

Perth and Kinross Council  
Planning & Development Management Committee – 16 January 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/8)

<b>PROPOSAL:</b>	Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A)
<b>LOCATION:</b>	Land north east of Stewart Milne Homes, Hunter Street, Auchterarder

Ref. No: [18/01592/AMM](#)  
Ward No: P7- Strathallan

**Summary**

This report recommends approval of the application for the erection of 12 dwelling houses, as the development is part of an allocated housing site, which benefits from an extant in principle permission. The proposals are considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site, which extends to 0.56 Hectares (ha) is situated on the north-eastern settlement edge of Auchterarder, forming part of a wider area originally identified as part of the Auchterarder framework for the northern expansion of Auchterarder. In principle permission 16/01809/IPM exists, covering the site, which is also covered by an associated Section 75 legal agreement. This site has been referred to as phase 3A, intended to be built out, alongside phase 2 (subject of tandem planning application 18/01591/AMM for 116 dwellinghouses) to front onto the high side of the spine road from the north; referred to as Benton Road following adoption. The spine road is currently only partly adopted and open for public use, covering the areas occupied by phase 1 to the west, linking up with Hunter Street and is currently not a through route. The layout provides pedestrian and vehicular access routes to future phases. In line with the submitted design statement, the application has purposefully been submitted in tandem with phase 2 application 18/01591/AMM to seek to establish a new street frontage on both sides of the spine road, allowing it to be made up to an adoptable standard and open to the public.
- 2 The proposed housing mix consists of:
  - 5 x 4 bedroom detached two storey dwellinghouses
  - 7 x 5 bedroom detached two storey dwellinghouses

The dwellings consist of 6 different house types, with proposed finishes of a range of materials, including facing brick, reconstituted stone, dry dash render

and concrete roof tiles. The final specification of the material finish will be appropriately controlled by suspensive condition 12.

## **NATIONAL POLICY AND GUIDANCE**

- 3 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**

- 4 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**

- 5 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.
- 6 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

### **Planning Advice Notes**

- 7 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 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Creating Places 2013**

- 8 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**

- 9 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**

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

### **DEVELOPMENT PLAN**

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

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

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

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

**Policy 1: Locational Priorities**

- 15 Seeks to focus the majority of development in the region's principal settlements. Auchterarder is identified as a Tier 3 Settlement with the potential to play an important but modest role in the regional economy accommodating a smaller share of the additional development.

**Policy 4: Homes**

- 16 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

**Policy 2: Shaping Better Quality Places**

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

**Policy 6: Developer Contributions**

- 18 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

**Policy 8: Green Networks**

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

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

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

- 21 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

- 22 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**

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

### **Policy PM1C - Placemaking**

- 24 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

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

- 25 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**

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

### **Policy RD1 - Residential Areas**

- 27 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses

such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **Policy RD4 - Affordable Housing**

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

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

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

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

- 30 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**

- 31 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**

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

#### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 33 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

#### **Policy NE3 - Biodiversity**

- 34 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**

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

**Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

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

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

- 37 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

**Policy EP3A - Water, Environment and Drainage**

- 38 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**

- 39 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**

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

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

- 41 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.

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

- 42 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 43 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 44 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **Other Policies**

- 45 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Auchterarder Expansion Development Framework 2008.
  - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.

## **SITE HISTORY**

- 46 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle). Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).
- 47 [08/01591/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers 17 October 2008.



- 48 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 49 [17/01720/FLL](#) Erection of 2 dwellinghouses and associated works (Phase 2). Application Withdrawn 30 November 2017

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Auchterarder & District Community Council**

- 51 Objection received on safety and congestion grounds, setting out that a planning condition should be imposed to require the applicant to open the link road to general public traffic, reducing traffic on Hunter Street.

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

- 52 No objection, with no archaeological implications for this phase of the development, following clarification due to known archaeological sites in the vicinity.

#### **Transport Scotland**

- 53 No objection, subject to ongoing compliance with the S.75 agreement to pursue improvements on the associated trunk road.

#### **Scottish Water**

- 54 No objection to the application. It is highlighted that there is sufficient capacity at both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

#### **Scottish Environment Protection Agency**

- 55 No objection to the proposals with request to add an informative in relation to seeking clarification on the position of the Tipperwhy Well.

#### **Scottish Gas Network**

- 56 No objection.

## **INTERNAL**

### **Transport Planning**

- 57 No objection following the submission of a requested Transport Assessment and subject to conditions regarding the timing in opening up of link 'spine' road for public use.

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

- 58 No objection, subject to condition controlling hours of operation on site and noise and air management during the construction phases.

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

- 59 No objection, with no contamination concerns identified on the site.

### **Development Negotiations Officer**

- 60 No objection subject to continuing compliance with S.75 requirements.

### **Biodiversity Officer**

- 61 Concerns initially set out in relation to response with elements falling deficient of the terms of the associated suspensive condition 7 of IN PRINCIPLE PERMISSION 16/01809/IPM. The revised landscape plans and separate ecology update response laterally received was however considered to go far enough in this regard, subject to the application of further conditions.

