

Perth and Kinross Council
Development Management Committee – 24 April 2013
Report of Handling by Development Quality Manager

Erection of 10 dwellinghouses and garages with associated parking on land north of Clayton Road, Bridge of Earn PH2 9AG (Resubmission to Committee to consider removal of condition 6 on flood risk)

Ref. No: 12/00552/FLL

Ward No: 9 – Almond and Earn

SUMMARY

This application was previously submitted to this Committee on the 28 November 2012 where Committee was minded to approve subject to conditions and the applicant providing a financial contribution of £63950 towards improving educational capacity. The application is still pending subject to this payment being made or deferred through a suitable legal agreement being concluded. The previous report is appended to this report.

At the time of reporting to the Committee in November 2012 the Council's Flooding Section had noted that the Flood Risk Assessment had stated that safe access and egress to the site during a flood event is not possible as Clayton Road will be inundated and that a road to the east linking with the A912 is required. Condition 6 therefore was recommended on any consent that the development cannot commence until safe access and egress is made possible to the east by a road linking with the A912.

Since the Committee meeting in November 2012 the applicant's engineer has met with the Council's Flooding Engineer and information provided suggests that the inundation of Clayton Road will be 290mm for the 1 in 30 year flood event. It is concluded therefore that safe access and egress is possible, but to a limited return period.

Taking into account the Reporter's conclusion on the appeal for the previous application (09/01333/IPM), the Council's Flooding Section has concluded that it would be unreasonable to limit the development of this site considering access/egress will be available except at the higher return periods and also as this part of Clayton Road is already used for vehicular access to the housing further east at Oudenarde. Furthermore, it is expected that the link road to the east will be constructed in the future and therefore will alleviate this issue in the longer term.

The Council's Flooding Section has removed their objection with regard to access from the site west along Clayton Road and the previously recommended condition 6 which did not allow work to commence on this site until a suitable link to the east to the A912 had been achieved is no longer relevant and it is recommended that Committee agree to not including condition 6 as part of the planning consent.

All other aspects of the proposal have not changed and remain as approved by this Committee in November 2012 and therefore the only issue to be considered is the removal of the condition relating to phasing.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 1.72 hectare area of land which lies adjacent, to the west and below the M90 on the north east boundary and within the village of Bridge of Earn, as identified in the Perth Area Local Plan 1995. The site is bounded by Clayton Road to the south, an area of open farmland and an access road to the north, and to the west by the Yellow Burn and residential properties beyond this. The site forms the eastern section of the area identified in the local plan for housing ALT H2 which is identified for 20 units subject to specific criteria and also the retention or inclusion of substantial landscaping on the eastern boundary adjacent to the motorway. 10 houses of this allocation have already been built to the west of the application site.
- 2 In March 2010 planning consent in principle was refused at Committee on a wider site area for the erection of 22 pre-retirement/retirement single storey dwellinghouses and associated garages for the 55+ age group under application 09/01333/IPM, on the grounds of road safety, overdevelopment, and noise from motorway and flood risk. This refusal was appealed to the Scottish Ministers and the appeal was dismissed in August 2010. The Reporter concluded the proposed development would provide significantly more housing than that allocated in the local plan and would develop land designated for landscaping. The proposal would also be likely to harm both the residential and visual amenity of future occupants. Concerns were also raised about noise and flood risk but not in terms of road safety.
- 3 The current application is a detailed proposal on a 1.72 hectare site for the erection of 10 single storey mainstream houses with 9 of these arranged around three landscaped courtyards, accessed off a single access to the south east of the site off Clayton Road. A large area of open space is proposed to the east of the Yellow Burn and new planting is proposed to the east of the proposed housing and between the existing tree planting to the west of the M90. Each house will have its own private garden ground and the communal courtyards will be a mixture of hard landscaping, tree planting and seating. A grassed area of communally owned amenity ground is also proposed off the courtyards. A single storey detached house with private garden ground is proposed near the entrance to the south of the site. Materials include roughcast and wood lining to the walls, Marley modern anthracite roof tiles, grey cills, lintels and smooth bands and timber grey painted pivot windows and grey doors.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 4 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,

- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

5 Of relevance to this application are:

- Paragraphs 66-91: Housing
- Paragraphs 149-158: Open Space & Physical Activity
- Paragraphs 196-211: Flooding & Drainage

DEVELOPMENT PLAN

6 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth Area Local Plan 1995, incorporating Alteration No 1 'Housing Land' 2000.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

8 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Perth Area Local Plan 1995, incorporating Alteration No 1 'Housing Land' 2000.

9 Under the Local Plan the application site is within the settlement boundary of Bridge of Earn where the principal relevant policies are in summary: -

Policy 71 Residential Amenity and Village Character

10 Residential amenity and village character should be maintained and some scope exists for infill development when it does not affect density, character and amenity of the village.

Policy 43 Open Space Provision

11 Open Space Provision is required as an integral part of new housing development.

Policy 65 Roads and Transport

- 12 Adequate provision of car parking and servicing must be made in all new development.

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

- 13 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 14 Under the PLDP the site lies within the settlement boundary of Bridge of Earn where the principal relevant policy is:-

Policy RD1 Residential Areas

- 15 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

OTHER RELEVANT POLICY/GUIDANCE

Perth & Kinross Council's Affordable Housing Policy 2010

- 16 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site, however, for developments of less than 10 units commuted payments maybe acceptable.

Perth & Kinross Council's Planning Guidance Note – Primary Education and New Housing Development May 2009

- 17 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied. It should be noted that no contributions are required for affordable or sheltered housing.

