

Perth and Kinross Council
Planning & Development Management Committee – 13 March 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/68)

<p>PROPOSAL: Erection of 51 retirement flats and cycle store, formation of parking and associated works</p> <p>LOCATION: Land at Wheel Inn, 37 Angus Road, Scone</p>
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Ref. No: 18/02139/FLM
Ward No: P2- Strathmore

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for 51 retirement living apartments, including 13 affordable apartments, provided across two blocks which are intended to be age restricted to residents aged 55 and over. To facilitate this development, the proposal includes the demolition of the existing public house and restaurant known as the Wheel Inn.

- 2 The application site is located within the Scone settlement boundary and extends to 0.71 hectares in area (7100sqm). Currently, the vacant Wheel Inn buildings occupy an approximate footprint of 1200sqm located to the west of the site, with associated open space and car parking to the south and east. The site has a main vehicular access from Angus Road, with a secondary access from Stormont Road to the north. The site is bounded by a doctors' surgery to the north, residential dwellings to the south and west and larger dwellings to the opposite side of Angus road to the east (elevated by topography). The site is characterised by boundary trees along the eastern frontage and orchard trees within the current open space and play area to the southern extents of the site. A large area of car parking to the front (Angus Road) defines the entrance with the existing building sitting back into the site. The topography of the site is variable, with the ground sloping down from Angus Road towards the car parking and then back up again to the existing Wheel Inn building.

- 3 Up until recently the site was known to be in active use as a pub and restaurant business, including public toilet provision and recycling facilities, with hotel rooms, a large car park which is understood to also be commonly used by the public and mobile banking units.

- 4 This application follows on from the withdrawal of an earlier planning application for 55 retirement living apartments (18/01466/FLM), which was

recommended to the applicants as being unsupportable at an officer level on a number of grounds, including a failure to satisfy placemaking policy and a lack of drainage and flooding information and clarification.

- 5 The physical elements of the proposals comprise a principal three-storey 'Block 1' of 38 private apartments, located centrally in the site, which extends to a site area of approximately 1300sqm and 'Block 2' a two-storey building of 13 affordable apartments, located to the south of the site and occupying a footprint of approximately 600sqm. ,

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU (as amended) 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.
- 7 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. The EIA Report 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.
- 8 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA schedule 2 thresholds through the proposed development area being less than 5000sqm.

PRE-APPLICATION CONSULTATION

- 9 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held on 23 July 2018 at the Robert Douglas Memorial Institute (RDMI) in Scone. The four local ward councillors were made aware of the event, along with Scone & District Community Council. During the public exhibition, at least 55 interested parties were understood to have attended, with 17 feedback forms completed and returned. A further 4 questionnaires were thereafter submitted, along with 2 e-mails from local residents.

NATIONAL POLICY AND GUIDANCE

- 10 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

- 11 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

- 12 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.

- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

- 15 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

- 16 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

- 17 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

- 18 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

- 19 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:
- 20 *"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."*
- 21 The following sections of the TAYPlan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 22 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.

Perth and Kinross Local Development Plan 2014

- 23 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.

- 24 The principal relevant policies are, in summary;

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 RD6 - Particular Needs Housing Accommodation

- 31 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they

are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

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 CF3 - Social and Community Facilities

- 33 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

Policy NE2 - Forestry, Woodland and Trees

- 34 Requires tree surveys to be undertaken by a competent person for all planning applications where there are existing trees on a site and mitigation measures would normally be required for any loss of individual trees.

Policy NE3 - Biodiversity

- 35 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 EP2 - New Development and Flooding

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP11 - Air Quality

- 38 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which

would adversely affect air quality may not be permitted. Within these areas, where a development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures.

