

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

Residential development with associated vehicular access, open space and landscaping (in principle) on land 100 metres east of the junction of Woodlands Park and Coupar Angus Road, Blairgowrie PH10 6LA

Ref No: 09/00741/IPM

Ward No: 3 Blairgowrie and the Glens

Summary

This report recommends approval of this application in principle for residential development which although not in line with the land use identified in the Local Development Plan zoning as land for private open space is considered to be important in terms of reducing the latest land supply shortfall for Blairgowrie as highlighted in the Council's recently approved review of the Housing Land Supply figures and is therefore considered to be in line with the wider strategic aspirations of the Development Plan and the national policy advice in SPP3.

BACKGROUND AND DESCRIPTION

- 1 The site extends to about 4.9ha of agricultural land located alongside Coupar Angus Road (A923) which forms the western boundary and forms a transition between Blairgowrie itself and Rosemount. The northern boundary adjoins the housing at Moyness Park Drive while the east boundary is formed by the route of the former railway line and with the lower density housing characterised by Rosemount to the south. The site has remained as an uncultivated open field for many years and has a network of unofficial paths running through it where people regularly walk their dogs. Although the site itself is open and largely devoid of trees an important line of mature beech trees run along the Coupar Angus Road and comprise a very distinctive landscape feature.

- 2 The proposal seeks consent in principle to develop the site for residential use with a medium density ranging from 11 to 19 houses per hectare. Based on the fact that the site extends to approximately 5ha this would give an anticipated layout giving a total of between 55-95 houses. However, given the requirement for the site to incorporate various elements that are described later in this report, including distributor road, landscaped open space, etc. then the number of units is likely to reduce. The intention is to retain the attractive landscape setting and provide a significant amount of open space within the development. It is proposed that vehicular access will be taken via a new junction on the A923 and would be either in the form of a roundabout, a 'T' junction, a Cross Roads junction or a signal controlled junction. An indicative sketch layout has been submitted which shows a possible distributor link through the site which would be Phase 1 of a long term aspiration to form a new road which would connect eventually with Welton Road in the longer term. The applicants carried out a voluntary Community Consultation exercise to publicise their proposals locally by arranging two

public exhibitions at a local hotel with some 113 individuals attending both events and 52 comment forms were returned.

NATIONAL PLANNING POLICY AND GUIDANCE

Scottish Planning Policy (SPP) Part 1 and 2

- 3 The planning system is essential to achieving the Scottish Government's central purpose of increasing sustainable economic growth. SPP identifies that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. Where a proposal is in accordance with the Development Plan, the principle of development should be taken as established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

Scottish Planning Policy 3: Planning for Homes

- 4 This SPP sets out The Scottish Government's policy on the role of planning in the identification of housing requirements and the delivery of quality housing in the right locations. It sets out The Scottish Government's policy on how Local Authorities should make provision in Development Plans for new housing to ensure a 5 year supply of housing, taking account of identified need and demand.

SPP6 Renewable Energy Developments

- 5 This highlights a key role of the planning system as supporting a move towards new low and zero carbon developments.

SPP 11 Open Space and Physical Activity

- 6 Open space and other opportunities for sport and recreation are a vital part of Scotland's urban and rural communities. Scottish Ministers are committed to strengthening protection for existing open space resources and ensuring that the future needs of all communities are planned for. This SPP sets out national policy on planning for open space and facilities for sport and recreation.

SPP17 Planning for Transport

- 7 Development should be guided to the most sustainable locations and addressing accessibility issues is an integral part of the planning process. Co-ordinating investment in developments such as economic development, housing, retailing and in rural areas with existing and programmed transport infrastructure is an important policy objective.

PAN 38 Housing Land

- 8 The main aim is to provide advice on the availability of sites for development and which supports sustainable options that can be delivered in a suitable time period to meet the present level of demand.

PAN 56 Planning and Noise

- 9 This advice note demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

PAN 61 Planning and Sustainable Urban Drainage Systems

- 10 Drainage of land is required to make it suitable for development, to protect existing and proposed development from the effects of flooding, and to deal with pollution arising from the interaction of rainwater and the development.

Planning Advice Note 67: Housing Quality

- 11 Designing Places, published November 2001, sets out the Scottish Governments aspirations for design and the role of the planning system in delivering them. This Planning Advice Note (PAN) explains how Designing Places should be applied to new housing.

