

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

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

LOCATION: Land south of Benton Road, Auchterarder

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

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

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

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

IMPACT ASSESSMENT (EIA)

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

PRE-APPLICATION CONSULTATION

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

NATIONAL POLICY AND GUIDANCE

7. The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 2014

8. NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

9. The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
10. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

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

Designing Streets 2010

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

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

16. TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

17. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
 - Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes
 - Policy 6: Developer Contributions
 - Policy 8: Green Networks

Perth and Kinross Local Development Plan 2 (2019)

18. The Perth & Kinross Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that:

"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."

It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

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

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

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance 2020

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

Placemaking Guide 2020

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

SITE HISTORY

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

CONSULTATIONS

26. The following bodies were consulted on the application:

External

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

Internal

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

REPRESENTATIONS

33. No representations have been received.

ADDITIONAL STATEMENTS

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

APPRAISAL

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

Principle

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

Design and Layout

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

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

Residential Amenity

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

Overlooking

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

Overshadowing, loss of sunlight and daylight.

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

Landscape and Visual Amenity

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

Roads and Access

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

Drainage and Flooding

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

Energy and Low Carbon Technology

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

Waste Collection

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

Natural Heritage and Biodiversity

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

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

58. No variations made.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

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

DIRECTION BY SCOTTISH MINISTERS

60. Under the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

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

RECOMMENDATION

Conditions and Reasons for Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

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

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

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

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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