Policy EP12 - Contaminated Land

- 39 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 40 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.
- 41 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.
- 42 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYPlan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 43 91/01929/FUL Demolition, various alterations and formation of play areas. Application Approved under delegated powers 24 December 1991
- 44 92/00851/FUL Alteration to public house and restaurant. Application Approved under delegated powers 21 July 1992

- 45 92/01238/FUL Display of signs. Application Approved under delegated powers 7 September 1992
- 46 04/02204/ADV Display of signage. Application Approved under delegated powers 26 November 2004
- 47 04/02284/FULA Change of use of part of ground for the formation of a recycling point. Application Approved under delegated powers 21 January 2005
- 48 06/00868/ADV Display of a sign Application Approved under delegated powers 19 July 2006
- 49 06/01087/FUL Erection of a smoking shelter (in retrospect) Application Approved under delegated powers 23 June 2006
- 50 [16/01122/FLL](#) Formation of a sensory garden, erection of boundary treatments, engineering works and other associated works Application Approved under delegated powers 16 August 2016
- 51 [18/00005/PAN](#) Residential development PAN Decision Issued 12 June 2018
- 52 [18/01466/FLM](#) Erection of an assisted living facility comprising 55no. accommodation units, communal area, office, store, 2no. plant rooms, bin storage, boundary treatments and formation of parking areas, landscaping and associated works. Application Withdrawn.

CONSULTATIONS

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

EXTERNAL

Perth Scone Airport

- 54 No comments received.

Scottish Water

- 55 No objection with sufficient capacity identified at both Perth Water Treatment works and Scone Waste Water Treatment works.

Scottish Environment Protection Agency

- 56 No objection.

Scone and District Community Council

- 57 Object on a number of grounds, which are further set out in the representations section of the report.

INTERNAL

Development Negotiations Officer

- 58 No objection subject to a planning condition securing provision of the proposed 13 affordable apartments.

Biodiversity Officer

- 59 No objection, subject to applying recommended conditions, including adhering to the recommendations in the associated ecology and bat reports.

Community Greenspace

- 60 No objection.

Community Waste Advisor - Environment Service

- 61 No objection with a recommendation made for a mini glass recycling point being provided and an informative suggested in relation to refuse collection access.

Environmental Health (Noise Odour)

- 62 No objection subject to conditions relating to control of noise.

Structures and Flooding

- 63 No objection based on background information submitted.

Strategy and Policy

- 64 No objection based on the background information submitted in relation to the loss of the community facility and through recognition of 2 other existing establishments serving the population locally and several halls.

Transport Planning

- 65 No objection with conditions recommended.

REPRESENTATIONS

- 66 The following issues were raised in the 18 representations received, including Scone & District Community Council (SDCC):

- Contrary to development plan including:
 - Embargo for no more than 10 houses set out in the LDP

- Contend its consideration as a brownfield site
- Loss of a valued community facility from Scone area
- Loss of facility identified in support of the H29 (Scone North) planning submission.
- Potential for precedent for other sites within Scone
- Proposals are out of character from the rest of Scone.
- Inappropriate density
- Parking/transport issues, including adverse impact on Balformo road
- Visual impact
- Noise impact
- Cumulative effects – air quality/congestion
- Flood risk and drainage issues, particularly in relation to the barrel drain
- Loss of waste recycling facility for the area
- Impact on doctors surgery

67 The salient material issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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Environment Statement/Report	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted, including: viability and marketing study, transportation statement, drainage and flood risk assessments, tree survey and arboriculture report, air quality, preliminary ecological appraisal, bat survey, culvert CCTV survey.