PAN 74 Affordable Housing

- 12 This states that for sites in urban areas local authorities should seek to achieve on-site provision of affordable houses on housing developments of 20 or more units.

DEVELOPMENT PLAN

- 13 The Development Plan for the site comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Eastern Area Local Plan 1998.

Perth and Kinross Structure Plan 2003

- 14 Under the Structure Plan the relevant points from the Lowland Strategy are
- Allocating the majority of new housing land within the larger settlements while promoting opportunities in smaller villages and rural areas
 - Promoting the provision of affordable housing in areas of particular need
 - Allocating further prime business and industrial land in the former Burghs and other areas of deficiency
- 15 The principal relevant policies are in summary.

Sustainable Communities Policy 3

- 16 This seeks to secure affordable and low-cost housing in local areas as identified through housing needs assessments.

Sustainable Communities Policy 4

- 17 The Council will seek to ensure sufficient provision is made for a minimum 5-year effective housing land supply in each Housing Market Area. Local Plans should be flexible enough to accommodate changes through the statutory planning process to ensure that the supply and choice is maintained and, if necessary augmented by suitable new sites.

Eastern Area Local Plan 1998

- 18 The site is zoned for public and private open space in the Eastern Area Local Plan where Policy 64 applies, but all relevant policies are listed in summary below.

Policy 2 'Development Criteria'

- 19 All developments within the Plan area will be judged against a series of criteria including landscape framework capable of absorbing, and if necessary, screening the development, the scale, form, colour, and density of development, compatibility with its surroundings in land use terms, local road network, sufficient spare capacity in drainage, water and education services, the site should be large enough, buildings and layouts to be energy efficient, and where possible be located in those settlements which are the subject of inset maps.

Policy 36 Open Space Provision

- 20 The Council will seek the provision of appropriate areas of informal and formal recreational space as an integral part of a new housing development.

Policy 39 Transport Standards

- 21 Adequate provision of parking, servicing and where appropriate public transport must be made in all new developments.

Policy 58 Residential Character and Amenity

- 22 Where sites become available for development housing will be the most obvious alternative use. Important trees and hedges will be retained.

Policy 64 'Open Space and Recreation'

- 23 Identifies significant areas of public and private open space and recreation areas which are to be retained. Any development proposal which erodes

these areas will be resisted. Encouragement is to be given to proposals which would improve these areas.

Draft Strategy Eastern Area Local Plan 2005

- 24 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage, so limited weight should be attached to the contents of this document although it did represent the Council's thinking at that time.

OTHER POLICIES

Affordable Housing Policy (2005)

- 25 The Council's policy on Affordable Housing seeks a 25% quota of affordable housing on all new housing sites comprising 5 or more units.

Planning Guidance Note – Primary Education and New Housing Development

- 26 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. Currently a contribution of £6,105 per qualifying house is required where a primary school is at or would reach capacity as a result of the development proposed. A Section 75 agreement to secure the contribution may be required at the time of a detailed application unless the required level of financial contribution is made prior to the consent being issued.

SITE HISTORY

- 27 While there is no recent planning history on this site, however, it was in the past the subject of an application for residential development in 1990 which was refused as contrary to the former Eastern Area Local Plan adopted in 1983 which at that time zoned the site for agriculture and a subsequent appeal was dismissed in 1991.

CONSULTATIONS

- 28 Scottish Environmental Protection Agency have raised no objections.
- 29 Perth and Kinross Area Archaeologist raises no objection but recommends conditions.
- 30 Scottish Natural Heritage have no objections but make recommendations in regard to protected species including squirrels and bats.
- 31 Scottish Water has raised no objections.

- 32 Executive Director (Education and Children’s Services) has confirmed that the proposal triggers the Education Contributions policy.
- 33 Head of Public Space Management raises no objection but recommends conditions to be attached to any consent.
- 34 The Environmental Health Manager recommends a ground contamination condition be attached to any consent.

