

Perth and Kinross Council
Development Management Committee – 14 January 2015
Report of Handling by Development Quality Manager

Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1) at Land 460 Metres North West of Glenisla Golf Club, Alyth.

Ref. No: 14/00282/AMM
Ward No: 2 – Strathmore

Summary

This report recommends refusal of a planning application for the approval of matters specified in conditions relating to an outline planning consent for a significant mixed use development at Glenisla Golf Club, Alyth.

The planning application seeks the approval of detailed matters relating to the first residential phase of the development that comprises 18 dwellings, a principal road framework and structural landscaping for the whole development site. In addition to this, consent is also sought for the approval of a strategic Masterplan that aims to establish the specific land uses across the whole development site and the phasing details for the implementation and delivery of those land uses.

The proposal is considered to be contrary to the Local Development Plan 2014 and contrary to the requirements of the original outline planning consent by not:-

- a) providing precise phasing details of the implementation of the development
- b) providing an acceptable Transport Assessment
- c) providing a road layout which is acceptable to the Council as Planning Authority

In addition to this, based on the supporting information submitted by the applicant it has not been demonstrated that any of the perceived economic benefits which were proposed as part of the outline consent will be delivered within a reasonable timescale.

PROPOSAL AND DESCRIPTION

- 1 The application site covers an area of approx. 50 ha of land at the Glenisla Golf Club, a public golf course (with approx. 300 members) which is located to the east of the settlement of Alyth. The site can be essentially divided into two parts, east and west with the western part accommodating several existing golf holes associated with the Glenisla course, whilst the eastern part of the site largely consists of agricultural fields with the flood plain of the Alyth Burn running west to east.
- 2 In June 2010, the Council (contrary to the officer recommendation) granted outline planning permission for improvements to the existing golf clubhouse/course, the erection of 9 business units, the erection of a 3* hotel, the erection of a nursing home and a residential development including a

retirement village (09/01345/IPM). That application was considered to be a significant departure from the Development Plan, but the economic benefits that the development would bring to the local area were considered to be a material reason which justified approval of the application. A subsequent planning application to vary the timescales for the submission of the required reserved matters was approved by the Committee on 21 August 2013 (13/01114/IPM).

- 3 This planning application is the first detailed submission relating to the outline consent and seeks to obtain detailed approval for a number of elements including:
 - The erection of 18 dwellings at the north western corner of the site
 - A principal road framework for the entire site
 - Structural landscaping for the entire site
 - The approval of a Masterplan for the entire site which aims to establish:
 - a) Land uses across the site; and
 - b) Phasing implementation details.
- 4 In terms of the proposed dwellings, 16 of the house types proposed are to be detached units with one pair of semi-detached also proposed. All the residential units will offer living accommodation over two levels with the upper level contained both within the roofspaces and within the wallheads. The layout of the first 18 dwellings is centred on a cul-de-sac arrangement, which will eventually have some limited connectivity to adjacent phases once subsequent phases are advanced.
- 5 In terms of the overall road framework, this planning application seeks to secure consent for the principal roads that will provide for vehicular movement across all parts of the wider development site. Localised roads and private accesses have not been indicated on the submitted plans as these specific details will be advanced as the detailed proposals for subsequent phases are progressed and are eventually submitted for approval by the Council. In addition to the road framework, approval is also sought for the structural landscaping across the site, however as per the proposed road framework, localised, functional areas of open space have not been identified in specific detail as the locations of these areas will be developed further once details of the built development surrounding open space areas is progressed through subsequent residential phases.
- 6 In support of this planning application, the applicant initially submitted a number of background documents which included:
 - A planning statement
 - Phase 1 detailed site layout
 - Phasing 'Masterplan'
 - Roads 'Masterplan'
 - Landscape proposals 'Masterplan'