SITE HISTORY

- 18 09/01333/IPM Erection of 22 dwellinghouses, garages and associated parking (Plots 1-22) (in principle) 9 April 2010 Application Refused

- 19 Application 09/01333/IPM was dismissed at appeal on 19 August 2010 as it was considered by the Reporter that the proposed development would provide significantly more housing than that allocated in the local plan and would develop land designated for landscaping. (PPA/340/2038)

CONSULTATIONS

- 20 **Scottish Water** has no objections to the proposal and Perth City Waste Water Treatment Works currently has capacity to service this proposed development.
- 21 **Environmental Health** have some concerns over noise mitigation but on balance state that the proposal would be acceptable subject to noise conditions on any consent to protect the occupiers of the development from railway and road traffic noise.
- 22 **Affordable Housing Enabler** has stated in this case the developer has provided an independently prepared development appraisal. Analysis of the evidence provided in the appraisals has been undertaken and the recommendation is that on the evidence provided the commuted sum payment should be reduced to nil in order to fulfil the Scottish Government planning advice on reducing an affordable housing requirement to facilitate housing delivery.
- 23 The reduction of the Affordable Housing requirement to nil does show the project to be economically viable and therefore would enable the developer to build out the project. Whilst there would be no affordable housing contribution received it is considered important that an Education contribution is secured, and that it would stimulate housing development thereby working towards increasing the number of new houses built in Perth & Kinross.
- 24 As the development's viability is clearly linked to the current economic situation it is suggested that the reduction is applied only to this planning consent in the expectation that the units will be built out in the near future. However, if the planning permission is not built out within the 3 year timeframe the full affordable housing requirement should be applied to any renewal or amendments to this application.
- 25 **Education** has no objections subject to a financial contribution being paid for the improvement of educational capacity at Dunbarney Primary School for the total of 10 units.
- 26 **SEPA** has no objections to the proposal provided there is no landraising on the site on ground levels below 6.9m AOD which is the 1:200 year flood level.
- 27 **Flooding Officer** has no objections to the proposal subject to the following conditions, that the minimum finished floor level will be 7.5mAOD; that no alterations to the land below the 6.9mAOD contour shall be allowable in perpetuity; and that the SUDS scheme should be designed to:
- a. The 1/200 return period + 20% for Climate Change;

- b. Restrict the discharge to Greenfield runoff rates (i.e. a maximum discharge rate of 5 l/s/ha) and;
- c. be located above the 6.9mAOD contour.
- d. Full calculations and appropriate drawings of SUDS design to be passed to flood team for review and acceptance prior to commencement on site.

28 **Earn Community Council** object to the proposal on the grounds of overdevelopment of the site, the impact on residential amenity with respect to noise from the motorway, and that flood risk has not been resolved and will not until an alternative access through Oudenarde and the railway bridge is available. There were also concerns raised about education and medical services provision.

REPRESENTATIONS

29 14 letters of objection have been received raising the following issues:-

- Flooding
- Overdevelopment/overlooking
- Road safety/unsafe access
- No educational capacity
- Motorway noise impacting on amenity
- Contrary to the local plan
- Loss of open space
- Light pollution
- Out of character with the area
- Loss of visual amenity
- Loss of daylight/sunlight
- Impact on biodiversity
- Impact on health/GP services

30 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

31	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Not required
	Report on Impact or Potential Impact	Not required

APPRAISAL

Policy

32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

- 33 National and regional planning policy and guidance encourages new housing development in existing settlements as a sustainable approach allowing easy access to existing infrastructure and community facilities. New housing should be easily accessible by public transport and well integrated into walking and cycling networks. As one of the main land uses in towns and villages, housing is a key factor in defining the character of these places. The design and layout of housing development is therefore an important consideration. Energy efficiency is an important element in good design and enhances the sustainability of built development. New housing development should also respect and enhance existing vegetation and other natural features. The proposal is considered to be in accordance with these national and regional planning policy objectives for new housing development.
- 34 In terms of local planning policy the application site is in an area identified as a housing site – ALT H2 in the Perth Area Local Plan 1995. The indicative number proposed for the site in the Local Plan is 20 houses and 10 have already been built on the west side of the Yellow Burn. The development footprint of the site is within an area identified for landscaping in the Local Plan. The extent of the landscaped area is indicative and the main concern here is that in developing the site there is buffering to mitigate noise from the M90. The proposed site layout shows that the distance of the housing from the M90 varies in a range from 50m to 110m and it has been confirmed that noise can be mitigated satisfactorily at these distances. It is considered that the reconfiguration of the housing site as identified in the Local Plan to allow development in the landscaping area to the east and providing an area of open space in the area previously identified for housing is an acceptable approach. The housing land identified around the Yellow Burn in the Local Plan is no longer available for development as this land would now fall within the 1:200 year flood levels. The adopted Local Plan is therefore out of date in terms of flood risk.
- 35 There have been refusals and a planning appeal dismissed which relate to this site but for different schemes as indicated below. The recent appeal dismissal was for an outline proposal for 22 houses to which the Reporter concluded that the proposal would provide significantly more housing than allocated in the adopted Local Plan and the proposal would harm the residential and visual amenity of future occupants.
- 36 This proposal for 10 houses is considered to be acceptable in terms of the adopted Local Plan and there are no Policy objections with regard to the number of houses on the site. More recently it is considered that increased housing density is acceptable in planning policy terms provided it does not compromise residential amenity and the houses can be serviced adequately. Furthermore, increased housing density does not necessarily compromise

housing quality. The housing density proposed here and previously proposed is relatively low density in any case.

- 37 The other relevant material issues will be considered below. The application site is within the village of Bridge of Earn in an area designated for residential and compatible uses in the Adopted Local Plan. It is considered therefore that the principle of residential use on the site is acceptable.
- 38 In the emerging new Local Development Plan the application site falls within the settlement boundary and there are no changes to the settlement boundary of Bridge of Earn proposed at this location. One representation has been received to the Proposed Local Development Plan which relates specifically to the site and for housing on it. The representation indicates that the white area at Clayton Road should not be a possible housing site as planning and noise are a problem. In view of the issues that have occurred, that the zoning of the site is proposed to change in the new LDP and that there is objection against this change, it is considered that only limited weight can be given to what is outlined in the proposed LDP. Consequently the principal consideration remains the current adopted Local Plan. This application is for 10 houses which takes up the suggested allocation for the site and therefore the application can be considered presently and not left to the proposed LDP process. The Reporter to the previous appeal had stated that the allocation for the site was acceptable but no more than this and for any future development above the allocation it would be more appropriate to deal with this in the proposed Local Development Plan process.

Scale, Design and Layout

- 39 The design approach to the site had arisen through collaboration with the Architectural Department of Duncan of Jordanstone College to take account of 2 main factors, namely the impracticality of dividing the site as proposed in the adopted Local Plan as a consequence of the flood risk issues more recently becoming apparent and secondly that it is likely that the houses will be purchased by people in the 50 year old plus age group through downsizing their property. The design response to these factors has resulted in relatively small houses incorporating low energy sustainable features on a modular pattern. The proposed houses are a simple single storey cottage style arranged around a communal courtyard. The palette of materials is narrow and of good quality. The private garden ground apportioned to the houses is generous and overall the layout of the scheme provides a high quality living environment. Greater priority is given to the pedestrian where the houses provide the frame for the public spaces and the street becoming a series of interconnected courtyards. The proposal is seen as representing a traditional cottage street form.