### **Structures and Flooding**

- 62 There are no concerns regarding flooding for this site, but detailed surface water drainage details and calculations were initially requested for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways, which are considered satisfactory for Structures and Flood Team requirements.

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

- 63 No objection, setting out minimum requirements for the site. Advising 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 both long term and as the site progresses. For the wider phase of the development, recycling facilities to complement the kerbside recycling services is recommended.

## REPRESENTATIONS

64 The following points were raised in the 3 representations received:

- Road safety concerns including traffic congestion associated with the opening of the spine road and general lack or loss of car parking;
- Over intensive development;

65 These material issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

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Environment Statement	Not Required
Screening Opinion	Not Applicable
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Undertaken in line with IPM requirements: <ul style="list-style-type: none"><li>• Archaeology evaluation.</li><li>• Transport assessment (TA).</li><li>• Air &amp; noise quality assessment.</li><li>• Landscape and visual impact assessment.</li><li>• Ecological update and habitat management plan.</li><li>• Energy statement.</li><li>• Flood risk assessment and drainage strategy.</li></ul>

## APPRAISAL

67 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

68 The site benefits from In Principle permission (16/01809/IPM).

- 69 Development within this phase (phase 3A) now seeks detailed approval for 12 dwellinghouses, remaining consistent with the In Principle permission for the site. Within the wider masterplan and framework document, the land uses are considered to remain consistent with the In Principle permission and that of the LDP.

### **Design, Scale and Layout**

- 70 Condition 1 of the in principle permission requires the siting, design and external appearance to be further approved. A design statement and landscape visual impact assessment (LVIA) were submitted in support of the application, alongside the main suite of drawings.
- 71 The detailed designs of the site layout are based on the Auchterarder Expansion Development Framework, which provides a masterplan for the northern expansion of the town, setting out the context for the detailed proposals.
- 72 The proposed approach at Phase 3A provides an improvement overall to the spine road, establishing an effective street. Benefitting from the elevated position, the larger dwelling units will experience views towards the Ochil Hills range to the south.
- 73 Appropriate pedestrian and vehicular access opportunities have been identified to future phases as part of this 12 dwellinghouse layout. Front gardens are proposed to be delineated by hedging or walling as a strong street edge. Phase 3A is a small but logical starting point to future phases to the north and east of the spine road. Overall, the proposed design, scale and layout is considered to be acceptable, establishing an appropriate street scene on Benton Road and correspondingly in accordance with LDP placemaking policy and condition 1 of the In Principle permission.

### **Landscape, Visual Amenity and Open Space Provision**

- 74 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.
- 75 A landscape and visual impact assessment (LVIA) was requested at the pre-application stage to cover both phase 2 and phase 3A applications to ensure appropriate consideration was given to landscape fit. The supporting LVIA, identifies how the development of the site seeks to work with the natural site characteristics, the established Auchterarder Framework and the existing townscape.
- 76 The layout and associated scale of development proposed raises no concerns in terms of landscape fit or in relation to the site landscape capacity.
- 77 The proposed development integrates well with its immediate site context, providing an appropriate northern street frontage to the spine Road. There is

adequate, well designed public open space identified in the environs of the site itself in neighbouring phases and is also in close proximity to a play area, serving the wider residential area. In the future phases, a neighbourhood equipped area of play (NEAP) is committed through the terms of the S75. Overall, this is considered to satisfy the terms of the Auchterarder Development Framework, the In Principle permission and Policy ER6.

### **Residential Amenity**

- 78 Overall, it is considered that the proposed dwellinghouses would not adversely impact on each other in relation to both Phase 3A and neighbouring site Phase 2, subject of planning application 18/01591/AMM. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties.
- 79 In line with the In Principle permission, basic construction details for dealing with noise were submitted for consideration. Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protects proposed noise sensitive land uses from sources of unacceptable noise. To assist the protection of amenity for nearby residents, it is proposed to restrict the hours of construction and audibility of noise to achieve appropriate mitigation (Conditions 8 and 9).
- 80 Having regard to the mitigation measures proposed through conditions, the proposal complies with the In Principle permission and LDP policy 8 in respect of noise.
- 81 Air pollution was identified as requiring further consideration by the Council's Environmental Health Team, which was satisfied through the submission of further information associated with the conclusion of the TA.
- 82 As such, a reasonable level of amenity for the new residents has been catered for, resulting in compliance with Policy RD1 of the LDP.

### **Roads and Access**

- 83 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.
- 84 A further request was made to the applicant to submit a Transport Assessment (TA) in support of this and application 18/01591/AMM for phase 2, 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 principal concerns within representations in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment.