- Street elevations
 - Design Statement
 - Phasing proposals
 - Details of the business units
 - Site compound details
 - Accessibility Statement
 - Phase 1 habitat/ecology survey
 - Archaeology Evaluation, including WRI
- 7 Following a request from the Council for further information on a range of areas, the following additional documents were submitted to the Council:
- Financial Information relating to the costs of implementing Phase 1 (confidential)
 - Quality Audit
 - Addendum to TA
 - Updated Landscape Masterplan, including a maintenance Specification
- 8 In terms of drainage arrangements, the applicant has indicated within their submission that the development is to be connected to the public drainage system. However, at this stage no detailed information relating to the intended connection routes to the public system or the required Sustainable Urban Drainage System (SUDS) for surface water disposal have been provided. In terms of affordable housing provision, the applicant has indicated that they intend to provide a financial contribution to the Council in lieu of providing onsite affordable housing. The applicant has also suggested within their additional information that a new footpath is proposed from the site along the public road towards Alyth, however no further details regarding who is delivering this or when it is intended to be delivered have been submitted.

PROCEDURAL MATTER

- 9 Within the submission, the applicant has provided detailed elevations and floor plans relating to the proposed starter business units. It is also noted that these units are identified on various other block/site plans. However, the applicant has confirmed to the Council that the proposed starter business units are not to be considered as part of this planning application. During the course of the consideration of the planning application, after the applicant was informed that the omission from this planning application of any commercial element (that would have possibly brought forward some of the perceived economic benefits identified at the outline planning application) raised serious questions about the actual justification for the development, an offer was made by the applicant to 'drop in' the starter business units to the submitted application.
- 10 This proposed amendment to the planning application would have resulted in a material change to the original submission, insofar as it would have effectively introduced a new land use to those listed on the application forms and as advertised by the Council. To this end, it was not considered procedurally correct to do so. The applicant was consequently advised that the planning

application would be determined on the basis of assessing the development as it had been initially submitted with the only detailed land use being assessed that of the residential Phase 1 element.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 The original outline planning permission was 'screened' by the Council and it was concluded that the proposal was an EIA development which had to be accompanied by an Environmental Statement (ES) and to this end, an ES accompanied the original outline planning application.
- 12 The 2011 Environmental Regulations cover multi-stage consents such as applications for approval of matters specified in a condition relating to a parent planning permission in principle or older outline consents. Guidance from the Scottish Government states that if an EIA is undertaken fully from the outset, a robust screening exercise was carried out and permissions are *conditioned* by reference to development parameters considered in the ES, there should be no need for further EIA assessment at any subsequent stage i.e. approval of matters specified. However, if in the eyes of the competent authority (in this case the Council) the subsequent application has the potential to result in new environmental effects which were either not previously considered or not fully considered, then the competent authority could consider the resubmission of an ES.
- 13 In this case, whilst the proposal in its submitted form raises significant planning issues, these issues do not explicitly relate to (new) environmental issues which were not previously addressed and assessed through the ES which was submitted as part of the initial outline consent. To this end, I do not consider there to be a need for a new ES to accompany this application for approval of matters specified.

HIERARCHY OF APPLICATIONS

- 14 The original outline consent was granted prior to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 coming into force. As a consequence there was no requirement imposed on the applicant to undertake formal pre-application consultation with the local community at that time. As this planning application seeks the approval of matters specified by conditions associated with the 2009 consent, there is not a formal requirement for a pre-application consultation exercise to be carried out with the local community prior to the submission of the application.

NATIONAL PLANNING POLICY

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

16 Of relevance to this application are:

The Scottish Planning Policy 2014

17 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of Development Plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

18 Of specific relevance to this application are:

A successful Sustainable Place

- Paragraphs 74 - 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 135 – 151 Valuing the Historic Environment

A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

A Connected Place

- Paragraphs 269 – 291 Promoting Sustainable Transport & Active Travel

19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 43 Golf Courses and Associated Developments
- PAN 60 Planning for Natural Heritage
- PAN 65 Open Space

- PAN 68 Design Statements
- PAN 67 Housing Quality
- PAN 76 Designing new residential streets
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Master planning

Designing Places, Designing Streets and Creating Places

- 20 These policy statements mark the Scottish Government's determination to raise standards of urban and rural development.

