

Perth and Kinross Council
Planning & Development Management Committee – 29 August 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/264)

PROPOSAL: Erection of 117 dwellinghouses, garages and associated works (approval of matters specified in conditions 10/01360/IPM)

LOCATION: Land off Maple Place, Blairgowrie

Ref. No: 17/00961/AMM

Ward No: P3 - Blairgowrie and Glens

Summary

This report recommends approval of the matters specified in conditions (AMSC) application for a development comprising the erection of 117 dwellinghouses and associated works within zoned housing site H64, which sits within the Blairgowrie/Rattray settlement boundary, as identified in the Perth and Kinross Local Development Plan (LDP).

The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is situated in south western Blairgowrie, within and adjacent to a number of established residential areas and Blairgowrie Community Campus is located to the North West, across the road from an established residential area known as Moyness Park. The western boundary is defined by the stone wall of Blairgowrie Cemetery on Perth Road, with the boundaries to the south and east characterised by field boundaries and the playing fields off Piggy Lane. The following compositions of two-storey dwelling houses are proposed:
 - 20 terraced dwellings
 - 34 semi-detached dwellings
 - 63 detached dwellings
- 2 The site extends to 5.7 hectares (Ha) and is undulating in form, sloping from northwest to southeast with a watercourse running through the site forming a mini valley. The site is currently unmanaged, agricultural land with a hard core public access running down to Piggy Lane with open space, parking and recreational areas beyond.
- 3 The existing vehicular access into the site is via Berrydale Road to the north. A new road that would link Berrydale Road and Hazelwood Road, up to the land in control of the applicant, is proposed as part of the application proposals.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 5 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 6 A screening exercise was undertaken in association with planning application 10/01360/IPM, where it was found that EIA was not required by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development. This position has not changed at the AMSC stage.

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

- 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. 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

- 9 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.

- 10 The following sections of the SPP are of particular importance in the assessment of this proposal:

Overarching topic areas relevant to this application include:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Maintaining a 5-year Effective Land Supply 123 - 125
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219- 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291
- Annex B – Parking Policies and Standards

Planning Advice Notes

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage

Designing Streets 2010

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

National Roads Development Guide 2014

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

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.

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 16 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 17 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

Policy 2: Shaping Better Quality Places

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

Policy 8: Green Networks

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

Policy 9: Managing TAYplans Assets

- 21 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

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

Housing Land Allocation H64 – Blairgowrie

- 24 Identifies a residential site allocation for an indicative number of 85 residential units over the entire site area of 7.82 Ha with a number of site specific requirements outlined as follows:
- Construction of link road from Hazelwood Road to Berrydale Road.
 - A mix of housing types and sizes including low cost housing.
 - Wastewater Network Investigations may be required resulting in network improvements.
 - Enhancement of biodiversity.
 - Financial contribution to education provision in line with Supplementary Guidance.
 - Flood Risk Assessment and investigate potential for removing culvert.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

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

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

- 33 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution

towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

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

Policy NE2A - Forestry, Woodland and Trees

- 35 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

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

Policy NE3 - Biodiversity

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

Policy NE4 - Green Infrastructure

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

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

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

OTHER POLICIES

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 47 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development

Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.

- 48 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 49 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The allocation of site H64 continues to be identified as an effective site in the Proposed Plan. The Proposed Plan is, however, at a stage in the statutory preparation process where representations are sought. Any objection, together with the Council's response will be the subject of Examination, later this year, by a Reporter appointed by the Scottish Ministers. The outcome of the Examination can potentially result in modifications to the Plan. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. For the avoidance of doubt this proposal is the subject of objections.

SITE HISTORY

- 50 **10/00007/PAN** Residential development. PAN submitted for information 20 May 2010.
- 51 **10/01360/IPM** Residential development and associated works (in principle). Application approved at Development Management Committee 10 September 2014 (decision notice issued 12 September 2014).

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 52 Objected to the proposal initially. A suite of further information was subsequently provided, including information pertaining to suspensive condition 5 of the in principle consent. SEPA are now satisfied with the assessment of flood risk downstream, caveating that the removal of their objection is subject to acceptable arrangement being in place for the long term maintenance of the

SUDS pond and hydrobrake. SEPA are content to leave this to the Council to ensure no increase in flood risk occurs.

Scottish Natural Heritage (SNH)

53 No comments.

Blairgowrie and Rattray Community Council (BRCC)

54 Have objected to the proposal, setting out that the application is:

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion.