- 85 Fundamentally, through the updated supporting phasing plan and TA submitted, it is stated that the spine road through the development linking the A824 to Hunter Street should be open to public traffic by October 2019. The traffic impact on the existing road network of the development has been assessed on this basis and shown to have negligible impact, with all junctions accessed shown to be working well within capacity.
- 86 The construction phasing plan (drawing ref: 18/01592/63) provided by the applicant identifies that dwellings fronting onto the spine road, both north and south will have their externals completed prior to the opening of the spine road to public traffic in October 2019. It is recommended to condition the terms of the phasing plan delivery (Condition 2) to minimise traffic impact and ensure the spine road is opened to public traffic as a through route at the earliest practical opportunity. This approach as set out in the phasing plan ensures the provision of the road at an appropriate stage of this development and, critically, will deliver the road as a key transport link for Auchterarder as a whole.
- 87 The identified parking provision is deemed to be an acceptable standard, with 2 spaces per dwelling unit being provided.
- 88 Overall, the review of the supporting TA, alongside the identified commitment to the spine road opening to the public in October 2019, which is welcomed, is considered to address the principal points of representation concerning this site and comply with the site specific requirements in relation to the In Principle permission. This also satisfies LDP policies TA1B and CF2.

### **Drainage and Flooding**

- 89 Policy EP3C requires all new development to employ SUDS measures. In Principle permission condition 3 pursues appropriate storm water drainage from all paved surfaces, including the access, disposed of by sustainable urban drainage systems.
- 90 There were no concerns regarding flooding for this site but detailed surface water drainage details and calculations were required for further review. An updated drainage pack was submitted, including calculations, gully identification and post completion surface water pathways.
- 91 In summary, subject to recommended Condition 10 securing surface water drainage during the construction phases, the proposals are considered to satisfy both the conditions of the In Principle permission and the requirements of LDP Policy EP2 and Policy EP3C in respect of flood risk and surface water drainage.

### **Waste Services**

- 92 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties with standards set out for clarification.

## **Energy Requirements**

- 93 In association with In Principle permission and LDP Policy EP1, the associated proposals are required to identify and include carbon emission reduction measures.
- 94 The application has been accompanied by an energy statement, which was reviewed and updated to clarify how the development would appropriately comply with the terms of the in principle permission and LDP Policy EP1, which effectively seeks to go beyond minimum standards of the Scottish 2017 building regulations. The summary of the energy statement concludes that the combined proposed solution across Phases 2 and 3A will better minimum requirements by almost 10% (9.1%). Overall the terms of the in principle permission and LDP Policy EP1 are considered to have been satisfied.

## **Natural Heritage and Biodiversity**

- 95 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development.
- 96 The submission of matters specified by condition referred to in the In Principle permission requires detailed ecological/biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
- 97 The applicant has provided an updated landscaping report to increase provision for biodiversity by further diversifying the planting mix and providing for mixed native hedging in parts of the development. This is welcomed, including planting of lavender for bees.
- 98 Overall and in association with recommended Conditions 4, 5 and 6, the proposals are considered to satisfactorily address the requirements of LDP Policy NE3.

## **Archaeology**

- 99 It has been clarified by PKHT that there are no direct archaeological implications for this site with no further action required. The terms of IN PRINCIPLE PERMISSION condition 8 is therefore considered to be satisfied.

## **Developer Contributions**

- 100 A Section 75 legal agreement has been secured for the 16/001809/IPM permission to ensure necessary infrastructure is delivered for the site and surrounding area. For this area known as Hunters Meadow, it covers:
- Community
  - Sports.

- Open
- Roads/Transport
- Education.
- Affordable Housing

### **Economic Impact**

- 101 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**

- 102 A legal agreement has been secured for the 16/01809/IPM planning permission (originally 08/01133/IPM) to secure infrastructure that will be impacted by the current and wider phased proposals.

### **DIRECTION BY SCOTTISH MINISTERS**

- 103 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**

- 104 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 105 In this case the application seeks permission for the erection of 12 dwellinghouses within the settlement boundary of Auchterarder. This continues to comply with LDP policies in respect of development within a defined settlement boundary.
- 106 Account has been given to the matters raised in representation and these have been addressed in the appraisal above. Accordingly the proposal is recommended for approval subject to the following conditions.

### **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 For clarification and in association with construction phasing plan 18/01592/63, prior to the development hereby approved being completed, the link road between Hunter Street and the A824 referred to as 'the spine road' shall be constructed to an adoptable standard and open to public traffic prior to Friday 1 November 2019.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 No removal of vegetation, including trees and shrubs will be permitted between 1 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).

- 4 Prior to the commencement of development hereby approved, details of the location and specification of swift brick(s) or swift nest box(s) shall be submitted for the further 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 enhancing biodiversity.

- 5 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason - In the interests of 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 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.

- 7 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.

- 8 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.

- 9 The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements and thereafter maintained. 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 LDP.

- 10 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.

- 11 Prior to the commencement of development, further clarification on detailed matters of the proposed surface water drainage strategy shall be provided for further written approval by the Council as Planning Authority. The approved surface water drainage strategy shall thereafter be installed in accordance and association with the approved phasing plan. All works shall be carried out in accordance with the agreed scheme and be operational prior to the completion of this phase of the development.

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

- 12 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on each plot 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.

## **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 reminded that, should any protected species be present, a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
- 12 The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership.
- 13 The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
- 14 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.
- 15 The applicant should note that road and pavement from the bin collection point to the refuse collection vehicle must be at a maximum of 10 metres on a hard standing surface. It must have a level gradient and a smooth surface; using dropped kerbs where appropriate.
- 16 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)).

Background Papers: 3 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 24 December 2018

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

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