National Roads Development Guide 2014

- 21 The National Roads Development Guide has been produced by the Society for Chief Officers of Transport in Scotland, supported by Transport Scotland and Scottish Government Planning and Architecture Division. This document supports Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

DEVELOPMENT PLAN

- 22 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 23 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Policy 1- Location Priorities

- 24 Focuses the majority of development in the region's principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2- Shaping Better Quality Places

- 25 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation

technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3- Managing TAYplan's Assets

- 26 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Perth and Kinross Council Local Development Plan 2014 (LDP)

- 27 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 28 Within the LDP the site lies outwith the settlement of Alyth where the following policies are applicable,

Policy PM1A - Placemaking

- 29 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 30 All proposals should meet all eight of the placemaking criteria which are:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
 - (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
 - (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.

- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

Policy PM1C - Placemaking

- 31 For larger developments (more than 200 houses or 10 ha) the main aim is to create a sustainable neighbourhood with its own sense of identity. Neighbourhoods should seek to meet the key needs of the residents or businesses within or adjacent to the neighbourhood, i.e. local shopping, recreation, recycling etc. In most cases this will best be achieved by the development of a Masterplan.

Policy PM2 - Design Statements

- 32 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 34 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 35 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 37 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

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

Policy NE1 - Environment and Conservation Policies

- 39 National, local and European protected species should be considered in development proposals.

Policy NE3 - Biodiversity

- 40 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

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

Policy EP3B - Water, Environment and Drainage

- 43 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse

effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy EP5 - Nuisance from Artificial Light and Light Pollution

- 45 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy EP8 - Noise Pollution

- 46 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy RD3: Housing in the Countryside

- 47 As outline planning consent exists on the site for a residential development (in part), I consider it useful to acknowledge the presence of this policy but nevertheless do not consider it necessary (or reasonable) to re-assess the principles of this proposal against this policy again.

Policy RD4 - Affordable Housing

- 48 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

- 49 As outline planning consent exists on the site for a residential development (in part), I consider it useful to acknowledge the presence of this policy but

nevertheless do not consider it necessary (or reasonable) to re-assess the proposal against the principles of this policy again.

Developer Contributions 2014

- 50 This document sets out the Council's policy towards obtaining developer contributions in relation to Primary Education and A9 junction upgrades. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions* and Developer Contributions Supplementary Guidance.

Developer Contributions, Transport Infrastructure 2014

- 51 This Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions* and Developer Contributions Supplementary Guidance.

Affordable Housing Supplementary Guidance 2014

- 52 This supplementary guidance has been produced by the Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005. This supplementary guidance includes additional information on the application and implementation of the affordable housing policy. Whilst every effort has been made to be as comprehensive as possible in preparing the guidance it is inevitable that new issues will come up from time to time and it will therefore need to evolve as new issues arise.

SITE HISTORY

- 53 An outline planning consent was granted in 2010 for improvements to the existing golf clubhouse/course, the erection of 9 business units, the erection of a 3* hotel, the erection of a nursing/care home and a residential development including a retirement village when the Full Council approved planning application 09/01345/IPM contrary to the officer recommendation. That application was considered by the Council to be a significant departure to the then Development Plan, but the potential economic benefits which the development would bring to the area were considered to be a significant material consideration which justified a departure from the Development Plan. As the development was considered to be a significant departure from the Development Plan, the application was referred to the Scottish Government who subsequently indicated that they did not wish to 'call-in' the application and that the Council was free to issue an approval decision.

- 54 A subsequent planning application made under S42 of the Planning Act was approved by the Council last year (13/01114/IPM). That planning application amended the time condition on the previous planning consent to allow the applicant a longer time to submit their application(s) for approval of matters specified.

CONSULTATIONS

EXTERNAL

55 **Scottish Natural Heritage**

No comments lodged.

56 **Scottish Water**

No comments lodged.

57 **Historic Scotland**

No comments lodged in relation to the impact on the setting of the Scheduled Monument.