REPRESENTATIONS

- 35 A total of 16 representations together with objections from the Blairgowrie and Rattray Community Council have been received from local residents which raise the following issues:
- Development is contrary to Development Plan and there is no need for more houses.
 - A relief road is too long term and in any case should not be directed through a housing area with its heavy traffic.
 - The housing density is too high and out of keeping with area.
 - Loss of trees.
 - Detrimental to residential amenity of existing houses.
 - Damage to wildlife interests to include birds, bats and squirrels.
 - Lack of drainage provision.
 - Security issues with new link paths.
 - An affordable housing element (25%) will be unpopular and out of character with the surrounding area.
 - Adverse impact on road safety

These issues are addressed in the Appraisal section of this report.

36 Additional Statements Received

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment:	Not required
Design Statement or Design and Access Statement:	Submitted
Report on Impact or Potential Impact ie	
Flood Risk Assessment:	Not required

APPRAISAL

- 37 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from policy.

Policy

- 38 The application is not in line with the land use zoning of the adopted Eastern Area Local Plan as it is located in an area designated for open space within Blairgowrie town boundary and Policy 64 states that any proposals which erode these areas will be resisted. The site was included in the draft Local Plan (2005) as a housing site for some 49 units, to incorporate open space, landscaping and a new road to open up the Welton Road area. As indicated in paragraph 22 this draft plan has not been progressed which is not being finalised and is effectively abandoned. The purpose of that proposal was to see if a way forward could be found to facilitate an improved access to the Welton Road business land area, and it was thought it may be feasible to access that site through the subject site, with residential development aiding the funding of the access road. The proposal was the single most controversial proposal within the draft plan, and attracted over 60 objections, however, the current application has attracted fewer.
- 39 Although the Adopted Local Plan refers zones the site as open space, nevertheless, the loss of this private open space on this site can be supported as there would still be an opportunity to incorporate publicly accessible open space provision within any layout to be subsequently approved to ensure that development of the site for residential purposes took into account the importance to mark the transition between Blairgowrie and Rosemount.

Housing Land Requirement

- 40 Although the proposal is contrary to the adopted Local Plan, the issue is whether there is good reason to depart from that Plan in this instance. The Housing Land Supply figures have been the subject of a recent review and following the loss of two recent planning appeals in Rattray where the Reporter concluded that the Local Plan was out of date, the 5 year land supply figures were insufficient to cover a five year period and the compelling requirement of SPP3 which advises local authorities to look favourably on new sites suited to housing development, in such circumstances. Both appeals were allowed on the basis of this background. In the circumstances the latest position with the Housing Land Supply figures is an all-important material consideration in the determination of this application.
- 41 The Enterprise & Infrastructure Committee on 27 January agreed a strategy for the release of housing land through the development management process to address the issue of a shortfall in housing supply until the publication of the new Local Development plan. In the Eastern Area this is to give consideration to releasing sites which are in line with the existing development plan strategy and which will be effective by 2012. The strategy in the Eastern Area Local Plan was to direct additional housing supply primarily to Alyth and Coupar Angus rather than to Blairgowrie since at that time there had been significant house building in Blairgowrie, but not in the other two burghs. This situation has changed in recent years, however.

- 42 Based on the 2008 Housing Land Audit in the Eastern Area there was only a 3.4 year effective land supply with a shortfall of 138 units. At 2009 this shortfall was expected to increase to 209.
- 43 These figures do not take account of any consents since the Housing Land Audit of June 2008, and specifically there are 2 large sites in Rattray which were consented on appeal in August 2008 which have contributed a total of some 119 houses to the overall supply in Eastern Area, which would go some way to alleviating this shortfall in provision of a 5 year land supply. It is not clear, however, what proportion of these 2 sites would be brought forward in a 5 year period, there is still, therefore, an overall deficit of at least some 90 for the whole of Eastern Area as at 2009, a proportion of which will relate to Blairgowrie.
- 44 However the requirement in SPP3 is to maintain a 5 year effective housing land supply at all times. Therefore although the immediate shortfall at 2009 is relatively small, consideration needs to be given to the maintenance of an effective supply in the longer term.
- 45 Ensuring the provision of a 5 year supply of effective housing land by the time the new proposed Local Development Plan is published in 2012 will require the allocation of an additional 466 houses in the Eastern Area. Approximately 261 additional houses will need to be provided in Blairgowrie. Other sources of supply, such as sites which are currently non-effective and windfall sites, could reasonably be expected to reduce this shortfall to 215 houses in the Eastern Area overall or 142 houses in Blairgowrie, meaning that approval of this site could be justified in terms of meeting the projected shortfall in housing sites.