Residential Amenity

- 40 This is a relatively low density development and the proposed layout demonstrates that there is adequate space around and between the houses with ample garden ground and associated communal amenity space. In terms of motorway and railway noise Environmental Health have no objections to the

proposal and that a suitable level of amenity can be achieved subject to conditions to mitigate both motorway and railway noise. The proposed layout and position of the houses is acceptable in terms of privacy and there will be no overshadowing or overlooking of neighbouring property due to the proposed separation between the units.

Flooding and Drainage

- 41 The development will be connected into the main sewer and Scottish Water have no objections and Perth City Waste Water Treatment Works currently has capacity to service the proposed development. A Flood Risk Assessment (FRA) was submitted with the application. The site is located just within or adjacent to the SEPA 1 in 200 Indicative River and Coastal Flood Map, therefore the site may be at medium to high risk of flooding from the Yellow Burn which runs adjacent to the application site. The FRA in consultation with SEPA suggests the 1:200 flood level is 6.9m AOD, therefore the minimum finished floor level will be 7.5m AOD. All finished floor levels will be at least 8.8m AOD and this is considered acceptable. There is land within the application site which is not within the boundary of any properties and is below the 7m AOD contour. It is not clear who will maintain this land and in order to mitigate flood risk a condition stating that no alteration shall be made to the land below the 6.9m AOD contour within the application site. The drainage strategy for the site states that SUDS will be constructed above the 7m AOD contour and will be designed to the 1:200 year return period plus 20% for climate change and that the discharge rate will be attenuated to greenfield runoff rates and this is considered to be acceptable in terms of flood risk.

Traffic and Road Safety

- 42 There are no objections to the proposed development in terms of the site layout, parking and access onto Clayton Road provided the specification including SUDS treatment is carried out in accordance with the relevant roads engineering standards.

Affordable Housing

- 43 Applying the current Affordable Housing Policy of 25% produces an affordable housing requirement for 2.5 units. In discussion with Housing & Community Care the preferred method of delivery is a commuted sum and this equates to £66,250. The developer however has provided an independently prepared development appraisal. The development appraisal provides 'open book' confidential financial information on the anticipated build costs (and all other relevant costs) and the sales prices. Analysis of the evidence provided in the appraisals has been undertaken by Planning (Planning Officer – Affordable Housing Enabler). Through discussion it is evident that from a commercial view the company will not progress the development if the percentage return is less than 8%.

- 44 The planning application has two developer contributions applied; one for Education at £63,950 and one for Affordable Housing at £66,250. It can be seen in the development appraisals provided that the combined effect of the two commuted sums reduces the return of the development to 4.5%, which is below the developer's threshold for a viable return. When the affordable housing commuted sum is removed from the appraisal the return increases to 8% making the project viable for the developer to progress.
- 45 Through the Affordable Housing Policy the Council's preference is for a commuted sum payment as fulfilment of the affordable housing requirement in this case. The recommendation is that on the evidence provided the commuted sum payment should be reduced to nil in order to fulfil the Scottish Government planning advice on reducing an affordable housing requirement to facilitate housing delivery.
- 46 The reduction of the Affordable Housing requirement to nil does show the project to be economically viable and therefore would enable the developer to build out the project. Whilst there would be no affordable housing contribution received it is considered important that an Education contribution is secured, and that it would stimulate housing development thereby working towards increasing the number of new houses built in Perth & Kinross.
- 47 As the development's viability is clearly linked to the current economic situation it is suggested that the reduction is applied only to this planning consent in the expectation that the units will be built out in the near future. However, if the planning permission is not built out within the 3 year timeframe the full affordable housing requirement should be applied to any renewal or amendments to this application.

Education

- 48 There are presently capacity issues at Dunbarney Primary School and there is a requirement for the applicant to make a financial contribution under the Education Contributions Policy towards improving educational capacity at a rate of £6395 per unit for 10 units, i.e. £63 950.

Landscaping and Open Space

- 49 Details of both hard and soft landscaping around the housing in the private gardens, communal areas and on the proposed access have been submitted along with proposed new indigenous tree planting to the east of the site which is considered to be acceptable. There are no details of the treatment of the public open space to the west and prior to commencement of the development the applicant is required by a condition on any consent to provide details of this. The Approved Play Strategy requires the provision of a Locally Equipped Area of Play (LEAP) and the plans for the public open space should include details of this, including the proposed equipment, for the Council's approval. The existing Community Woodland under the applicant's ownership and the new tree planting proposed on the site will require to be maintained. A condition for

management of existing and proposed woodland is recommended on any consent.

Public Access

- 50 There are two paths in the vicinity both falling within the applicant's ownership. The right of way/core path EARN/6 lies to the north of the site. It is a key link into the village and to Oudendarde via the Community Woodland. This development should be linked to it either through the proposed public open space to the west or through the new tree planting to the east. A second well used path runs to the east of the proposed houses, partly through the red line of the site. A condition will be attached to any consent to ensure that the applicant consults with the Council's Access Officer and indicates any suitable pedestrian access links to be implemented prior to the commencement of development.

Natural Heritage and Biodiversity

- 51 The site is presently agricultural land with relatively limited biodiversity/ habitat value. The development of the site for housing and the associated landscape treatment and tree and hedge planting will not be detrimental to the biodiversity value of the site and will arguably encourage wildlife habitat opportunities within the site through new planting and garden formation.

Sustainability

- 52 The provision of housing at this location will benefit from good access to public transport facilities and the availability of existing infrastructure and community facilities in Bridge of Earn and Perth. The housing is proposed as low energy housing with the aim of reducing heat loss through improved thermal performance of the building fabric, optimising solar gain and investigating alternative strategies for low carbon energy generation. Through enhanced landscaping and garden creation the proposal seeks to enhance biodiversity. It is considered that a sustainable approach to the development of the site has been adopted.