58 **Alyth Community Council**

A number of concerns have been raised. Whilst they accept that the site benefits from an extant consent, they nevertheless have a number of concerns which principally relate to the delivery of the development and drainage implications.

INTERNAL

59 **Transport Planning**

Comments made in terms of the road layout(s) and the level of background information which has been submitted in support of the planning application. On both accounts, Transport Planning have raised concerns over the proposal.

60 **Access Officer**

Comments made in terms of the impact that the proposal may have on existing rights of way and subject to conditions, they have no objection.

61 **Affordable Housing Officer**

A commuted payment should be made to address the affordable housing requirements.

62 Education & Children Services

Confirmed that the local primary school is currently not operating at over 80% capacity and therefore no financial contributions are required for the first 18 dwellings.

63 Community Waste Adviser

No objection to the proposal subject to standard conditions being imposed relating to provision of waste collection facilities.

64 Environmental Health

No objection to the proposal in terms of air quality issues.

65 Community Greenspace

Have commented in terms of the open space provision and specific details of functional open space and indicated that in the absence of a Masterplan or detailed building positions, it is not possible to fully comment on the acceptability of the areas of functional areas of open space.

66 PKHT

No objection to the proposal in terms of the impact on unscheduled archaeology subject to an appropriate condition being attached to any consent.

REPRESENTATIONS

67 In addition to the Community Council, five letters of representation have been received, all objecting to the proposal. The main issues raised within the letters of representation are:

- Non-delivery of commercial elements
- Traffic Impacts
- Density of the Phase 1 residential
- Visual impact

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

ADDITIONAL STATEMENTS

69

Environment Statement	Submitted with the application for Outline Consent
Screening Opinion	Undertaken
Environmental Impact Assessment	The development is considered to be an EIA development.
Appropriate Assessment	Undertaken
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Various background reports/statements submitted.

APPRAISAL

- 70 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 71 The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014.
- 72 In terms of other material considerations this involves consideration of the Council's other approved policies, namely those which relate to developer contributions and the fact that this application seeks the approval of matters specified by conditions and is not a stand-alone planning application.

Policy

- 73 In terms of policy matters, as an outline planning consent for the collective land uses across the site has been granted by the Council, it is not reasonable for the Council to reassess the proposal again in terms of whether or not the proposed land uses are acceptable. However, notwithstanding the fact that this planning application seeks the approval of matters specified, there are still a number of Development Plan policies that are directly relevant to this specific planning application, the majority of which are found in the adopted Local Development Plan 2014. Within that Plan, the site is located within the rural landward area where *Policies PM1A, PM1B and PM1C (all Placemaking)*, *Policy PM3 (Contributions)*, *Policy RD4 (Affordable Housing)* and *Policy TA1B (Transport)* are all directly applicable.
- 74 *Policy PM1A* is applicable to all new proposals across Perth and Kinross and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing

character and amenity of the existing areas, whilst *Policy PM1B* seeks to ensure that all new proposals create a sense of identity by developing a coherent structure of streets, spaces and buildings.

- 75 *Policy PM1C* states that for larger developments (more than 200 houses or over areas of 10 ha) the main aim for new development proposals is to create a sustainable neighbourhood with its own sense of identity. Those neighbourhoods should seek to meet the key needs of the residents or businesses within or adjacent to the neighbourhood, i.e. local shopping, recreation, recycling etc and in most cases, *Policy PM1C* states that this goal will be best achieved through the development of a Masterplan.
- 76 *Policy TA1B* requires that all development proposals that involve significant travel generation must be well served by, and easily accessible to all modes of transport with a particular focus on sustainable modes of movement such as walking, cycling and public transport, in addition to car movements. *Policy TA1B* also states that the aim of all developments should be to reduce travel demand by car and to ensure a realistic choice of access and travel modes is available. In addition to this, *Policy TA1B* states that Transport Assessments will be required for all developments that will generate significant travel movements and that the Transport Assessment should identify appropriate mitigation measures which might be necessary to the local road network to accommodate the development proposed.
- 77 *Policy RD4* requires all new sites that include a residential development of 5 or more dwellings to provide an affordable housing contribution equivalent to 25% of the total number of units proposed, whilst *Policy PM3* seeks to ensure that appropriate developer contributions are secured for improving existing infrastructure.
- 78 For reasons stated below, I consider the proposal to be contrary to *Policies PM1A, PM1B, PM1C* and *TA1B* of the adopted Local Development Plan 2014.