Perth and Kinross Area Archaeologist (PKHT)

55 No archaeological implications.

Scottish Water

56 Have no objection to the application. It is highlighted that there is sufficient capacity at both the Lintrathen Water Treatment Works and the Blairgowrie Waste Water Treatment Works.

INTERNAL

Contributions Officer and Affordable Housing Officer

57 No objection, subject to securing education and affordable housing contributions through a legal agreement. The developer has accrued 27 affordable housing credits from the neighbouring development at Blackthorn Place (application ref: 17/00838/FLM) which will be used to offset the physical requirements for this application. The remaining 2.25 credits are to be secured through a financial contribution.

Environmental Health

58 Noted the position of the application being for matters specified and already benefits from an in principle consent. One outstanding concern is raised concerning the proposed pumping station forming part of the drainage requirements but remain satisfied that this can be appropriately addressed through attaching a suspensive planning condition.

Community Waste Advisor

59 No objection, setting out that the developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds

maintenance. Particular note should be taken of the requirements for manoeuvring refuse collection vehicles. For the wider development, a mini glass recycling point to complement kerbside recycling services is requested.

Strategy and Policy

- 60 A comprehensive response was provided, setting out a policy position in relation to land use, layout and density, site specific developer requirements and the current status of LDP2. The comments set out acceptance that the proposals remain consistent with the current LDP and the Proposed LDP2. Clarification was also given that, while the continued allocation of site H64 in LDP2 had received three public comments seeking its removal, the status of the in principle planning consent cannot be challenged as part of the Proposed Plan Examination.

Transport Planning

- 61 A Transport Assessment (TA) was requested to support the application. The TA, and the later addendum assessing the scenario of a link road not being provided, have been reviewed and are considered to provide a comprehensive and robust analysis of the proposal. Parking was fully assessed and is confirmed to provide adequate parking through a mixture of both on and off-street parking for residents and unallocated bays for visitors. No objection to the proposal, provided conditions in respect of pedestrian and traffic safety are attached to any permission.

Structures and Flooding (SF)

- 62 Initial comments sought additional clarification in respect of the detailed design elements of the drainage system. On review of subsequent information provided, the team confirm that the proposal satisfies the terms of the In Principle consent and they have no objection.

Biodiversity Officer

- 63 The ecological survey is considered to be adequate. It was however noted that the initial submission did not have detailed landscape plans and omitted to have a supporting tree report. These items have since been addressed. Overall no objection is raised; however, conditions are recommended to address timeframes, construction phases and drainage engineering solutions in relation to known amphibian activity. A recommendation is made that nesting and roosting opportunities for particular species of birds and bats respectively are integrated into a proportion of properties.

Community Greenspace

- 64 Originally set out the lack of a detailed landscape plan, including planting, trees, play area and paths. Through the review of subsequent submissions, whilst not objecting formally to the detail, follow-up responses have commented on the appropriateness of the identified location of the proposed formal play area. Final comment confirmed the team were satisfied with the position of the

detailed landscape plan, including planting specification and the specification of the proposed play area equipment.

REPRESENTATIONS

65 The application has attracted 25 letters of representation with 1 general comment and 24 letters of objection (including comment from Blairgowrie and Rattray Community Council as set out above):

- Contrary to Development Plan.
- Adverse effect on visual amenity, including associated building heights.
- Overdevelopment and inappropriate housing density.
- Light, noise and air pollution.
- Impact on existing open space, recreation space and playpark provision.
- Loss of trees and impact on biodiversity.
- Lack of landscape buffer between existing and proposed properties.
- Out of character with area.
- Enhances character of the area.
- Road safety, traffic generation and parking concerns including inability to link with Hazelwood Road.
- Local infrastructure cannot cope.
- No associated employment provision.
- Flood and surface water drainage concerns.
- No affordable housing element.
- No public consultation.

66 The material planning concerns raised are summarised and salient points are addressed in the Appraisal section of the report. The following concerns identified are not material considerations:

- Shared boundary issues and logistics of maintenance of boundary fence.
- Damage to wall and house from motorised vehicles.
- Socially divisive with neighbouring site.
- No market for additional housing.

67 Subsequent to the closing of representations, a 500 plus signed petition was recently submitted, which includes a plea to resist further development in both Blairgowrie and Rattray with specific reference to this site. The petition has been acknowledged but does not in itself count as formal representation.