Affordable Housing

- 46 The Council seeks an affordable housing quota of 25% on all new housing sites of 5 units and above, except where individual Local Plans vary this quota. In the case of Perth city centre, the quota is 50%. Where sites exceed 20 houses or over then on site provision is preferred with smaller sites an appropriate contribution is sought. As this application is in outline it is current practice for a planning condition to be included to require a 25% allocation for on site affordable housing provision in line with approved Council policy. It has been suggested by neighbours that the affordable housing element will be unpopular and out of character with the area, however, this is an essential element of both central and local government policy and is all important in order to achieve a balanced and mixed development which caters for a wide mix of housing opportunity.

Education

- 47 Education and Community Services advise that local Primary School currently breaches the 80% capacity trigger which means that the Education Contributions policy would apply requiring a £6,105.00 payment on each house excluding the affordable element. As this is an outline application and

as the final number of houses is not known at this stage, it can be adequately covered as a planning condition at this stage.

Traffic

- 48 The applicant's Transport Assessment investigated three options on the positioning of the entry point to the site from Coupar Angus Road at the southern end, the northern end and a mid point location, all points along the Coupar Angus Road frontage. The study also examined various junction options at these points ranging from a simple 'T' junction, a 'Cross Roads' junction, a signalised junction and a roundabout option. Clearly, all these various options have positives and negatives. In terms of the actual entry point it is essential to locate this where there will be a minimal impact on the trees. There is an obvious gap in the line of beech trees, which is some 30 metres wide where the formation of the new access would affect a smaller number of trees, this potential access point is perhaps a third of the way along the frontage from the southern end of the site and if the option of a signalised junction were employed, then minimal visibility would be necessary further minimising tree removal. All the other junction options required at least ten trees to be removed. A signalised junction is a direct form of traffic calming and also has positive road safety benefits. Our Roads Engineers have not raised any road safety issues with regard to a new access onto Coupar Angus Road as it is a straight wide road within a built up area where traffic speeds are low.
- 49 Work is still ongoing on modelling traffic management in this area, the draft Eastern plan (2005) explored the potential for a link road from Coupar Angus Road to the Welton Road area because of the problems there in terms of traffic management and the desire to expand the Welton Road industrial site in the future. If this proposed development site is designed properly then this option could be kept open, and this site does have the potential to part deliver this link road, but it needs to follow on from the work which the Council is doing in this area. The Draft Plan had raised the long term possibility of a link from Coupar Angus Road to Welton Road and this proposal offers the possibility of the first phase. Whilst there are significant advantages in securing the first phase of a road connection to the Welton Road area, the completion of that project is still some way off, and only if the development is necessary for an adequate housing land supply should we be supporting this site at present. It would also be essential that any approval secures the first stage of an access road through to Welton Road, with no potential for a ransom strip. A distributor road through the application site would serve as the first phase of the link road.
- 50 The developer has indicated in his Design Statement through illustrative sketches that a new distributor road would traverse the site from Coupar Angus Road and would act as a link to the land beyond the east site boundary. Separate spurs would lead off this distributor road to serve the individual housing area together with a network of interlinking pedestrian links. It has been suggested that such pedestrian links would cause a security risk, however, today pedestrian links are carefully considered with safety in mind.

The developer has indicated extensive landscaping along both sides of the distributor road, however, it is important that such a distributor road should have limited frontage access to residential development, to minimise pedestrian movement across the road. The Blairgowrie and Rattray Community Council have expressed concerns about the future use of the proposed distributor road by heavy traffic and the potential adverse affect on adjacent housing. Such roads through residential areas are common place and the level of traffic volumes involved is unlikely to be high and as such I do not share this concern.

Drainage and Flooding

- 51 Scottish Water has confirmed that there is currently sufficient capacity at the Blairgowrie Waste Water Treatment Works to accommodate the scale of development proposed. They have recently completed a capital programme to increase the size of the works to accommodate the estimated growth from all proposed development sites in the town. An existing 300mm diameter combined sewer which crosses the site at a depth of 4m will require to be diverted as part of the drainage design for the site which may also require Drainage and Water Impact Assessments directly to Scottish Water. I am not aware of any history of flooding at this site. Surface water will require to be attenuated prior to connecting to the existing combined sewer to meet SEPA requirements for the treatment of the road and roof drainage from the site. A SUDS pond will not be required with the attenuation being provided by underground storage systems.