Proposed Land Use / Phasing

- 79 In terms of land use issues, as indicated previously the site benefits from an extant outline consent for a large mixed use development comprising a number of land uses including mainstream residential, affordable housing, recreational uses associated with improvements/expansion of the existing golf club and several commercial elements including a 3* hotel, a nursing home and a series of starter business units. To this end, the detailed land use proposed under this specific planning application (residential) is not in itself contrary to the terms of the outline consent.
- 80 However, the justification for approving the outline consent, contrary to the Development Plan was because of the perceived economic benefits that the non-residential, commercial land uses would bring to the local area and perhaps to a lesser extent, the associated recreational benefits which would arise from the improvements to the existing golf course facility – both on and

off the course. As part of the consideration process associated with the outline application, the significant residential land use (circa 200 dwellings) was considered by the Council to be an essential, enabling development that was required to 'kick start' the development and bring forward the perceived economic and recreational benefits to the local area within a reasonable timeframe. Whilst the wording of the planning conditions attached to the outline consent may not have been explicit in this regard, it was nevertheless a clear aspiration of the Council (when approving the outline consent) to ensure that the development was implemented and delivered as a mixed use development in distinct, coherent phases and that the development did not simply turn into a suburban residential development on the outskirts of Alyth.

- 81 The condition attached to the outline consent which relates to this requirement is Condition 2, which read,

'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 and means of access to the site, details of all temporary structures and site compounds, precise details of all foul and surface water drainage proposals and precise phasing details for the implementation of all land uses which are approved as part of this consent'

- 82 For a development of this scale and significance and bearing in mind the range of different land uses proposed over an area of approx. 50 ha, the most obvious way of addressing the siting, design and phasing details for the implementation of the approved land uses, as required by Condition 2 is through the approval of a detailed Masterplan and this position is supported by *Policy PM1C* of the Local Development Plan 2014. This policy states that for large developments (more than 200 houses or 10 ha) the best way to create and deliver a sustainable development is by the development of a Masterplan.

- 83 Whilst the Council does not have approved guidance that it can offer to developers on what format a Masterplan should take, the Scottish Government has produced guidance through the publication of PAN 83. PAN 83 explains that in broad terms a Masterplan should offer 3-dimensional guidance in not only plan form, but should also be accompanied by supplementary text describing how the area in question will be developed. The scope of the Masterplan can range from strategic planning at a regional scale to small scale groups of buildings, however the most functional Masterplan(s) is essentially a document which:

- describes and maps an overall development concept for the site
- takes account of present and future land use(s)
- sets out urban design and landscaping principles
- describes the proposed built form of the new streets
- sets out the infrastructure arrangements