ADDITIONAL STATEMENTS

68

Environment Statement	Not Required
Screening Opinion	Previously undertaken
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted, Design and Access Statement, Flood Risk and Drainage Assessment, Transport assessment, Biodiversity Assessment, Tree Survey and Detailed Landscape Plans.

APRAISAL

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

Principle

- 70 As advised, the application site is allocated in the LDP for residential development through Site H64 in Blairgowrie, which identifies an indicative number of 85 residential units within a total site area of approximately 7.2 Ha. The site benefits from In Principle permission (IPM) (10/01360/IPM).
- 71 Concerns were expressed in representations in respect of the number of houses proposed and the associated density of development being sought on the site. It is considered appropriate to clarify at this stage that the housing numbers reflected in the site allocation is purely an indicative figure, originally identified as a means to satisfy housing land supply requirements for the housing market area and the wider LDP housing numbers. This number does not reflect a fixed or upper site capacity; the assessment of the site in terms of scale and density of development is borne out of detailed site layout designs, landscape capacity studies and wider site context appraisals, including environmental constraints such as noise impact. Fundamentally, the intended outcome is to seek a high standard of development, influenced by detailed site

assessments and design input, rather than being constrained by a specific housing number. This information has been submitted in support of this application and these matters will be further considered in the Design, Scale and Layout section below. Notwithstanding this assessment, the principle of residential development does comply with Development Plan policy.

- 72 Following the granting of the IPM, it has become even more apparent in response to the post-recession housing market and associated demographic shift, that there is an increased demand for smaller and lower cost dwellinghouses to serve the first time buyer, and elderly market downsizing. Accordingly, the house types and overall density are welcomed.

In Principle Conditions

- 73 As this is an AMSC application, it is fundamental to ensure that the application complies with and addresses any specific conditional matters attached to the In Principle consent.

Design, Scale and Layout

- 74 The layout is considered to work well with the site characteristics and responds well to surrounding built development. A higher density of terraced units is proposed next to the school, with lower density house types and plots further south and west. As mentioned, a number of revisions have been submitted by the applicants in refining the layout in terms of plot sizes, dwelling orientation/positioning, detailed landscaping and rear garden grounds to ensure compliance with LDP placemaking and design policy.
- 75 The layout includes a logical movement hierarchy with perimeter blocks, courtyards with parking to the rear and a crescent. In the main, the layout seeks to avoid cul-des-sac style development and maintain movement patterns, consistent with designing streets and LDP policy requirements. The built areas are supplemented by open space and blue and green networks which are assessed in detail under Landscape, Visual Amenity and Open Space provision below.
- 76 As previously set out, concern was expressed in representation about the density of the site and perceived overdevelopment, along with development being too high in form. The density of the development is not in itself a determining factor for assessing the acceptability of these proposals, but is interrelated with other design considerations such as impact on residential amenity. The site extends to 5.7 Ha and based on the proposed number of units (117), represents a development density of approximately 21 dwellings per Ha. This is considered to reflect a medium-scale density and certainly not indicative of site overdevelopment. LDP2 sets out a capacity range of 94-148 units for the overall 7.82 Ha site allocation. The remaining 16% site area allocation would therefore indicatively allow for up to 31 units of the (upper) capacity available for development on this portion of the allocation; equating to approximately 20% of the overall proposed allocated numbers. This is considered appropriate and proportionate.

- 77 The design of the dwellinghouses are consistent in style to neighbouring residential dwellings, two-storey, with 14 house type variations altogether. Sizes range from 70 square metres (sqm) 2 bedroom dwellinghouses, to a 140 sqm 5 bedroom dwellinghouse, representing a good range as required by IPM Condition 7. In terms of plot specifics, refinement was agreed between the Planning Authority and applicant to ensure minimum under build, maximise rear gardens and appropriate boundary treatments in line with PKC policy and guidance.
- 78 The material finishes, include a mixture of rendered and brick walls, concrete roof tiles and dark grey windows and doors giving it a contemporary flavour. This material palette is considered appropriate within this site context and typical of the area.
- 79 The proposed layout and dwellinghouses proposed are considered to provide a reasonable level of garden ground, commensurate with neighbouring properties and in line with LDP draft placemaking standards. Taken as a whole within the wider site context, the proposed design, scale and layout is considered to be acceptable and correspondingly in accordance with LDP policy. In respect of other considerations, the site has good accessibility to nearby services and recreational facilities.