APPRAISAL

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 The key determining issues in supporting the principle of a re-development of this site in the first instance are compatibility with LDP policies RD1, CF3 and Scone specific requirements, in particular section 5.32.3 Infrastructure considerations.
- 71 It is acknowledged that there are a number of services and facilities that will be lost through this proposal, notwithstanding the fact that 'The Wheel Inn' has ceased trading. Policy CF3 states that development involving the loss or change of use of the land or buildings serving community purposes would only be permitted whereby it satisfies sub policy criteria a and b or c. Policy RD1 supports development where existing residential amenity will be protected. The policy does not refer to the loss of pubs or restaurants specifically but does advise that the loss of ancillary uses and community facilities will be resisted without justification that the use is no longer viable.
- 72 The applicant has provided marketing evidence of the current business viability alongside a condition survey of the building. Whilst it is not categorically established that the business is no longer feasible, it is clear that significant investment in the site would be required and the associated building and the trading sales records over a number of years do not make it an attractive proposition for a future landlord/hotelier or indeed the opportunity as it serving solely as a community facility.
- 73 In addition and fundamentally, Scone currently also benefits from two other pubs that serve food and with at least one offering overnight room accommodation. The former Bank of Scotland on Angus Road has also been granted planning permission into a café/wine bar ([17/02032/FLL](#)). A number of other community facilities are available for private or community events and functions within the village. Further to this, Scone sits in close proximity to Perth City, benefitting from a frequent and reliable bus route to facilities in the city.. All of these factors diminish the material weight on the loss of this facility overall.
- 74 The proposed new land use, which is categorised as residential assisted living, is consistent with LDP policy RD6 for particular needs housing accommodation and is a facility that would support the local housing needs market for the older generation of Scone and assist in supporting remaining local services, whilst being compatible with the residential nature of the area.
- 75 In terms of the infrastructure embargo, this site does not trigger the 10 dwelling embargo threshold as it is a brownfield site within a settlement which has been previously developed. A number of objections have also cited the supporting reference of The Wheel Inn as part of the Scone North (H29)

proposal. This is not considered to be a material consideration and was not a determining factor in the assessment of the Scone North In Principle planning application.

- 76 Overall, the justification set out in the supporting information is considered to demonstrate that the principle for the loss of a pub and restaurant business and the redevelopment of the site for specialised residential development is considered to comply with LDP policies RD1, CF3 and RD6 in this regard. Specific LDP policy requirements beyond assessing the principle of the proposed development on this site will be discussed in the following sub topics.

Particular Needs Housing and Affordable Housing

- 77 The site is located centrally in Scone, close to shops, the health surgery and accessible to adjacent bus routes and stops, which should encourage public transport use and reduced car usage. As such, the site is appropriate for particular needs housing as set out in Policy RD6. The site density is considered appropriate in relation to the type of development being proposed and within the wider site context. The 13 proposed on-site affordable apartments would meet the 25% requirement. The means of securing the detail and phasing for the affordable housing element is proposed to be in place via conditional requirement (Condition 3), seeking to be secured prior to the occupation of any element of the development. The proposals are considered to satisfy LDP policies RD4 and RD6.

Design and Layout

- 78 A design and access statement was submitted in support of the application, updating the position from the earlier planning submission seeking to respond to the concerns of the initial application (18/01466/FLM) regarding the scale, massing and detailing not appropriately reflecting the surrounding built form and therefore failing to accord with LDP Policy PM1A and PM1B.
- 79 The current design proposal includes the removal of the original buildings, with their replacement by two apartment blocks, comprising:

Block 1:

- 20 x 1 bedroom apartments
- 18 x 2 bedroom apartments
- Communal Lounge area

Block 2:

- 8 x 1 bedroom apartments
- 5 x 2 bedroom apartments
- Office and plant room

- 80 Both blocks are designed with pitched roofs that continue to sit back within the site, visible from principal Angus Road and surrounding streets. A simple

palette of external materials has been proposed, including buff brick, smooth render shades, grey roof tiles and dark framed UPVC windows and doors. There has been significant work on the re-design of Block 1 following the initial application submission, with the scale and massing reduced through staggering the buildings to create a more domestic and village scale and form, including mansard roofs and gable detailing with vertical detail emphasis all assisting in visually breaking up the building.