- explains the circulation of movement across the development and importantly, establishes a clear timeline for the delivery of the development via a delivery strategy that has been derived from a social and economic analysis of the development and sets out a clear position regarding phasing, timing and funding.
- 84 The PAN goes on to say that whilst the Development Plan sets out the scale, type of development and the key principles of the character for a region, a Masterplan should be used where there is a greater degree of certainty regarding the development of a specific site - such as the site benefitting from a planning consent. Although a Masterplan may specify detailed governing principles such as building heights, spaces, movement, landscape type and predominant land uses, it does not necessarily preclude a degree of flexibility in designs within the plan.
- 85 In terms of this current planning application, the applicant has submitted a series of plans which broadly identifies the proposed locations for the 8 residential phases and the other land uses. These plans have been referred to as a landscape 'Masterplan', roads 'Masterplan' and phasing 'Masterplan'. In addition to these plans, supplementary text has also been included within the planning statement that breaks down the proposed densities (for the housing phases) and offers a brief timeline for the delivery for the non-residential elements in relation to the commencement / completion of the residential phases, such as:
- The relocation of the golf holes will occur prior to the commencement of residential Phase 2
 - The business units will be marketed after residential Phase 1 and will be built as per demand requires
 - The nursing/care home will be built during residential Phases 3-5
 - The golf club extension will commence after residential Phase 5
 - The 3* hotel will be commenced before residential Phase 6 commences
- 86 A key element of the timeline for the delivery of phases that is missing from the applicant's submission is specific details relating to the build rate of each of the residential phases. The applicant's submitted 'Masterplan' proposes 8 distinct phases of residential development which will cater for a mix of housing needs including assisted housing, general need housing and also retirement housing. However, no details of the timing of these individual residential phases have been submitted with the planning application which makes it extremely difficult to quantify what the actual delivery timeframe will be for phases succeeding residential Phase 1. Likewise, a detailed breakdown of the funding of each of the phases and how that funding links into subsequent phases has not been submitted.
- 87 After considering the information submitted by the applicant, it is my view that the level of information which has been submitted in relation to land use, design principles and the implementation and delivery of subsequent phases is not of the level which could be described as an effective Masterplan, which

would (if approved) allow the development to be delivered in a coherent and logical manner with a clear delivery strategy in place. What has been submitted is essentially a basic and simplistic development strategy for the site which only sets out an extremely general framework for differing land use across the site without actually offering any specific details relating to the intended design principles, the urban form of the development or a robust timeline for the delivery of the development. Whilst I acknowledge that the outline consent may not have specifically sought the approval of a Masterplan as a reserved matter, it nevertheless did seek the approval of precise phasing details for the implementation of all land uses and in the absence of a Masterplan (or a similar level of information), it is my view that this requirement has not been achieved or met. To this end, I consider the proposal to be contrary to the terms of the outline consent in this regard.

Deliverability of the Development

- 88 In addition to the lack of a coherent approach to bringing forward the wider development, another significant area of concern regarding this submission is the potential for the applicant to reasonably deliver any of the non-residential elements that would bring about the perceived economic benefits to the local area, which was the justification for approving the outline consent contrary to the Development Plan. Within the initial planning statement, the applicant states that *'It is proposed that the commercial facilities on site will form later stages of the overall development, in part to provide for the new residents. The sale of houses will also allow for these facilities to be cross-funded, providing the 'enabling' aspect of the development; the prime reason for consent for this proposal'*.
- 89 In line with this statement, when approving the initial outline consent, the Council considered the residential element to be an enabling land use which would help to 'enable' or deliver other parts of the development i.e. starter business units, nursing home and hotel which in turn would then generate the economic benefits to the local area which was ultimately considered to be the material justification for approving the outline consent despite it being a significant departure from the Development Plan. However, following a request by the Council for the applicant to submit a detailed financial breakdown of the early phases of the development to help demonstrate that residential Phase 1 was indeed essential to 'enable' the start of the development, the applicant has since confirmed that the delivery of the hotel and nursing home will be entirely reliant on external funding by independent operators and that their delivery will not actually be intrinsically linked to the completion and potential sales of residential units or residential phases. The applicant has also indicated that the revenue generated from the initial residential phases will not be used to implement either subsequent residential phases or indeed the delivery of any of the commercial elements.
- 90 In response to the Council's request for a detailed breakdown of the applicant's proposed funding programme, the applicant has indicated that at the present time they do not have detailed financial figures for individual phases nor do they have detailed construction costs associated with any of the infrastructure

projects which will be delivered as part of the earlier stages of the development such as the construction of roads and the installation of services etc. The reason given for this is that in the absence of a detailed planning permission, roads construction consent, Scottish Water connection consent and building warrant(s) there are no detailed construction drawings available which can be used to accurately cost the development. The financial figures that have been submitted to demonstrate the viability of the project are therefore based on the *anticipated* cost of the development and taking into account the likely technical issues that may (or may not) arise.