Design and Layout

- 52 The intention is to develop the site at a medium density of 11 to 19 units per hectare which would be compatible with the thinking expressed in the Draft Plan. The surrounding area particularly within the Moyness Park Drive area could also be described as medium density. The Draft Plan had referred to a site of 3.26 ha and had suggested a figure of 49 units whereas the applicant's site extends to 5ha reflecting the full extent of his land ownership. However, as this is an outline application no specific number should be agreed prior to the submission of detailed layouts. Clearly, any layout will have to incorporate significant open space requirements which will serve to reduce densities and incorporate a 25% allocation for affordable housing which would tend to be at a higher density. The intention would be that whilst the house design and layout would reflect the character of existing housing, nevertheless a high quality of urban design would be aimed at.

Archaeology

- 53 A thorough desk based assessment by CFA Archaeology Ltd commissioned by the applicant concluded that 'the available information suggests that there is a moderate to high potential for previously unknown prehistoric archaeological remains to survive within the site'. PKHT concurs with this view as there are prehistoric archaeological sites to the east of the development which are Scheduled Monuments. In view of the scale of development an

archaeological evaluation is recommended which can be adequately covered through planning conditions.

Trees

- 54 There are some 62 beech trees which form a very distinctive feature along the Coupar Angus Road frontage and the applicant's Tree Survey confirms that 7 of these trees require to be removed due to disease issues which our own Arborist accepts. The intention is to retain and protect as many of the healthy trees as possible in terms of the choice of frontage access point and final junction arrangement. It is also essential to ensure by the creation of a linear area of open space along the rear of this row of trees to ensure that there is a distinct separation between the trees and the nearest houses. There is also a buffer of immature tree planting along the northern boundary where some of this immature broad-leafed planting could perhaps be incorporated within the final housing layout to assist with the screening of the new development from the existing houses within Moyness Park Drive helping to safeguard their amenity.

Natural Heritage

- 55 The site is also home to UK protected species such as the red squirrel and to European protected species as the beech trees provide a potential bat roost. The applicant has undertaken a bat survey of the development area, in particular, the avenue of beech trees along the roadside. No evidence of bats was recorded, though the survey indicated that 13 trees had the potential to allow roosting. In the submitted ecological survey no evidence was found that red squirrels were present. However, it would be important to safeguard these wildlife interests through planning conditions especially where any tree felling is agreed. I am satisfied that all necessary mitigation measures can be adequately dealt with through planning conditions to cover any adverse impacts on these two protected species. A further concern has been raised in regard to the wide variety of bird species which frequent the site, but I am satisfied that this would not be a valid concern as birds are a transient species.

Sustainability

- 56 Providing housing in existing centres is in accordance with the principles of sustainability. The proposed development will be required to include measures to make the development energy efficient and reduce carbon emissions. These are outlined within the applicant's Design Statement where the applicant refers to previous awards on meeting energy efficiency and CO2 reduction standards in other recent developments. The applicant intends this development should meet sustainable objectives by the careful selection, transportation and sourcing of materials, energy efficiency in the operation of buildings, solar gain, water use, water recycling, are all issues which the developer intends to apply.

LEGAL AGREEMENTS REQUIRED

57 None required.

DIRECTION BY SCOTTISH MINISTERS

58 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

59 Although the site is zoned for an alternative use in the Eastern Area Local Plan 1998 this nevertheless must be balanced against other material considerations. In particular, the recently reviewed Housing Land Supply figures which confirm the shortfall in additional allocations necessary to maintain the five year land supply in Blairgowrie.

60 Under the terms of SPP3, local authorities are encouraged to grant planning consent for housing development where plans are out of date and where there is an identified shortfall, provided the development is of a high quality and in the right location. It is worth remembering that it was primarily due to the identification of the shortfall in available sites that we lost two recent appeals in Rattray. The Sustainable Communities Policy 4 in the Structure Plan states that Local Plans should be flexible enough to accommodate changes through the statutory planning process to ensure that the supply and choice is maintained and, if necessary augmented by suitable new sites.