LEGAL AGREEMENTS

- 53 A legal agreement may be required if the applicant wishes to defer the payment of the education contribution.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 The application site is within an area which has been identified for housing which includes a landscaped buffer zone to the M90. Part of the landscaped area is proposed for housing because of flood risk restrictions within the area to the west indicated for housing in the adopted Local Plan. This is considered to be an acceptable approach to the development of the site as there is still a sufficient landscape buffer remaining to the M90. The number of houses proposed is considered to be acceptable and in accordance with the adopted Local Plan. The flooding and noise issues which were raised in a previous appeal decision have been considered and can be mitigated satisfactorily by conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
- 3 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 4 The finished floor levels for the dwellinghouses shall be a minimum of 7.5m AOD.
- 5 No alterations to the land within the application site which is below the 6.9m AOD contour shall be carried out in perpetuity and to the satisfaction of the Planning Authority.
- 6 The development hereby approved shall not commence until safe access and egress from the application site has been established, i.e until the link road to the east to the A912 has been completed to the satisfaction of the Planning Authority.
- 7 Prior to commencement of work a fully detailed SUDS scheme shall be submitted in writing for the approval of the Planning Authority. The SUDS shall be designed with regard to the 1 in 200 year return period plus a 20% allowance for climate change, the runoff shall be restricted to greenfield runoff rates, and it shall be located above the 6.9mAOD contour. Full calculations and appropriate drawings of the SUDS design shall be provided and submitted for approval by the Flooding Section of the Council prior to commencement of work.

- 8 The recommendations outlined in paragraphs 5.03, 5.05 and 5.06 regarding double glazing window specifications in the Noise Impact Assessment dated 5 April 2012 carried out by The Charlton Smith Partnership shall be implemented in full to the satisfaction of the Planning Authority.
- 9 The recommendation outlined in paragraph 5.07 regarding acoustically attenuated ventilators in the Noise Impact Assessment report dated 5 April 2012 carried out by The Charlton Smith Partnership shall be implemented in full to the satisfaction of the Planning Authority.
- 10 Prior to commencement of the development details shall be submitted by the applicant for the treatment and maintenance of the area of public open space including any play facilities which would be included for the approval of the Planning Authority.
- 11 Prior to commencement of work on site the applicant in consultation with the Council's Access Officer shall identify suitable pedestrian links from the development hereby approved to link up with the local path network, and these links shall be implemented prior to occupancy of the development and suitable maintenance measures agreed all to the satisfaction of the Planning Authority.
- 12 Prior to commencement of the development the applicant shall provide details of a Woodland Management & Maintenance Scheme to be implemented for the woodland within and adjacent to the application site within the applicant's land ownership.

Reasons:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4 In the interests of flood risk.
- 5 In the interests of flood risk.
- 6 In the interests of flood risk.
- 7 In the interests of flood risk.
- 8 In order to safeguard the residential amenity of the area.
- 9 In order to safeguard the residential amenity of the area.

- 10 In the interests of residential amenity.
- 11 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality
- 12 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

C PROCEDURAL NOTES

Prior to issue of consent the applicant shall provide a financial contribution of £63950 towards improving education capacity. Deferral of this payment may be acceptable through the conclusion of a suitable legal agreement with the Council.

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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Section 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 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 Environment Protection Agency.

Background Papers: 14 letters of representation
Contact Officer: Mark Williamson – Ext 75355
Date: 5 April 2013

Nick Brian
Development Quality Manager

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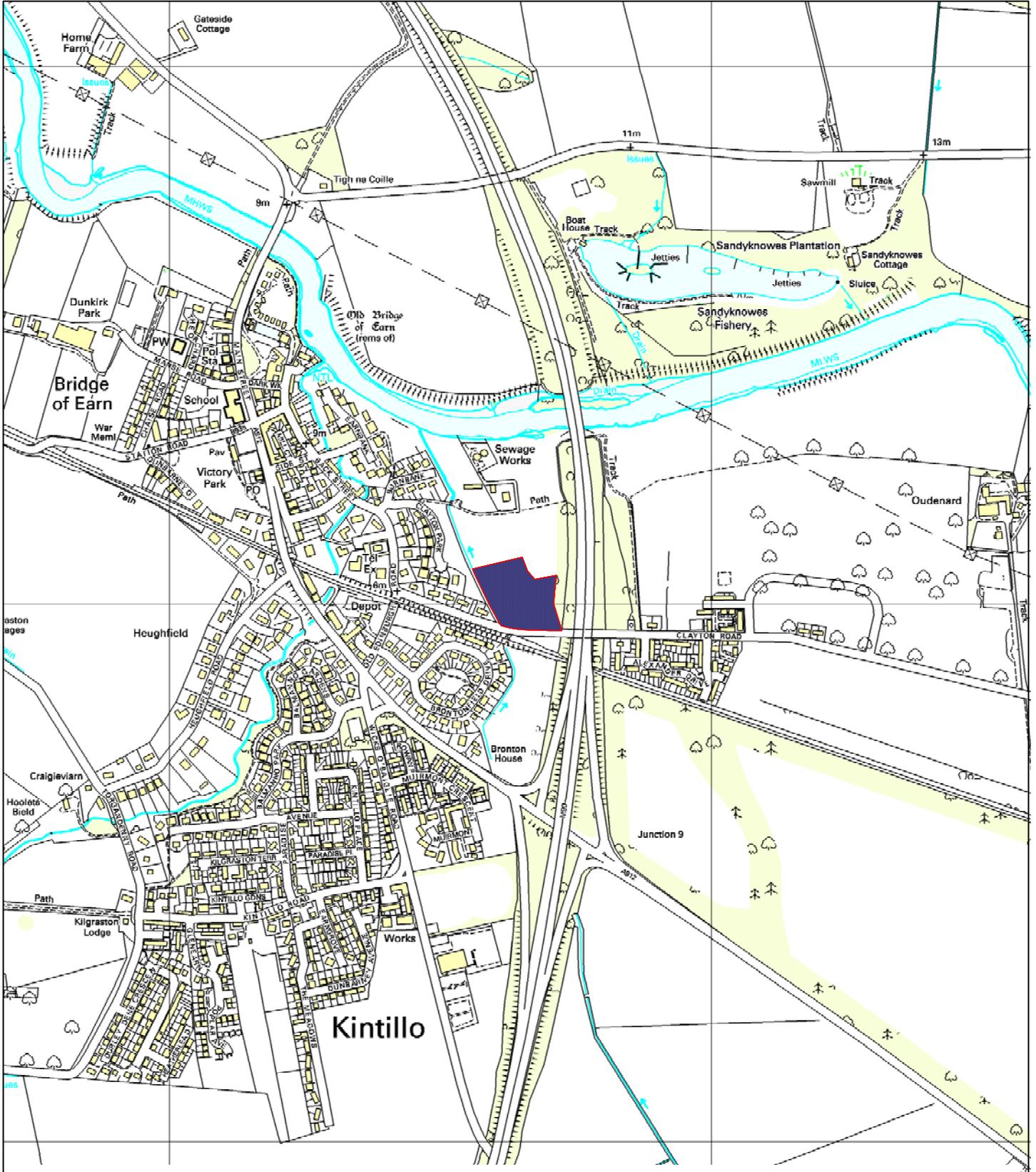
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Perth & Kinross Council