- 91 Whilst the financial figures that the applicant has submitted are confidential, it is the case that the projected, estimated profit from the first phase of the residential development (i.e. the 18 proposed dwellings) would essentially be comparable to the previous and intended investment that the applicant has made towards the golf club over recent years, which includes covering the anticipated losses. In the absence of detailed information to demonstrate otherwise, this scenario does little to add to the case that the first 18 residential units will be enabling the delivery of either more residential or any commercial uses as the profit for the first 18 houses will essentially only cover the yearly operation costs and the required investment in the golf club. To this end, the combination of a lack of a comprehensive Masterplan that offers a clear pathway for the delivery of subsequent phases and a detailed financial plan which shows the funding links between successive phases, I am not convinced that the mixed use development as approved at the outline stage can reasonably be delivered and that if this application is approved, there is a genuine likelihood that the development will only comprise a residential use.

Impact on Residential Amenity

- 92 In terms of the impact on existing residential amenity, the proposal will have limited direct impact. There are not any existing residential properties that are immediately adjacent to the proposed residential dwellings that will be directly overlooked or have their privacy compromised. Likewise, the house positions on their individual plots meets with the Council's normal standards in terms of window to window separation distances and will ensure that all occupants of the proposed dwellings will have a suitable level of private amenity space.

Impact on Visual Amenity

- 93 There is no doubt that the implementation of the entire site will have a marked impact on the visual amenity of the area insofar as the existing rural openness will be transformed into a small settlement, however the principle of a mixed use development on the site has been approved and should not be revisited. As part of this current planning application the key element which will have an impact on the visual amenity of the area is the erection of the 18 new dwellings at the north western corner of the site. However, this section of the development will be screened in part by existing trees which align the northern boundary and whilst some of the dwellings will be visible from the public road, I consider the design of the house types to be acceptable in the urban context of the wider development.

Density / Layout of Residential Phase 1

- 94 Within the representations concerns have been raised that the proposed density and layout for the first 18 dwellings is not in accordance with the extant outline consent insofar as it increases the number of dwellings on the site and amends the layout from what was indicated at the outline stage. No details regarding the densities or layouts were approved as part of the outline consent so it would be incorrect to treat the layouts and proposed densities which were tabled at the outline stage as being approved by the Council. The density proposed for the first 18 dwellings is not particularly dense, and even though I do have some issues concerning the road layout, I do not consider the density to be unacceptable in its own right.

Impact on Existing Habitats, Bio-diversity and Flower and Fauna

- 95 In support of the planning application, the applicant has submitted a number of background ecological surveys and reports relating not only to the area subject of the 18 dwellings but for the entire site. Whilst these surveys do acknowledge the presence of wildlife across the site there are no particular issues with any European or British protected species (such as Great Crested Newts) or protected habitats. As part of the wider proposals, landscaping proposals for the whole development site that show new structural landscaping areas will be created as part of the wider development. In principle, I have no objection to these large structural landscaping areas as they will offer a new environment for local species of wildlife to thrive subject to specific details of the composition of the areas being finalised and agreed with the Council.

Drainage

- 96 Due to the scale of the development a connection is proposed to connect the foul drainage from the proposed 18 dwellings (and subsequent dwellings) to the public sewerage system. In terms of the disposal of surface water specific details of the disposal of surface water associated with the first 18 dwellings have not been submitted as part of this application nor have details of the disposal of surface water from hard surfaces across the wider site. Whilst the disposal of surface water is an extremely important and integral part of a large development site, this area is unlikely to be difficult to drain and I consider the disposal of surface water to be a matter which can be adequately addressed via an appropriately engineered solution.
- 97 Nevertheless, if the Council is minded to approve this application, it is essential that a pre-commencement condition is attached to any consent requiring the submission of the final drainage details for the approval in writing by the Council as Planning Authority.