- 81 The scale of the development has also been reduced by four apartments from the original scheme, improving the overall massing and addressing the urban nature of the original proposal. The accommodation in Block 1 is restricted to three storeys and staggered to ensure single aspect from key views, with a maximum ridge height of 13m, which is acknowledged to be a storey taller than surrounding residential accommodation (approximately 2m higher than the existing ridge line of the Wheel Inn).
- 82 The 3 storey scale and form of the principal block is considered to be well contained through a range of site contextual factors including its set back relationship within the site, the existing and proposed boundary landscape treatment and elevated situation of dwellings directly opposite on Angus Road sitting at a higher relative position through site topography. Overall, Block 1 is not assessed to dominate the surrounding built form. In turn, Block 2 is two-storeys in form and simple in detailing, reflecting a lower scale and modesty of development to the south and its surrounding building relationship. Block 2 has also been orientated to take advantage of key views down Union Road and create a more successful connection and relationship with Union Road and Balforno Road. The materials proposed are contemporary whilst remaining sympathetic to the village character. Work has been undertaken to address previous concerns regarding pedestrian access and maximise open space opportunities as set out in the design and access statement, which is also welcomed.
- 83 The current proposals create an opportunity for a more attractive alternative than the existing building on the site, which has been compromised by modern extension interventions, surrounded by a sea of tarmac on this large corner site. In summary therefore, the proposals are considered to go far enough to satisfy LDP policies RD1, PM1A and PM1B in respect of design and layout through contributing positively to the quality of the surrounding built and natural environment.

Landscape & Trees

- 84 LDP Policy ER6 seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded. Policy NE2B also seeks development proposals to be supported by a tree survey where there are existing trees on a development site with Policy NE2A protecting trees.
- 85 An arboriculture report was submitted in support of the application. This identifies and assesses the extent of the tree resource at the site, tree loss

and also sets out the extent of root protection areas that should be protected by fencing. In summary, 1 Category B tree and 1 Category B/C tree is proposed to be removed along with 9 Category C trees.

- 86 Overall, 11 trees within the site are identified for removal to facilitate the new development. As part of the new layout however, replacement trees are proposed on a ratio of at least 1:1; which is considered acceptable and recommended to be further secured via condition (Condition 5). It is not considered that there will be an adverse impact on the existing landscape or the associated treescape through the proposals.
- 87 The proposed landscaping, which is conveyed schematically, will complement the physical building elements, existing treescape and soften the scheme overall in comparison to the extensive over provisioned car park, which dominates the eastern extents of the site currently. It is considered appropriate to further control the specific detailing of the landscaping proposals via condition (Condition 6). In this regard, the proposals are considered to satisfy the policy terms of LDP Policy ER6, NE2A and NE2B.

Residential Amenity & Noise

- 88 Through the assessment of the plans, an element of overshadowing is anticipated to occur to the neighbouring car park area at the doctors' surgery in the winter months and marginally to the rear garden ground of 9 Stormont Road in the early morning winter sun. The extent of overshadowing to neighbouring ground is, however, not excessive and would not cause an unacceptable adverse impact.
- 89 Taking account of site context, and the associated detailed proposals, it is considered that an acceptable level of privacy will be maintained in both the case of proposed residential amenity and relative to existing surrounding residential properties through window to window distances of living spaces. This is further assisted through the benefit of existing and proposed boundary treatments, which includes soft and hard boundary landscaping including trees, walling and fencing. In all cases, over 18 metres of (living) window to window distances would be achieved, including the proximity of the proposed balconies on the southern elevation of Block 1 facing towards 18 Balforno Road, which is the closest relationship experienced. In the majority of cases, well in excess of 20 metres would be achieved between relative window distances, including 28 metres with 11 Thistle Place as an example. Taking the aforementioned into account, the proposed development is considered to be in compliance with the Council draft placemaking guide and LDP Policy PM1A and PM1B.
- 90 Policy EP8 of the LDP relates to noise. It is understood that the development will include two plant rooms to house building services and it is therefore recommended that a condition (Condition 11) is attached to protect current and future residential amenity.