12/01552/FLL

Clayton Road, Bridge of Earn

Erection of 10 dwellinghouses & garages with associated parking



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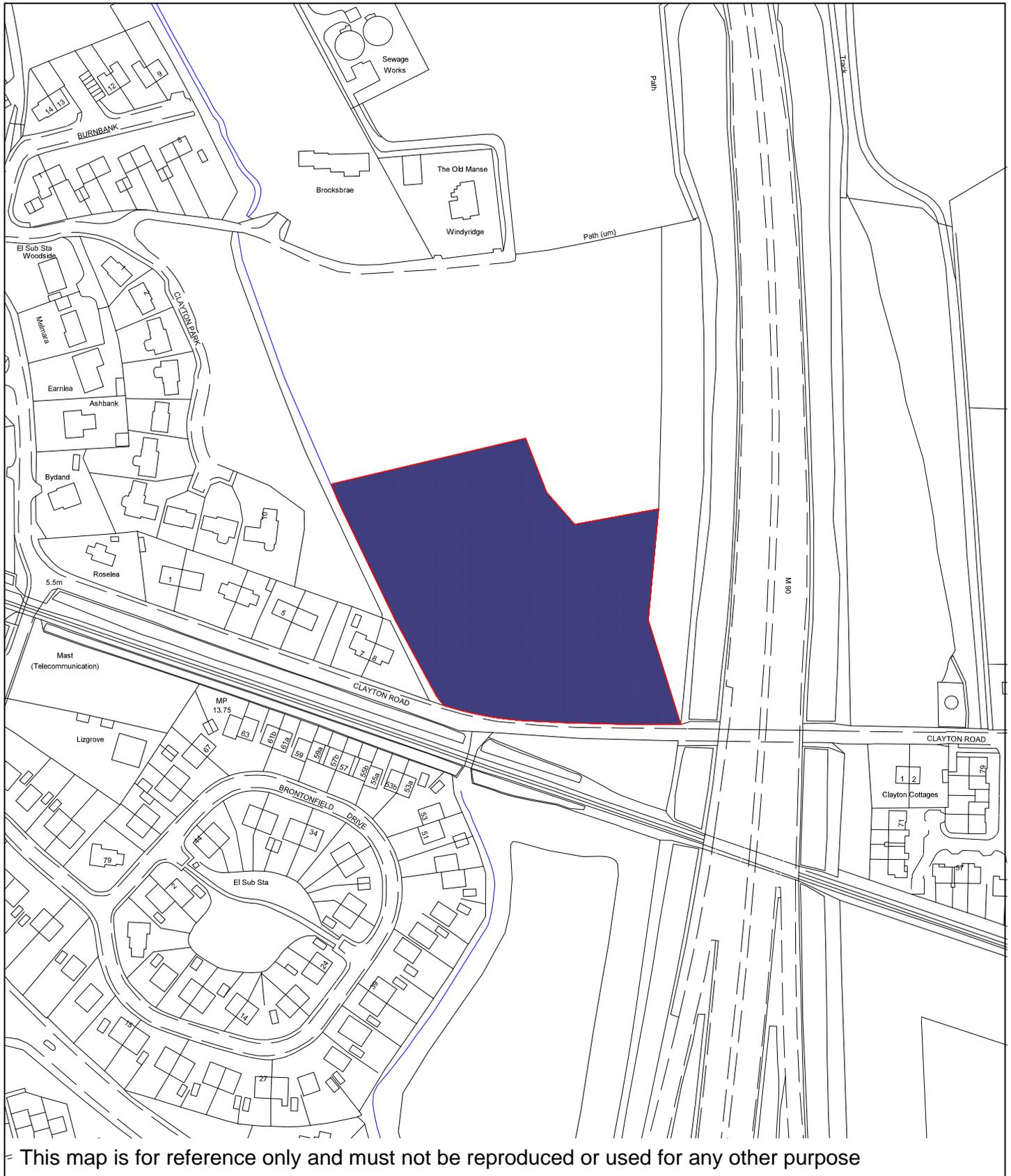
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Perth & Kinross Council

12/01552/FLL

Clayton Road, Bridge of Earn

Erection of 10 dwellinghouses & garages with associated parking



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Perth and Kinross Council
Development Control Committee – 28 November 2012
Report of Handling by Development Quality Manager

Erection of 10 dwellinghouses and garages with associated parking on land north of Clayton Road, Bridge of Earn PH2 9AG

Ref. No: 12/00552/FLL
 Ward No:9 – Almond and Earn

Summary

The report recommends approval of the application as the proposal is considered to comply with the Development Plan and there are no objections from the main consultees in terms of residential amenity, flood risk and roads access and parking subject to conditions.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 1.72 hectare area of land which lies adjacent to the west and below the M90 on the north east boundary and within the village of Bridge of Earn, as identified in the Perth Area Local Plan 1995. The site is bounded by Clayton Road to the south, an area of open farmland and an access road to the north, and to the west by the Yellow Burn and residential properties beyond this. The site forms the eastern section of the area identified in the local plan for housing ALT H2 which is identified for 20 units subject to specific criteria and also the retention or inclusion of substantial landscaping on the eastern boundary adjacent to the motorway. 10 houses of this allocation have already been built to the west of the application site.
- 2 In March 2010 planning consent in principle was refused at Committee on a wider site area for the erection of 22 pre-retirement/retirement single storey dwellinghouses and associated garages for the 55+ age group under application 09/01333/IPM, on the grounds of road safety, overdevelopment, and noise from motorway and flood risk. This refusal was appealed to the Scottish Ministers and the appeal was dismissed in August 2010. The Reporter concluded the proposed development would provide significantly more housing than that allocated in the local plan and would develop land designated for landscaping. The proposal would also be likely to harm both the residential and visual amenity of future occupants. Concerns were also raised about noise and flood risk but not in terms of road safety.
- 3 The current application is a detailed proposal on a 1.72 hectare site for the erection of 10 single storey mainstream houses with 9 of these arranged around three landscaped courtyards, accessed off a single access to the south east of the site off Clayton Road. A large area of open space is proposed to the east of the Yellow Burn and new planting is proposed to the east of the proposed housing and between the existing tree planting to the west of the M90. Each house will have its own private garden ground and the communal courtyards will be a mixture of hard landscaping, tree planting and seating. A grassed area of communally owned amenity ground is also proposed off the

courtyards. A single storey detached house with private garden ground is proposed near the entrance to the south of the site. Materials include roughcast and wood lining to the walls, Marley modern anthracite roof tiles, grey cills, lintels and smooth bands and timber grey painted pivot windows and grey doors.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 4 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