Roads and Access

- 80 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 81 In direct association, IPM Conditions 1 and 4 require that all matters regarding access, car parking, road layout, design and specification are satisfactory for Council adoptable standards. IPM Condition 6 relates to the LDP development requirements, seeking a link road connection between Hazelwood Road and Berrydale Road (via Elm Drive) to the Council satisfaction, available for use within an agreed timescale.
- 82 The applicant has submitted a Transport Assessment (TA), with a later addendum, in support of the application, which considers the site, its context and layout and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility. The concerns within representation in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment. The TA, including the addendum (Plan ref 17/00961/113) is considered to provide a robust assessment in all respects, modelled against the Council's Blairgowrie traffic model. The modelling was applied under both scenarios of no link road and the proposed new link road from Elm Drive to Hazlewood Road. The results of this modelling showed that the existing transport network, without the link road, could adequately absorb this extra traffic, with an acknowledged optimal solution achieved through the proposed link road. Further assessment on specific aspects of the transport impacts are addressed below.

- 83 With regards to the associated concerns about parking, the proposed parking provision was reviewed against current guidelines. The Planning Authority is satisfied that the level of parking provision proposed by the applicant is in accordance with current guidelines and constitutes an adequate level of provision.

Link Road

- 84 Further assessment and review was undertaken in relation to the provision of the link connection in terms of the requirements of the TA, the terms of the In Principle consent and the original developer requirements set out in the LDP. In addition, specific reference had been made to the link road by the neighbouring land owner, stating that the applicant is unable to make the final 3.7m connection as a result of the associated ransom strip beyond the red site line boundary.
- 85 The provision of the link road has been a long held Local Plan/LDP objective. For context, this stems from the initial concept for the Beeches South development, which sits to the north of the application site. This major site (240+ houses) for the southern expansion of Blairgowrie was the subject of a development brief in the 1980s. It is clear from this brief that the requirement to develop a road to the southern boundary was ultimately to facilitate a through connection from Coupar Angus Road in the east to the Perth Road to the west of the site. This is emphasised in the 1997 Local Plan for the area which notes for the Beeches South development a requirement for a distributor road to the southern boundary of the site “to enable a connection to the Perth Road via H7 at a future date”.
- 86 The Adopted Local Development Plan 2014, in identifying this and associated strategic sites, sought to further facilitate this long term aspiration of an east/west link road to provide enhanced connectivity within the settlement.
- 87 It is highlighted that the development of a road to the applicant’s ownership boundary, as required by Condition 6 of the IPM permission, does leave an impediment to the completion of the link for a completed distributor road in the form of a 3.7m strip between the application site and the boundary of the adopted Hazelwood Road. The development off Hazelwood Road (referred to in the 1997 Local Plan as site H7) was developed out in the late 20th and initial decade of the 21st Century. At that time the Planning Authority had required what is now Hazelwood Road to be constructed up to the eastern boundary (the common boundary with LDP Site H64) through a Condition attached to a reserved matters application (Ref: 03/01548/REM). The developer appealed this condition (through an application submitted to delete it – PKC reference: 04/00170/FULL). This appeal was granted by the Reporter on 21 July 2004 (appeal reference: P/PPA/340/342), thus creating the 3.7m strip on the basis that the adjoining land forming this application site was not allocated for development and therefore not obliging the applicant to construct the road to the site boundary merely to ensure that this opportunity was not compromised by the development of this site..
- 88 As previously set out, the TA addendum demonstrates that the proposed development of 117 units can be adequately accommodated within the existing road network, without the provision of a link through to Hazelwood Road from

Elm Drive. As expected, the inclusion of the link road was confirmed to improve the distribution of vehicle movements overall.