Visual Amenity & Amenity Space

- 91 The proposed development will take the developed area up to approximately 26% of the overall site area. This is not considered to be overdevelopment and will still provide a reasonable mix and proportion of open space opportunities to the future residents. There is no minimum standard of private open space for flatted developments, which this development type most closely relates. The communal open space is considered appropriate for the anticipated number of residents as set out in page 46 of the supporting Design and Access statement (drawing 18/02139/23); with communal gardens and open space clearly identified with pedestrian access permeating through the site from Union and Balforno road to Angus and Stormont Road. Four of the apartments also benefit from private balconies on the southern elevation of block 1. Furthermore, the site also benefits from being in close proximity to Scone Park (less than 200m) and other open spaces. There is not considered to be any adverse impact in relation to visual amenity or loss of amenity space through the resulting design and layout proposals. The proposals are considered to sufficiently comply with LDP Policy RD1 and CF1B.

Roads and Access

- 92 Policy TA1B is concerned with providing safe access and appropriate car parking associated with a development proposal. The proposal would continue to utilise both the vehicular accesses onto Angus and Stormont Road and proposes to reduce the overall amount of car parking within the site curtilage. Based on the information submitted, it is anticipated that vehicle movements arising from the proposed development would, at peak times, be equal to 10 movements during the morning and 10 movements during the afternoon. This would be a net reduction of 22 and 24 movements respectively during the peak times, compared to the current land use.
- 93 Concerns have been expressed in representation about the loss of existing car parking provision on the site. There are currently a number of informal arrangements in place, including school drop off and pick-ups, GP surgery overflow and church goers. Whilst there was an acceptance of these uses by the site owners, and it is an informal benefit of the community, the continuance of this arrangement is not, in itself, a valid material planning consideration for this application. Similarly, neither is it reasonable nor proportionate to seek to enforce the retention of surplus car parking spaces for these informal uses for the same reasons.
- 94 Transport Planning has been consulted and they offer no objection to the proposed development, and consider the submitted transport statement provides a robust assessment of the transport implications. In response to some of the objection points raised, Transport Planning clarified that the proposed retirement flats produce a different trip generation to that of mainstream housing, with less traffic overall and generally traffic during off-peak times. It is recommended that the proposed accesses are upgraded with associated cut back of vegetation, upgrading of lighting cables underneath the accesses (Condition 13) and the further submission and approval of a site

specific transport management plan for the construction period (Condition 12). The terms of LDP Policy TA1 is considered to have been satisfied in this regard.

Air Quality

- 95 Policy EP11 identifies that where applicable; applicants will be required to identify any impact on air quality and appropriate mitigation measures. The proposed development is approximately 750m from a Local Air Quality Management Area and the Environmental Health team identified concerns that an increase in vehicle movements on and off the site has the potential to impact on local air quality objectives.
- 96 It is considered that in light of the aforementioned transport assessment and associated betterment identified overall in anticipated vehicle movements overall, it has been sufficiently demonstrated that the proposed development shall not adversely impact on Local Air Quality, according with LDP Policy EP11.

Drainage and Flooding

- 97 LDP Policy EP2 confirms 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.
- 98 A Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the application, which included a CCTV survey of the barrel drain at this section. Following assessment by SEPA and the Councils Structures and Flooding team, no objection with the proposals were raised and it was acknowledged an overall net improvement would be achieved. The Structures and Flooding team welcomed the replacement of the barrel drain across the site and an overall betterment and reduction of drainage from surface water from the site draining into the barrel drain.
- 99 As a worst case scenario, the proposed discharge rate from the development into the Barrel Drain will be 5l/s for all rainfall events, up to and including the 1:200 year event. This will provide an improvement upon the existing situation where a significant area of the site's hardstanding currently drains into the Barrel Drain at an unrestricted rate. Initial calculations have shown that the current unrestricted discharge is approximately 6.7l/s during a 2 year return period rainfall event. Subject to detailed design, this demonstrates an improvement on the current position and this level of betterment will increase during more extreme rainfall events.
- 100 A condition is therefore recommended to establish the final calculations of the betterment achieved, secure the appropriate discharge details of the Sustainable Urban Drainage System proposed and establish its future maintenance and adoption (Condition 15). The proposals are considered to satisfy the policy objectives of LDP Policies EP2 and EP3.