- 5 Of relevance to this application are:
 - Paragraphs 66-91: Housing
 - Paragraphs 149-158: Open Space & Physical Activity
 - Paragraphs 196-211: Flooding & Drainage

DEVELOPMENT PLAN

- 6 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth Area Local Plan 1995, incorporating Alteration No 1 'Housing Land' 2000.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

- 7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

- 8 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Perth Area Local Plan 1995, incorporating Alteration No 1 'Housing Land' 2000

- 9 Under the Local Plan the application site is within the settlement boundary of Bridge of Earn where the principal relevant policies are in summary: -

Policy 71 Residential Amenity and Village Character

- 10 Residential amenity and village character should be maintained and some scope exists for infill development when it does not affect density, character and amenity of the village.

Policy 43 Open Space Provision

- 11 Open Space Provision is required as an integral part of new housing development.

Policy 65 Roads and Transport

- 12 Adequate provision of car parking and servicing must be made in all new development.

Perth and Kinross Proposed Local Development Plan (PLDP) 2012

- 13 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

- 14 Under the PLDP the site lies within the settlement boundary of Bridge of Earn where the principal relevant policy is:-

Policy RD1 Residential Areas

- 15 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

OTHER RELEVANT POLICY/GUIDANCE

Perth & Kinross Council's Affordable Housing Policy 2010

- 16 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing;

preferably on site, however, for developments of less than 10 units commuted payments maybe acceptable.

Perth & Kinross Council's Planning Guidance Note – Primary Education and New Housing Development May 2009

- 17 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied. It should be noted that no contributions are required for affordable or sheltered housing.

SITE HISTORY

- 18 09/01333/IPM Erection of 22 dwellinghouses, garages and associated parking (Plots 1-22) (in principle) 9 April 2010 Application Refused.
- 19 Application 09/01333/IPM was dismissed at appeal on 19 August 2010 as it was considered by the Reporter that the proposed development would provide significantly more housing than that allocated in the local plan and would develop land designated for landscaping. (PPA/340/2038).

CONSULTATIONS

- 20 **Scottish Water** has no objections to the proposal and Perth City Waste Water Treatment Works currently has capacity to service this proposed development.
- 21 **Environmental Health** has some concerns over noise mitigation but on balance state that the proposal would be acceptable subject to noise conditions on any consent to protect the occupiers of the development from railway and road traffic noise.
- 22 **Affordable Housing Enabler** has stated in this case the developer has provided an independently prepared development appraisal. Analysis of the evidence provided in the appraisals has been undertaken and the recommendation is that on the evidence provided the commuted sum payment should be reduced to nil in order to fulfil the Scottish Government planning advice on reducing an affordable housing requirement to facilitate housing delivery.
- 23 The reduction of the Affordable Housing requirement to nil does show the project to be economically viable and therefore would enable the developer to build out the project. Whilst there would be no affordable housing contribution received it is considered important that an Education contribution is secured, and that it would stimulate housing development thereby working towards increasing the number of new houses built in Perth and Kinross.

- 24 As the development's viability is clearly linked to the current economic situation it is suggested that the reduction is applied only to this planning consent in the expectation that the units will be built out in the near future. However, if the planning permission is not built out within the 3 year timeframe the full affordable housing requirement should be applied to any renewal or amendments to this application.
- 25 **Education** has no objections subject to a financial contribution being paid for the improvement of educational capacity at Dunbarney Primary School for the total of 10 units.
- 26 **SEPA** has no objections to the proposal provided there is no landraising on the site on ground levels below 6.9m AOD which is the 1:200 year flood level.
- 27 **Flooding Officer** has no objections to the proposal subject to the following conditions: that the minimum finished floor level will be 7.5mAOD; that no alterations to the land below the 6.9mAOD contour shall be allowable in perpetuity; that the development cannot commence until safe access egress is possible (i.e. the link road to the East (A912) has been completed) and that the SUDS scheme should be designed to:
- a. The 1/200 return period + 20% for Climate Change;
 - b. Restrict the discharge to Greenfield runoff rates (i.e. a maximum discharge rate of 5 l/s/ha) and;
 - c. be located above the 6.9mAOD contour.
 - d. Full calculations and appropriate drawings of SUDS design to be passed to flood team for review and acceptance prior to commencement on site.
- 28 **Earn Community Council** object to the proposal on the grounds of overdevelopment of the site, the impact on residential amenity with respect to noise from the motorway, and that flood risk has not been resolved and will not until an alternative access through Oudenarde and the railway bridge is available. There were also concerns raised about education and medical services provision.

REPRESENTATIONS

- 29 14 letters of objection have been received raising the following issues:-

- Flooding
- Overdevelopment/overlooking
- Road safety/unsafe access
- No educational capacity
- Motorway noise impacting on amenity
- Contrary to the local plan
- Loss of open space
- Light pollution
- Out of character with the area
- Loss of visual amenity

- Loss of daylight/sunlight
- Impact on biodiversity
- Impact on health/gp services

30 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

31	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Not required
	Report on Impact or Potential Impact	Not required

APPRAISAL

Policy

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.
- 33 National and regional planning policy and guidance encourages new housing development in existing settlements as a sustainable approach allowing easy access to existing infrastructure and community facilities. New housing should be easily accessible by public transport and well integrated into walking and cycling networks. As one of the main land uses in towns and villages, housing is a key factor in defining the character of these places. The design and layout of housing development is therefore an important consideration. Energy efficiency is an important element in good design and enhances the sustainability of built development. New housing development should also respect and enhance existing vegetation and other natural features. The proposal is considered to be in accordance with these national and regional planning policy objectives for new housing development.
- 34 In terms of local planning policy the application site is in an area identified as a housing site – ALT H2 in the Perth Area Local Plan 1995. The indicative number proposed for the site in the Local Plan is 20 houses and 10 have already been built on the west side of the Yellow Burn. The development footprint of the site is within an area identified for landscaping in the Local Plan. The extent of the landscaped area is indicative and the main concern here is that in developing the site there is buffering to mitigate noise from the M90. The proposed site layout shows that the distance of the housing from the M90 varies in a range from 50m to 110m and it has been confirmed that noise can

be mitigated satisfactorily at these distances. It is considered that the reconfiguration of the housing site as identified in the Local Plan to allow development in the landscaping area to the east and providing an area of open space in the area previously identified for housing is an acceptable approach. The housing land identified around the Yellow Burn in the Local Plan is no longer available for development as this land would now fall within the 1:200 year flood levels. The adopted Local Plan is therefore out of date in terms of flood risk.

