  - f. Landscape
  - g. Water Resources and Soils
  - h. Impact on Agriculture
  - i. Air Quality

- j. Impacts from Construction and Operational Noise
- k. Transport Implications
- l. Flooding and Drainage
- m. Light Pollution
- n. Economic and Infrastructure impact (including renewable and low carbon energy and electricity transmission infrastructure)
- o. Assessment in relation to approved proposal and significance of the impact of the proposed changes

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

26. Should an EIA Report not be required; the following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Transport Statement/Assessment
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Habitat Survey
  - Sustainability Assessment
  - Noise and Light Assessment
  - Draft Construction Environmental Management Plan
27. If an EIA Report is required, the necessary topics within the assessment will be determined through the EIA Scoping process. This would likely include at least some if not all of the above.

## **CONCLUSION AND RECOMMENDATION**

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

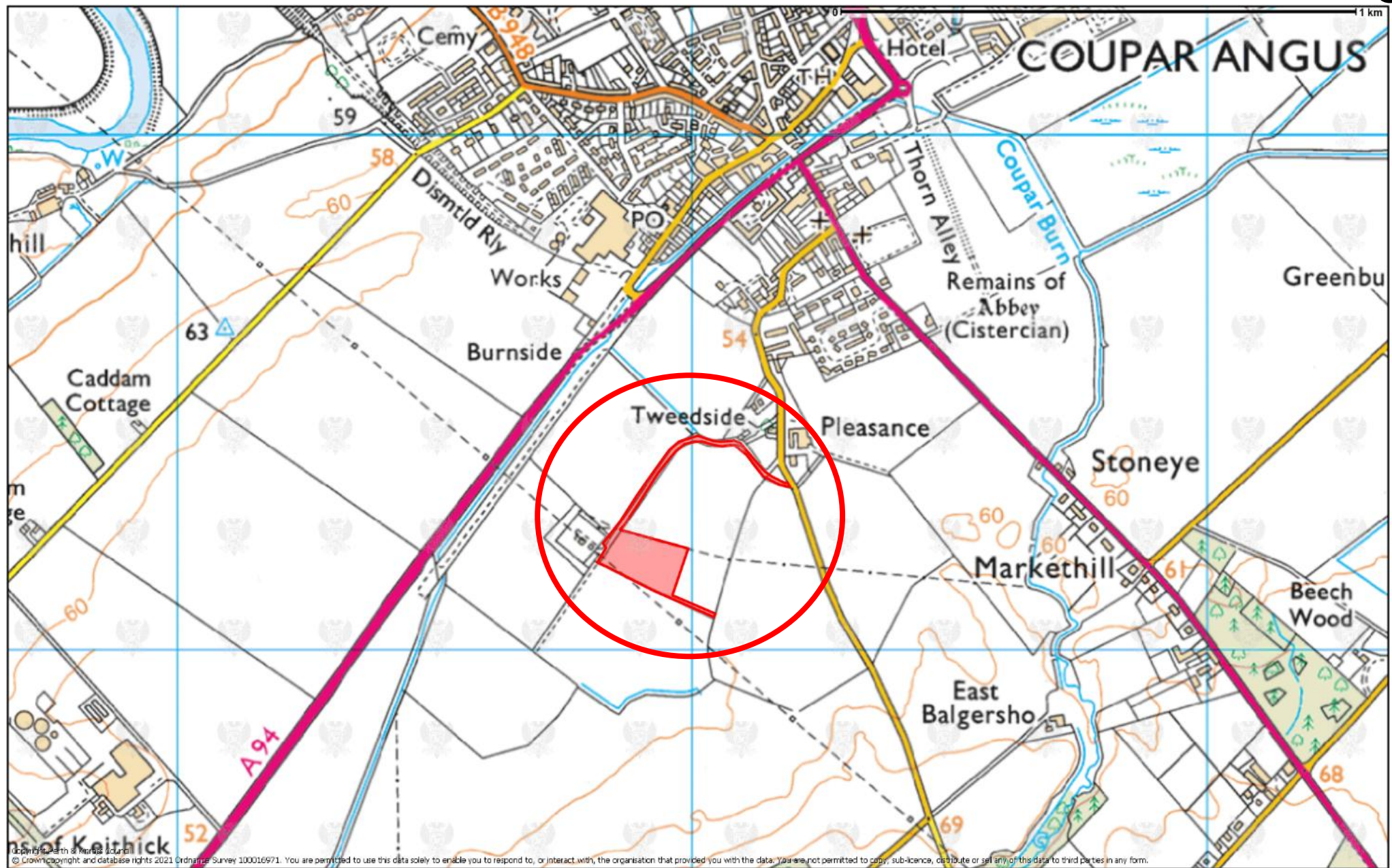
Background Papers: None  
 Contact Officer: Persephone Beer  
 Date: 6 January 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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

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

All Council Services can offer a telephone translation facility.



© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



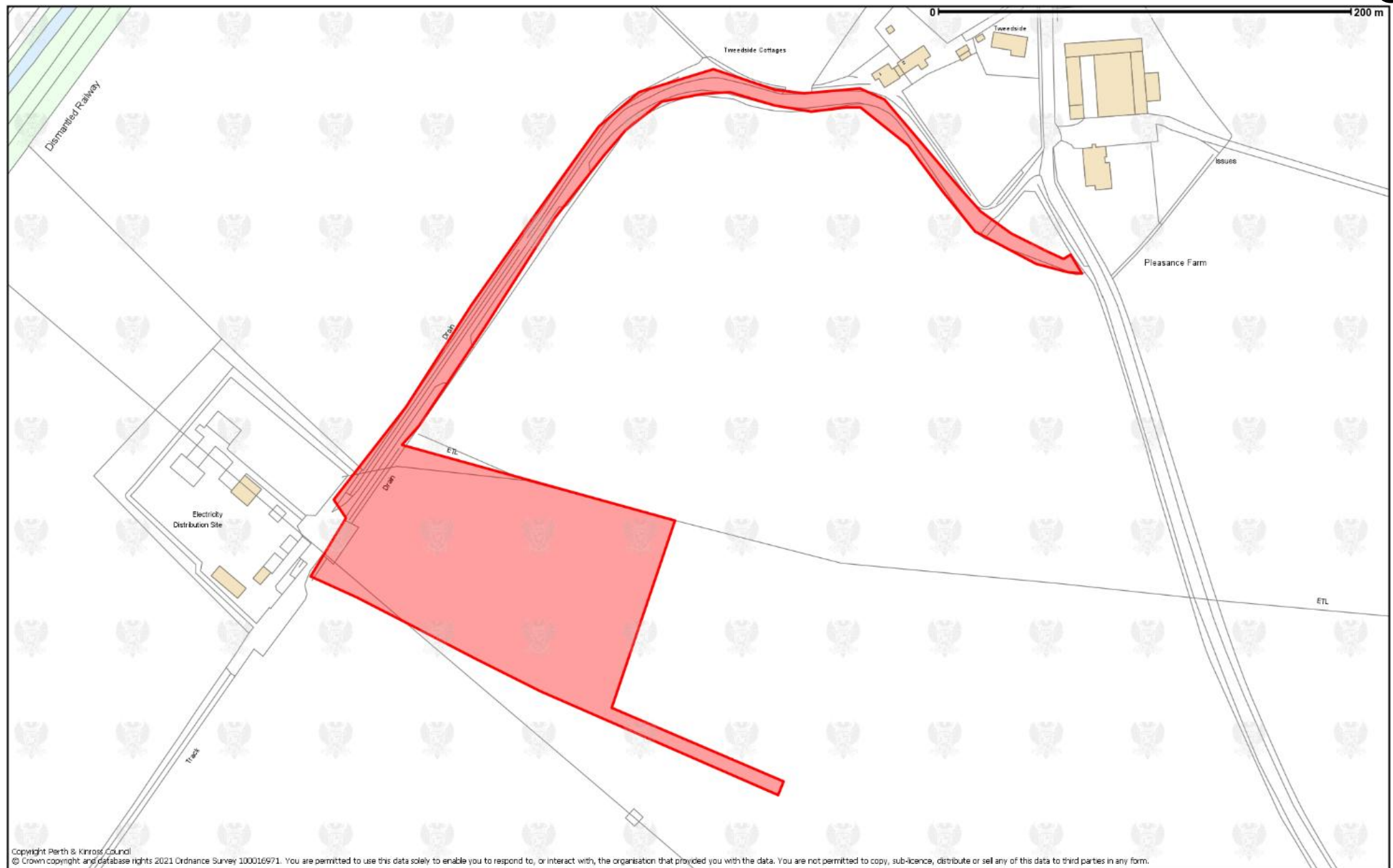
21/00015/PAN

Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW  
- Land 130 Metres South East Of Coupar Angus Substation Pleasance Road Coupar Angus









© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:2500



21/00015/PAN

Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW  
 - Land 130 Metres South East Of Coupar Angus Substation Pleasance Road Coupar Angus