Waste Collection

- 101 It is acknowledged that recycling facilities for the wider public will be removed from this site as a result of the proposals. The current recycling facilities will, however, be relocated to Scone Park and Ride to the north of the village, which is easily accessible and considered a reasonable alternative in the circumstances.
- 102 The development itself will require a total of 10 x 1280 litre wheeled bins for general (landfill) waste and 10 x 1280 litre wheeled bins for dry mixed recyclables. These bins will be collected on alternate weeks. It is additionally recommended that the developer install a mini glass point for colour separated glass for the exclusive use of residents.
- 103 Overall, it is judged that adequate waste and recycling facilities and access can be accommodated on site and the relocation of the current community recycling facilities to the Council owned Park and ride facility at the edge of the village is welcomed as a reasonable alternative solution.

Natural Heritage and Biodiversity

- 104 The application was supported by a preliminary ecological survey and detailed bat survey, which provides no evidence of bat roosts in the existing Wheel Inn building. The survey reviewed the building itself for bat and bird nesting opportunities (including two bat surveys), along with opportunities along the tree lines and grassland surrounding the site. The survey proportionately identifies what it sees as the risks of developing out the site, including the demolition of the existing building and works in and around the landscaped edges. In summary, the survey advises close attention should still be applied during the demolition elements for bat roosts (which were not apparent at time of survey) and a nesting bird check prior to any removal or demolition or maintenance of habitat areas during the months from March to August inclusive.
- 105 The survey concludes that if work does not commence prior to 03/01/2020 a further survey should be commissioned. Subject to conditional control therefore (Conditions 7, 8 and 9); the proposed works are assessed as not being detrimental to biodiversity interests, providing long term opportunities through the associated open spaces and planting proposed, with no conflict with the terms of Policy NE3.

Developer Contributions

Education

- 106 This proposal is within the catchment of Robert Douglas Memorial Primary School. The proposal includes communal facilities and will be age restricted. In line with paragraph 4.6 of the Developer Contributions and Affordable Housing Supplementary Guidance April 2016, sheltered housing will not be required to pay a contribution. Sheltered housing is defined as groups of

housing units provided for elderly who require occasional support and assistance from a residential warden but who do not require full residential care. This type of accommodation will generally have an element of communal facilities, as is being proposed. No contributions towards primary education will be required. Therefore, subject to control of the occupancy of the residential units as for the retirement age profile (Condition 2), the proposal complies with this aspect of Policy PM3.

Transport Infrastructure

- 107 In line with paragraph 6.12 of the Developer Contributions and Affordable Housing Guidance, where replacement buildings are proposed the Trip Rate of the existing use will be taken into account and the contribution reviewed accordingly on a case by case basis. The Transport Statement shows that the proposed development would create a reduced impact on the transport network. The proposal will reduced the overall number of parking spaces on site from 70 down to 58. Retirement properties create their peak trips out-with the normal commuter traffic peak periods and therefore have a reduced impact in the transport network in comparison to mainstream housing. As the proposal will have a reduced impact on the transport network no contributions towards Transport Infrastructure will be required.

Affordable Housing

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

The existing Wheel Inn includes a manager's dwellinghouse. The proposal will create an additional 50 units. The proposal includes 13 affordable apartments. The affordable requirement for a 50 unit development is 12.5 units (50×0.25). The onsite provision will be managed by an RSL and further details of this arrangement and timing of delivery should be secured via condition (Condition 3).

Economic Impact

- 109 Overall there is acknowledged to initially be a net economic loss associated with this proposal through the direct loss of the business on the site. Economic impact will be achieved directly through the construction phase of the development with future scope for limited on site employment opportunities to manage and maintain the facility, whilst also increasing the viability of existing and future local services through an increased local footfall.