- 89 Reviewing the terms of the IPM consent, and specifically Condition 6, it was acknowledged that the link road up to the boundary would satisfy the specific terms of the IPM consent (10/01360/IPM). The condition also further sets out that the new link road should be incorporated at an agreed time. In this regard, it was considered necessary and prudent to require the link road, up to the edge of the site boundary with Hazelwood Road, to be built out and adopted at the earliest opportunity. A phasing plan is requested to address this requirement (Condition 2), which will require that the identified road section must be completed to an adoptable standard within 3 years of the commencement of the development. This was considered both competent and in the spirit of the associated suspensive condition.
- 90 Given the inability to pursue the physical completion of the link through the current application, other avenues were explored to secure the completion of the link road in association with LDP objectives. A review of the wider site area and the proposals of LDP2 were undertaken and consideration was also given to the neighbouring landowner's representation to this application. It was clear from the nature and terms of the representation that there was little prospect of success from the applicant entering into discussions with the neighbouring land owner regarding the provision of the final link across the remaining 3.7m strip. Fundamentally, discussion and negotiation of any access or sale would be a private civil matter between both parties. As set out, the applicant is obliged and is committed to providing the link road up to the boundary of this site no later than 3 years from the commencement of development. In addition, the applicant has offered to meet financial costs for the constructing of a road link over the final 3.7m strip. These infrastructure costs (capped at £15,000) are to be secured through the S75 agreement, ring-fenced and time restricted for a maximum of 10 years. This funding is to meet or assist in delivery of the final section of the link road in the event the Council were in a position to deliver the final link.

Wider H64 Site

- 91 Beyond this road link, consideration of the remaining H64 allocation (2.34 Ha) not subject of this application has also been given in the interest of proper planning and to ensure the development of this part of site H64 does not undermine LDP objectives for the whole site being deliverable. Of the 2.34 Ha remaining, approximately 1.27 Ha has been identified as a developable area (with the remainder identified as indicative landscaping). As developable area therefore, the remaining site area is approximately 16% of the overall 7.82Ha allocation, with 31 units of the remaining (upper) capacity available for development on this portion of the allocation, equating to approximately 20% of the overall proposed allocated numbers (for context LDP2 sets out a capacity range of 94-148 units), which is considered realistic. Proportionally therefore and in the context of the LDP and TA supporting this application, it is considered reasonable and appropriate to require the final 3.7m portion of the link road to Hazelwood Road to be achieved through the delivery of the remainder of the H64 allocation.

- 92 In order to avoid an identical scenario occurring between the land under the applicant's control to the remaining portion of site H64 to the south, it is proposed that the applicant must provide a road link up to this boundary, ensuring no potential 'ransom' strip occurs within this application site (Condition 2). The requirement of providing the link road up to the point of the site boundary is correct and proportionate in respect of the delivery of the remaining part of the H64 site and, indeed, the wider LDP strategy.
- 93 Subject to the satisfaction of proposed planning Condition 2, requiring phasing and commitment for early delivery of the link road up to the boundary, alongside contributions to physically enable the construction of the link road immediately beyond the boundary and compliance with associated Roads Construction Consent, the proposals are considered to comply with the requirements of LDP policies TA1A and TA1B.

Core Paths, Pedestrian and Cycle Routes

- 94 A promoted and well used path (core path BLAI/22 which is also a right of way (17/22) Blair Muir Path) known locally as Piggy Lane runs along the south east boundary of the site between the site and the playing fields. Community Greenspace recommended that this should be upgraded to multiuse standard to cope with additional demand. Whilst not competent to directly require this through planning condition, the applicant has suggested that this may take place as part of the construction phases anyway to ensure public access betterment. A phasing plan is recommended in Condition 3 and requirement for a CEMP (Condition 14) which will jointly assist in ensuring that public access to the core path/right of way and open spaces beyond remains accessible at all times during the construction phases.
- 95 Overall, the provision identified is considered to comply with the site specific requirements in relation to public access being maintained and enhanced. It is also consistent with LDP policies TA1B and CF2 in this regard.

Residential Amenity

- 96 The relationship between the existing properties on Maple Way and the proposed properties is a consideration in terms of amenity in terms of daylight/sunlight and overlooking. The assessment demonstrates that there would not be any adverse impact in either regard with the rear window to boundary distance of the proposed units consistently in excess of 9m and the proposed dwellings to sit below the existing units on Maple Way. Overall, it is considered that the proposed residential units would not adversely impact on overlooking through either the proposed or existing dwellings. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties, both existing and proposed as set out by Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – a guide to good practice (1991)'.

Light

- 97 Light pollution was raised as a concern from objections. Whilst no specific details are provided at this stage, appropriately submitted under the Roads Construction Consent (RCC), it is anticipated that the required street lighting will be undertaken in line with current and best practice to minimise light pollution and light spillage. It is however acknowledged that through the nature of the development proposed, man-made light is a given and external light pollution from individual properties cannot be prescriptively controlled through the planning process. Such a degree of change is expected and accepted from allocated housing sites within a settlement boundary.