61 I am satisfied that this is an ideal housing site being enclosed by existing housing on three sides and the development would have the added advantage of delivering the first phase of a new link road objective essential for the future expansion of Welton Road and the relief of traffic pressures in the Wellmeadow area. The loss of open space is considered to be acceptable in this instance because, in summary, it is private not public open space and does not contribute significantly to visual amenity, although the trees along the frontage are important and would be retained and it is also important to support applications that do offer real benefits rather than other applications, which offer no such benefits. It is on the basis of this reasoning that I feel the Local Plan zoning can in this case be set aside and with the general strategy of the Development Plan and SPP3 supporting the development. Accordingly the proposal can be fully supported.

RECOMMENDATION

A Approve the application subject to the following conditions:

1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12

of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

- 2 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking, pedestrian links and means of access to the site.
- 3 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
- 4 Development shall not begin until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and types(s) of contamination on the site including any source, pathway, receptor linkage.
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of remediation measures.
- 5 The submitted sketch layouts are purely illustrative at this stage and are not approved and no specific number of houses is agreed at this stage and shall be subject to an acceptable scheme based on a medium density of housing with limited frontage access to residential property from the proposed distributor road being submitted under Condition 2 above, all to the satisfaction of the Council as Planning Authority.
- 6 The access location from Coupar Angus Road shall be positioned at the point indicated on the approved tree survey plan marked 'A' where there is a natural gap in the line of beech trees, unless otherwise agreed in writing all to the satisfaction of the Council as Planning Authority.

7 The line of mature beech trees along the west boundary with Coupar Angus Road shall be retained other than the seven trees identified in the submitted Tree Survey Report for removal and protected in accordance with BS 5837:2005 and shall be contained within a linear area of public open space where no houses shall be built within 30 metres of any of these retained trees all to the satisfaction of the Council as Planning Authority.

8 A Local Equipped Area for Play (LEAP) shall be provided by the developer and integrated within the area of public open space referred to in Condition 6 above:

The long term maintenance of the public open space and the play area must be in accordance with one of the three options in line with Council policy as follows:

- (a) Perth and Kinross Council take title to the land and maintain the ground in perpetuity for a flat rate commuted sum payable by the developer. The sum is set annually per dwelling and is currently £300/unit excluding play areas which are charged as a single sum currently £19,000.
- (b) The Greenbelt Company can take title to the land and maintain in perpetuity for a charge to the developer with the Council getting sight of the agreement.
- (c) An approved alternative company maintains the open space in perpetuity for a charge to the developer and a permanent bond is lodged with the Council against default.

The Council do not permit developers or their agents to include title of areas of public open space or levy an annual charge to individual residents for any of the options above.

9 The right of way must not be obstructed during building works or on completion. Any damage done to the route during the building works must be made good before the house is occupied or first let.

10 Any trees scheduled for removal as referred to in Condition 6 shall be checked for the presence of red squirrel dreys and also for bats prior to felling. In addition, the landscape proposals required under Condition 2 above should include tree species that would provide a source of food and shelter for red squirrels all to the satisfaction of the Council as Planning Authority.

11 The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

12 The development shall be in accordance with the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.

- 13 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification (including the disposal of surface water) and facilities for public transport in the form of bus boarders, bus stops and associated shelters within the site and on the public road adjacent to the site shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 14 The road layout within the site shall be designed to include a distributor road to connect Coupar Angus Road to the east boundary of the site. Approval of Matters shall include an appropriate phasing plan for the provision of the distributor road to the satisfaction of the planning authority.
- 15 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

Reasons:

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 3 In order to protect archaeological interests.
- 4 In order to deal with potential ground contamination issues.
- 5 In order to safeguard the visual and residential amenity of the area; to ensure a satisfactory standard of local environmental quality and to avoid the over intensive development of the site.
- 6 In the interests of visual and residential amenity.
- 7 In order to minimise any loss of trees in the interests of visual amenity.
- 8 To ensure the satisfactory implementation of the children's play area in line with approved Council guidelines.
- 9 In order to safeguard a public right of way.
- 10 In the interests of nature conservation.
- 11-12 To comply with approved Council policies.
- 13-15 In the interests of road safety.