- 35 There have been refusals and a planning appeal dismissed which relate to this site but for different schemes as indicated below. The recent appeal dismissal was for an outline proposal for 22 houses to which the Reporter concluded that the proposal would provide significantly more housing than allocated in the adopted Local Plan and the proposal would harm the residential and visual amenity of future occupants.
- 36 This proposal for 10 houses is considered to be acceptable in terms of the adopted Local Plan and there are no Policy objections with regard to the number of houses on the site. More recently it is considered that increased housing density is acceptable in planning policy terms provided it does not compromise residential amenity and the houses can be serviced adequately. Furthermore, increased housing density does not necessarily compromise housing quality. The housing density proposed here and previously proposed is relatively low density in any case.
- 37 The other relevant material issues will be considered below. The application site is within the village of Bridge of Earn in an area designated for residential and compatible uses in the Adopted Local Plan. It is considered therefore that the principle of residential use on the site is acceptable.
- 38 In the emerging new Local Development Plan the application site falls within the settlement boundary and there are no changes to the settlement boundary of Bridge of Earn proposed at this location. One representation has been received to the Proposed Local Development Plan which relates specifically to the site and for housing on it. The representation indicates that the white area at Clayton Road should not be a possible housing site as planning and noise are a problem. In view of the issues that have occurred, that the zoning of the site is proposed to change in the new LDP and that there is objection against this change, it is considered that only limited weight can be given to what is outlined in the proposed LDP. Consequently the principal consideration remains the current adopted Local Plan. This application is for 10 houses which takes up the suggested allocation for the site and therefore the application can be considered presently and not left to the proposed LDP process. The Reporter to the previous appeal had stated that the allocation for the site was acceptable but no more than this and for any future development above the allocation it would be more appropriate to deal with this in the proposed Local Development Plan process.

Scale, Design and Layout

- 39 The design approach to the site had arisen through collaboration with the Architectural Department of Duncan of Jordanstone College to take account of 2 main factors, namely the impracticality of dividing the site as proposed in the adopted Local Plan as a consequence of the flood risk issues more recently becoming apparent and secondly that it is likely that the houses will be purchased by people in the 50 year old plus age group through downsizing their property. The design response to these factors has resulted in relatively small houses incorporating low energy sustainable features on a modular pattern. The proposed houses are a simple single storey cottage style arranged around a communal courtyard. The palette of materials is narrow and of good quality. The private garden ground apportioned to the houses is generous and overall the layout of the scheme provides a high quality living environment. Greater priority is given to the pedestrian where the houses provide the frame for the public spaces and the street becoming a series of interconnected courtyards. The proposal is seen as representing a traditional cottage street form.

Residential Amenity

- 40 This is a relatively low density development and the proposed layout demonstrates that there is adequate space around and between the houses with ample garden ground and associated communal amenity space. In terms of motorway and railway noise Environmental Health have no objections to the proposal and that a suitable level of amenity can be achieved subject to conditions to mitigate both motorway and railway noise. The proposed layout and position of the houses is acceptable in terms of privacy and there will be no overshadowing or overlooking of neighbouring property due to the proposed separation between the units.

Flooding and Drainage

- 41 The development will be connected into the main sewer and Scottish Water have no objections and Perth City Waste Water Treatment Works currently has capacity to service the proposed development. A Flood Risk Assessment (FRA) was submitted with the application. The site is located just within or adjacent to the SEPA 1 in 200 Indicative River and Coastal Flood Map, therefore the site may be at medium to high risk of flooding from the Yellow Burn which runs adjacent to the application site. The FRA in consultation with SEPA suggests the 1:200 flood level is 6.9m AOD, therefore the minimum finished floor level will be 7.5m AOD. All finished floor levels will be at least 8.8m AOD and this is considered acceptable. There is land within the application site which is not within the boundary of any properties and is below the 7m AOD contour. It is not clear who will maintain this land and in order to mitigate flood risk a condition stating that no alteration shall be made to the land below the 6.9m AOD contour within the application site. The FRA states that safe access and egress to the site during a flood event is not possible as Clayton Road will be inundated and therefore a road to the east linking with the A912 is required. A condition therefore is required on any consent that the development cannot commence until safe access and egress is possible. The drainage strategy for

the site states that SUDS will be constructed above the 7m AOD contour and will be designed to the 1:200 year return period plus 20% for climate change and that the discharge rate will be attenuated to greenfield runoff rates and this is considered to be acceptable in terms of flood risk.

Traffic and Road Safety

- 42 There are no objections to the proposed development in terms of the site layout, parking and access onto Clayton Road provided the specification including SUDS treatment is carried out in accordance with the relevant roads engineering standards.

Affordable Housing

- 43 Applying the current Affordable Housing Policy of 25% produces an affordable housing requirement for 2.5 units. In discussion with Housing & Community Care the preferred method of delivery is a commuted sum and this equates to £66,250. The developer however has provided an independently prepared development appraisal. The development appraisal provides 'open book' confidential financial information on the anticipated build costs (and all other relevant costs) and the sales prices. Analysis of the evidence provided in the appraisals has been undertaken by Planning (Planning Officer – Affordable Housing Enabler). Through discussion it is evident that from a commercial view the company will not progress the development if the percentage return is less than 8%.
- 44 The planning application has two developer contributions applied; one for Education at £63,950 and one for Affordable Housing at £66,250. It can be seen in the development appraisals provided that the combined effect of the two commuted sums reduces the return of the development to 4.5%, which is below the developer's threshold for a viable return. When the affordable housing commuted sum is removed from the appraisal the return increases to 8% making the project viable for the developer to progress.
- 45 Through the Affordable Housing Policy the Council's preference is for a commuted sum payment as fulfilment of the affordable housing requirement in this case. The recommendation is that on the evidence provided the commuted sum payment should be reduced to nil in order to fulfil the Scottish Government planning advice on reducing an affordable housing requirement to facilitate housing delivery.
- 46 The reduction of the Affordable Housing requirement to nil does show the project to be economically viable and therefore would enable the developer to build out the project. Whilst there would be no affordable housing contribution received it is considered important that an Education contribution is secured, and that it would stimulate housing development thereby working towards increasing the number of new houses built in Perth and Kinross.
- 47 As the development's viability is clearly linked to the current economic situation it is suggested that the reduction is applied only to this planning consent in the

expectation that the units will be built out in the near future. However, if the planning permission is not built out within the 3 year timeframe the full affordable housing requirement should be applied to any renewal or amendments to this application.