Air

- 98 Air pollution was identified as a general cause of concern through representation. Other than potential dust/airborne pollution as a result of the construction elements, which will be controlled by proposed Construction Environmental Management Plan (CEMP) Condition 14, there is no associated air pollution concern identified by the Environmental Health team in this regard.

Noise

- 99 Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protect proposed noise sensitive land uses from sources of unacceptable noise. Concern from noise was highlighted in representation. A degree of noise during construction is expected. To assist the protection of amenity for nearby residents, it is proposed to restrict the hours of construction to achieve further mitigation in this regard through proposed planning Condition 10. Similarly, the management of construction traffic is also proposed to be addressed in the interest of pedestrian and road safety and residential amenity (Condition 14).
- 100 There is also anticipated to be some background noise from a pumping station associated with the required drainage proposals. It is proposed to address this element via suspensive Condition 11, controlling plant and equipment to operate within prescribed noise ratings during certain times of the day. There are no other significant generators of noise associated with the proposals. Having regard to the mitigation measures proposed through conditions, there are no concerns regarding conflict with LDP Policy EP8 in respect of noise.
- 101 Overall, the policy criterion for Policy RD1 has been satisfied. A reasonable level of amenity for the new residents has been catered for, causing no unacceptable impact on the amenity of occupants of nearby properties.

Landscape, Visual Amenity and Open Space provision

- 102 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.

- 103 A number of representations cite the loss of this area of land as open space, which has been informally used for recreation and benefitting ecology. It also provides the only dedicated access down to Piggy Lane asserted right of way (17/22) / core path (BLAI/22) and beyond to the associated playing fields. This area is not classified as open space in the LDP and instead forms part of the allocation housing site (H64).
- 104 The layout and associated scale of development proposed raises no concerns in terms of landscape fit or in relation to the site landscape capacity. The assessment of visual impact is restricted to impacts on built form and not any loss of view to existing residential properties, which is not a material consideration. Within the site, a wetland corridor with integral pedestrian access route has been identified, which is consistent with LDP requirements.
- 105 Detailed landscaping plans have been submitted, which include planting specifications and details of the neighbourhood equipped play area equipment. Community Greenspace, who will be the future custodians of these facilities, are satisfied with the proposal submitted.
- 106 Community Greenspace team had requested that a contribution towards a synthetic pitch at Piggy Lane should be pursued. This requirement was not identified at the time of the IPM application and fundamentally it is not appropriate to pursue this at the matters specified stage. The applicant also clarified they would not unilaterally propose this if it was not a requirement of the extant permission. Community Greenspace expressed reservations about the proposed location of the formal play area. This location is however considered acceptable as it serves the residential neighbourhood, whilst being closely tied with the wider open space at Piggy Lane. The detailed landscape proposals and play park equipment are also considered satisfactory by Community Greenspace.
- 107 Overall there are no concerns in respect of the landscape or visual impacts of the development. The loss of this unmanaged area is not considered detrimental to existing amenity. The proposed development integrates well within its wider site context, including the provision of a wetland landscape corridor and provides good connections to wider services such as parks and other open spaces, providing adequate open space within the site itself and a dedicated equipped play area, serving the wider residential area. This is considered to satisfy the site specific LDP requirements of allocation H64 and Policy ER6, including an enhanced access to Piggy Lane recreational facilities.

Trees

- 108 A Tree Report was submitted in February 2018, following a formal request for the missing information. Twenty two trees or tree groupings were identified and inspected overall. Of these trees, most were on or around the boundary edge with the cemetery and not all within the site itself. Fundamentally, there are only a handful of fully established trees on the site, and of those they are categorised in the tree report as being of low value as set out in the tree report. There is adequate compensatory tree planting proposed within the detailed landscape plan.

- 109 Protection of existing trees, particularly in the cemetery and other sites not within the red site line boundary are proposed to be protected via the approval of the tree report and through associated proposed Condition 13.