LEGAL AGREEMENTS

- 110 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 111 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

- 112 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 113 In this respect, I have taken account of the Local Development Plan and material considerations and, in this case, I am content that the development proposed does not conflict with the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. The occupation of the residential accommodation hereby approved shall be restricted to occupants aged 55 and over and shall not be occupied as the sole or main residence of any occupant aged under 55 years of age.

Reason – For the avoidance of doubt and to ensure occupation of the development hereby approved complies with Policy PM3 – Infrastructure Contributions, of the Perth and Kinross Local Development Plan 2014.

3. Prior to the occupation of any phase of the development, the detail and timing of the on-site affordable apartment delivery shall be submitted to and agreed in writing by the Council as Planning Authority. The approved scheme shall thereafter be delivered and managed in accordance with the agreed delivery mechanism and timing.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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

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

5. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.

Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Council as Planning Authority

6. Prior to the commencement of the development hereby approved, further detail (including the detailed specification and planting numbers satisfying required compensatory planting and biodiversity opportunities) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

7. The recommendations within the supporting Bat Activity Survey Report (plan: 18/02139/28) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

8. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests

immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

9. Prior to the commencement of development hereby approved, details of the location, number 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 block.

Reason – In the interests of enhancing biodiversity opportunities on the site.

10. Prior to the commencement of works on site, further detailed drawings showing locations for bin collection presentation shall be submitted for the further written agreement of the Council as Planning Authority and thereafter implemented as part of the development.

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

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. Prior to the commencement of the development, a construction traffic management scheme (CTMS) shall be submitted for the written approval of the Planning Authority. The CTMS shall include the following:
 - a) Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) Timing of construction traffic to minimise impact on local communities, particularly at school start and finishing times, on days when refuse collection takes place, on Sundays or during local events;
 - c) Arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) Emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) Arrangements for the cleaning of wheels and chassis of vehicles to prevent material from the construction site associated with the development being deposited on the public road;

- f) Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) Arrangements for signage at site access and crossovers in order to provide safe access for pedestrians and cyclists;
- h) Details of information signs to inform other road users of construction traffic;
- i) Arrangements to ensure that access for emergency service vehicles are not impeded;
- j) Monitoring, reporting and implementation arrangements; and
- k) Arrangements for detailing with non-compliance.

The CTMS as approved shall be adhered to during the entire site construction programme.

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

13. Prior to the development hereby approved being completed or brought into use, the accesses at Angus Road and Stormont Road shall be upgraded to the satisfaction of the Council as Roads Authority and footpath links, including dropped kerbs shall be provided at both accesses in accordance with the standards required by the Council as Roads Authority.

Reason – In the interest of pedestrian and cycle safety.

14. Prior to the development hereby approved being completed or brought into use, a scheme for the location and specification of a 3 bay cantilever bus shelter and information board shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Public Transport Unit. The approved scheme shall thereafter be installed at the applicants expense, in accordance with the agreed details and confirmed as operational by the Council's Public Transport Unit, prior to the occupation of the last residential unit.

Reason – In the interest of promoting sustainable public transport.

15. Development shall not commence on site until further details for the proposed sustainable urban drainage system (SUDS) has been submitted to, and approved in writing by, the Council as Planning Authority, in consultation with SEPA (where necessary). The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control and clarify future ownership and maintenance of the proposed system. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason – For clarity and in order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development;
 - Readily visible to the public; and
 - Printed on durable material.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any

wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

8. Swift brick installation should proceed in accordance with Swift Conservation guidance available from swift-conservation.org. Installation of lighting and bat boxes should proceed in accordance with Bat Conservation Trust guidance.
9. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
10. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
11. The applicant is advised to allow for a maximum of 10 linear metres of level hard standing from bin storage or presentation point to refuse collection vehicle to reduce manual handling for bin collection crews.
12. The applicant is recommended to discuss potential options with the Councils waste service team for securing an onsite glass recycling point for the benefit of the development

Background Papers: 18 letters of representation

Contact Officer: Callum Petrie 01738 475353

Date: 28 February 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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

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