B JUSTIFICATION

The application is contrary to the Development Plan, but may be approved as a departure in the light of the revised Housing Land Supply figures recently approved by the Council which constitutes an important material consideration which in this case warrants setting aside the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

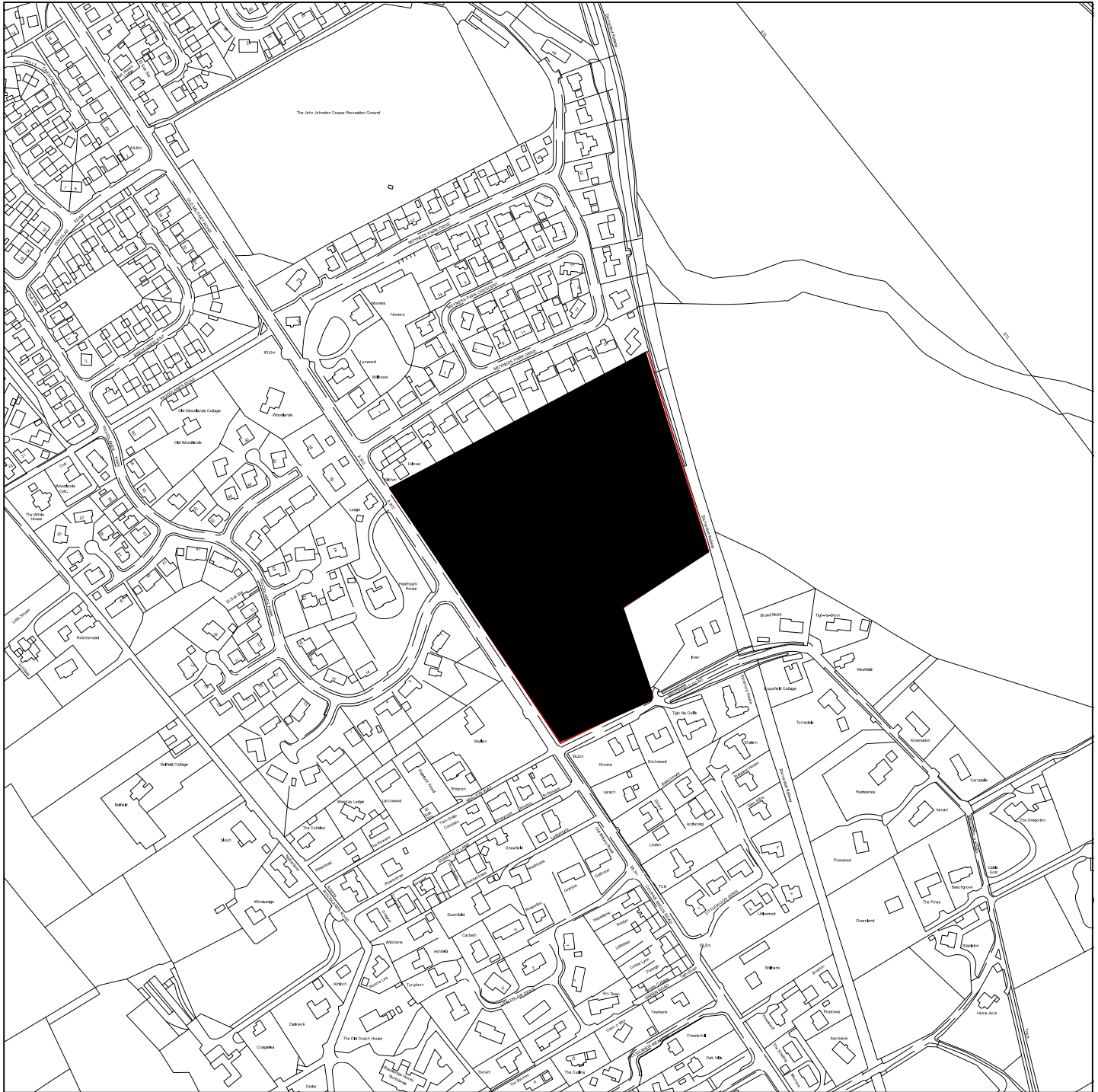
- 1 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 2 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 5 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Background Papers: Nil
Contact Officer: John Culbert: Ext 75353
Date: 4 February 2010

Nick Brian
Development Quality Manager

09/00741/IPM

Residential development, Coupar Angus Road, Blairgowrie



Scale : 1:5000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	24 December 2009
SLA Number	100013289