Natural Heritage and Biodiversity

- 110 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development. The Council has an obligation to protect and enhance all wildlife and wildlife habitats and consider whether the development would be likely to have an adverse effect on protected species.
- 111 An Ecological Walkover Survey Report was included with the application, identifying the different habitat types found on the site and recommending further survey work for bats, great crested newt and nesting birds. This would be adhered to through compliance with proposed Condition 4.
- 112 Two trees are identified as having moderate bat roost potential with no direct evidence of bats being present at the time of survey. Given the roost potential; it is recommended that these trees are surveyed prior to work being carried out on them as set out in proposed Condition 4. There are also scrubby trees (including willow) along the line of the watercourse and a mature beech tree adjacent to the cemetery at the west side of the site.
- 113 No tree survey was initially included, but as previously mentioned, was followed up to be competently included. The tree survey identified a minor loss across the site with subsequent compensatory tree planting proposals provided in the detailed landscape proposals. The site layout suggests all trees and scrub will be cleared. This has the potential to impact on birds, if carried out during the bird nesting season of March to August, and bats should they be present. To address this potential, a planning condition is recommended as part of any approval (Condition 5).
- 114 Potential exists for native tree and shrub planting to create green corridors linking the existing pond, the SUDS and the natural area beside the existing playing fields. It is welcomed that these linkages are incorporated within the detailed landscape proposals.
- 115 The proposals also offer opportunities to incorporate nest and roost boxes in new buildings, which is recommended as a Condition (Condition 7).
- 116 Subject to the recommended planning conditions discussed above, the proposals satisfactorily address the requirements of Policy NE3.

Drainage and Flooding

- 117 LDP Policy EP2 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Policy EP3C requires all new development to employ SUDS measures. In line with regulations, when the development exceeds 50 dwellings, a minimum of two

levels of SUDS treatment will be required, proposed to be provided in a variety of forms. IPM Conditions 1, 4 and 5 directly and indirectly seek to ensure appropriate drainage and flooding consideration is in place for the detailed proposals to be supported.

- 118 In respect of flood risk the applicant has submitted detailed assessments on flooding and drainage proposals with relevant consultation undertaken through both SEPA and the Council's SFT. Following the review of the initial submission, both SEPA and SFT still had concerns, requiring further detailed information and clarification, with the site a known risk from both flooding and surface water drainage. Further detail was submitted in May of 2018 and both SEPA and SFT now consider the assessment demonstrates the required detail and mitigation measures. Supplementary information was also provided, which SEPA has not objected to, deferring the matter back to the Council as the responsible authority. Structures and Flooding are content that there is no flood risk associated with these measures.
- 119 One requirement of the LDP allocation was for the applicant to investigate the potential to remove a section of culvert. This matter was raised by the Community Council in their representation. This was reviewed as part of the submission, with the agreed conclusion from the Flood Authority that opening up this section of culvert would potentially increase downstream flood risk and with no positive outlet at the end of the system. This was therefore not supported as a result.
- 120 In summary, subject to recommended conditions to secure the delivery of the detailed drainage and flooding measures, the proposals are considered to satisfy the both the conditions of planning consent 10/01360/IPM and requirements of LDP Policy EP2 and Policy EP3C in respect of flood risk and surface water drainage.

Waste Services

- 121 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. It is recommended that mini glass recycling points are integrated within the site by the developer, which is addressed via proposed Informative 11.

Affordable Housing

- 122 In association with IPM Conditions 1, 3 and 7, appropriate regard must be given to the housing stock on site including the mix of tenure. More specifically, LDP Policy RD4 requires that 25% of the total dwelling houses on a site, above a threshold of 5 units, for which planning consent is being sought, to be provided in the form of affordable housing.
- 123 On this occasion, the affordable housing requirement for this site has been calculated as 29.25 units (117 X 25%). The applicant has accrued 27 Affordable Housing Credits through the neighbouring residential site at Blackthorn Place (Planning reference 17/00838/FLM), with those credits being used to off-set the required contributions for this site. The site at Blackthorn Place is directly across

the road from this application site and is interrelated in association. The remaining 2.25 Affordable Housing units are proposed in the form of commuted sums which can be secured through a S75 legal agreement. This approach is considered to be acceptable.

- 124 The proposals are considered satisfactory in terms of the affordable housing element and comply with the terms of LDP policy RD4.

OTHER CONSIDERATIONS

Phasing

- 125 The requirement for phasing details, setting out the delivery of the site, including the provision of the link road to the site boundary and the ongoing relationship and requirement to maintain a public access link with Piggy Lane has already been mentioned. These matters are proposed to be addressed through proposed Conditions 2 and 3.