Education

- 48 There are presently capacity issues at Dunbarney Primary School and there is a requirement for the applicant to make a financial contribution under the Education Contributions Policy towards improving educational capacity at a rate of £6395 per unit for 10 units, i.e. £63 950.

Landscaping and Open Space

- 49 Details of both hard and soft landscaping around the housing in the private gardens, communal areas and on the proposed access have been submitted along with proposed new indigenous tree planting to the east of the site which is considered to be acceptable. There are no details of the treatment of the public open space to the west and prior to commencement of the development the applicant is required by a condition on any consent to provide details of this. The Approved Play Strategy requires the provision of a Locally Equipped Area of Play (LEAP) and the plans for the public open space should include details of this, including the proposed equipment, for the Council's approval. The Community Woodland to the east of the site and the new tree planting within it will also require to be maintained.

Public Access

- 50 There are two paths in the vicinity both falling within the applicant's ownership. The right of way/core path EARN/6 lies to the north of the site. It is a key link into the village and to Oudenarde via the Community Woodland. This development should be linked to it either through the proposed public open space to the west or through the new tree planting to the east. A second well used path runs to the east of the proposed houses, partly through the red line of the site. A condition will be attached to any consent to ensure that the applicant consults with the Council's Access Officer and indicates any suitable pedestrian access links to be implemented prior to the commencement of development.

Natural Heritage and Biodiversity

- 51 The site is presently agricultural land with relatively limited biodiversity/ habitat value. The development of the site for housing and the associated landscape treatment and tree and hedge planting will not be detrimental to the biodiversity value of the site and will arguably encourage wildlife habitat opportunities within the site through new planting and garden formation.

Sustainability

- 52 The provision of housing at this location will benefit from good access to public transport facilities and the availability of existing infrastructure and community facilities in Bridge of Earn and Perth. The housing is proposed as low energy housing with the aim of reducing heat loss through improved thermal performance of the building fabric, optimising solar gain and investigating alternative strategies for low carbon energy generation. Through enhanced landscaping and garden creation the proposal seeks to enhance biodiversity. It is considered that a sustainable approach to the development of the site has been adopted.

LEGAL AGREEMENTS

- 53 A legal agreement may be required if the applicant wishes to defer the payment of the education contribution.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 The application site is within an area which has been identified for housing which includes a landscaped buffer zone to the M90. Part of the landscaped area is proposed for housing because of flood risk restrictions within the area to the west indicated for housing in the adopted Local Plan. This is considered to be an acceptable approach to the development of the site as there is still a sufficient landscape buffer remaining to the M90. The number of houses proposed is considered to be acceptable and in accordance with the adopted Local Plan. The flooding and noise issues which were raised in a previous appeal decision have been considered and can be mitigated satisfactorily by conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

- 3 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
- 4 The finished floor levels for the dwellinghouses shall be a minimum of 7.5m AOD.
- 5 No alterations to the land within the application site which is below the 6.9m AOD contour shall be carried out in perpetuity and to the satisfaction of the Planning Authority.
- 6 The development hereby approved shall not commence until safe access and egress from the application site has been established, i.e until the link road to the east to the A912 has been completed to the satisfaction of the Planning Authority.
- 7 Prior to commencement of work a fully detailed SUDS scheme shall be submitted in writing for the approval of the Planning Authority. The SUDS shall be designed with regard to the 1 in 200 year return period plus a 20% allowance for climate change, the runoff shall be restricted to greenfield runoff rates, and it shall be located above the 6.9mAOD contour. Full calculations and appropriate drawings of the SUDS design shall be provided and submitted for approval by the Flooding Section of the Council prior to commencement of work.
- 8 The recommendations outlined in paragraphs 5.03, 5.05 and 5.06 regarding double glazing window specifications in the Noise Impact Assessment dated 5 April 2012 carried out by The Charlton Smith Partnership shall be implemented in full to the satisfaction of the Planning Authority.
- 9 The recommendation outlined in paragraph 5.07 regarding acoustically attenuated ventilators in the Noise Impact Assessment report dated 5 April 2012 carried out by The Charlton Smith Partnership shall be implemented in full to the satisfaction of the Planning Authority.
- 10 Prior to commencement of the development details shall be submitted by the applicant for the treatment and maintenance of the area of public open space including any play facilities which would be included for the approval of the Planning Authority.
- 11 Prior to commencement of work on site the applicant in consultation with the Council's Access Officer shall identify suitable pedestrian links from the development hereby approved to link up with the local path network, and these links shall be implemented prior to occupancy of the development and suitable maintenance measures agreed all to the satisfaction of the Planning Authority.
- 12 Prior to commencement of the development the applicant shall provide details of a Woodland Management & Maintenance Scheme to be implemented for the woodland within and adjacent to the application site within the applicant's land ownership.

Reasons:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 4 In the interests of flood risk.
- 5 In the interests of flood risk.
- 6 In the interests of flood risk.
- 7 In the interests of flood risk.
- 8 In order to safeguard the residential amenity of the area.
- 9 In order to safeguard the residential amenity of the area.
- 10 In the interests of residential amenity.
- 11 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality
- 12 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

C PROCEDURAL NOTES

Prior to issue of consent the applicant shall provide a financial contribution of £63,950 towards improving education capacity. Deferral of this payment may be acceptable through the conclusion of a suitable legal agreement with the Council.

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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Section 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 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 Environment Protection Agency.

Background Papers: 14 letters of representation
Contact Officer: Mark Williamson – Ext 75355
Date: 15 November 2012

Nick Brian
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
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