General Practitioner (GP) Capacity

- 126 The capacity of GP practices in Blairgowrie has been raised as a concern from some of the representations received. There have, however, been no direct comments received from the affected practices in this regard. In addition, this site forms part of an allocated housing site of the adopted LDP, which has been subject to consultation with NHS Tayside with no adverse comments raised. There are therefore no founded concerns in respect of local health service capacity.

School Capacity

- 127 The ability of the local schools to accommodate the additional residential development has been raised in several letters of representation. In accordance with Council Policy, developer contributions are being sought in relation to this development towards any required school expansion infrastructure. This is considered an appropriate means of addressing the impact of the development. In a matter related to schooling, the applicant has offered to facilitate a drop-off area in association with an adjacent site (planning consent 17/00838/FLM), to assist in alleviating traffic build-up and parking issues during peak school drop off and pick up times. This was not a planning requirement but is welcomed as a community benefit to address local concerns and is currently being worked through with the Council Roads Department.

Developer Contributions

128 In association with IPM Condition 2 and LDP Policy PM3, a legal agreement will be required to secure infrastructure associated with site H64 and related contributions. Matters to be secured and covered within the S75 are identified below under the following topic headings as per the agreed heads of terms:

- Affordable Housing
- Primary Education
- Open Space/Play Facilities & Maintenance
- Link Road contribution

Economic Impact

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

LEGAL AGREEMENTS

130 A Section 75 Legal Agreement will be required to be drafted in relation to the matters set out in the developer contribution section set out above. The Heads of Terms have already been agreed by the applicant as set out in the Planning Processing Agreement.

DIRECTION BY SCOTTISH MINISTERS

131 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

132 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

133 In this case the application seeks permission for the erection of 117 houses on an allocated housing site, benefitting from in principle consent, within the settlement boundary of Blairgowrie. This complies with LDP policies in respect of development within a defined settlement boundary.

134 Overall, it is considered competent and compliant with the key principles of the LDP and the terms of the IPM and is recommended for approval. Account has been given to the matters raised in representation and these have been

addressed in the appraisal above. There are no material considerations which would warrant a refusal of the proposal.

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

A 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 development a detailed Construction Phasing Plan and Access Strategy for the site shall be submitted for further written agreement by the Council as Planning Authority. Notwithstanding the Site Plan approved (ref: 17/00961/97), the Phasing Plan shall identify:

- a) an early commitment of the delivery of the link road, extending Elm Drive towards Hazelwood Road, up to the western site boundary, no later than 3 years from the commencement of development (from the date on the NID) and;
- b) a scheme for the delivery, including timescales, for a road that links from the site up to its southwestern boundary that allows a connection with the remainder of Site H64, as allocated within the Perth and Kinross Local Development Plan 2014, to be made.

The associated Access Strategy shall set out practical means and measures of maintaining constant public access to recreational facilities on land beyond Piggy Lane at all times. The approved phasing plan and access strategy shall thereafter be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of ensuring the link road is delivered and adopted up to the site boundary at the earliest opportunity and to ensure public access across the site is reasonably achieved at all times.

- 3 In association with Condition 2, no development shall commence until a Detailed Delivery Plan confirming the phased delivery of landscaping (public open spaces and tree lines) and construction works (incorporating routes and construction phasing for dwellings and location of any site/construction compounds) within the site has been submitted for written agreement by the Council as Planning Authority. Once approved, the development shall be

implemented in accordance with the delivery plan 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 The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phases of development.

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

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

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

- 6 All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) basin shall have 'wildlife kerbs' installed adjacent to the gully. The details, including timing, shall be submitted to the Council as Planning Authority for approval and installed thereafter in accordance with the approved detail.

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

- 7 The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 50% of all 2 storey properties prior to occupation to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

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

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

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

Reason: In the interests of road safety and environmental quality; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

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

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

- 11 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.

- 12 The detailed landscaping and planting proposal specification as approved (Plan reference 17/00961/101 and 17/00961/103) shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan (associated with condition 3) and thereafter maintained to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

- 13 Prior to the commencement of any works on site, all trees identified for retention on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 14 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage

Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

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

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

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

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

Consent shall not to be issued until a Section 75 Agreement relating to developer contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

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

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The 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 Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 11 The applicant is recommended to incorporate a mini glass recycling points in an appropriate location within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points

over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team. Further, The Environment Service Operations may request communal bins for the flatted properties; it is recommended that the developer make contact with the Community Waste Team to discuss this further.

Background Papers: 25 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 16 August 2018

**ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER**

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