Road Related Matters

Transport Assessment

- 98 Condition 6 of the outline planning consent stated that *'Each application for the approval of matters specified in conditions (relating to the different land uses) shall include a transport assessment scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car), to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority'*.
- 99 Notwithstanding the explicit requirements of this condition, an acceptable Transport Assessment has not been received as part of the current application. It is the unequivocal view of the Council that a full Transport Assessment is essential to understand in full the impact that the detailed development would have on the existing road network, particularly in relation to the connections to Alyth. Whilst the local road network may be able to accommodate the principle of the development (as approved), a full Transport Assessment is nevertheless essential to provide the Council, as Roads Authority, with a greater understanding where any necessary road improvements may be required to the existing road network (outwith the development site) to ensure that transport movements directly created by this development do not adversely impact on road or pedestrian safety. In addition to this, due to the combination of the site's rural location and its significant scale, it is highly probably that mitigation measures would be necessary to ensure that the development remains sustainable in terms of providing suitable access to the development by foot, cycle and public transport. Identifying sustainable modes of travel, and addressing any shortfall is a core element of any comprehensive Transport Assessment.
- 100 Whilst it is acknowledged that the applicant has submitted an addendum to their original submitted Accessibility Statement, these documents fail to address a number of specific points that an acceptable Transport Statement would, such as:
- Using recent traffic surveys – the data used within the applicant's reports dates back to 2008 surveys and is therefore considered out of date.
 - Junction access – there has been no junction analysis carried out, nor was there any justification tabled, in the shape of a threshold assessment to clearly state why a full junction analysis was not considered necessary
 - TRICS data which can be audited – no TRICS output data has been submitted so it is not possible to assess the traffic generation impact of the proposed overall development. TRICS is a database of trip rates for developments and is the standard tool used for the collection of data for transport planning purposes in the UK

- Mitigation measures to ensure the development is sustainable in terms of (new) walking, cycling and public transport links - the information provided by the applicant indicates that the site is not sustainable in terms of walking, cycling and public transport and that no mitigating measures have been suggested.
- Inform and support an overall roads strategy for delivering a new development – whilst a plan for the wider road network has been submitted, there is a clear lack of evidence as to how an overall strategy for the wider road framework has been arrived

101 To this end, it is the view of the Council that the information that has been submitted by the applicant, specifically concerning traffic movements and sustainable modes of travel does not quantify as an acceptable Transport Assessment. The level of technical information is very basic and the content of the report(s) does not meet the required acceptable standards for an acceptable Transport Assessment. The proposal is therefore considered to be contrary to both the terms of the previous consent and also to Policy TR1 of the Local Development Plan 2014, both of which require the submission of an appropriate Transport Assessment.

Road Layout

102 In terms of the road layout proposed, this element can essentially be divided into two parts. The first is the detailed layout for the 18 dwellings which is the first of a number of residential phases and the second is the overall principal road layout for the entire site. I shall assess these two elements in turn.

Phase 1 Layout

103 In terms of the layout associated with the first 18 dwellings, the proposed road junction layout with Meethill Road is unacceptable. Whilst the format of this junction has been discussed with the applicant and a number of other options possible considered, the junction as proposed would inevitably direct traffic which is approaching Alyth on the B952 into the development site. This arrangement will result in unnecessary confusion for users and with other, more functional and logical junction arrangements possible is not acceptable from a road management perspective. In terms of the actual layout of the road associated with the first 18 dwellings, once the junction is passed, the layout is uninspiring in its cul-de-sac layout and does not align itself with the Council's placemaking guidance in terms of creating a sense of place and individual identity.

104 To assist in the assessment of new developments, the National Roads Development Guide 2014 suggests that developers should undertake a Quality Audit, as auditing the evolution of a road network is an essential part of the assessment of acceptable layouts. A Quality Audit was requested from the applicant, however the document that was submitted by them did not address the questions asked within the standard template contained in the National

Roads Development Guide 2014 and did not offer a clear audit as to how the layout proposed had been arrived for either the first residential phase or the wider road framework.

- 105 To this end, and based on the information submitted I do not consider the proposed layout associated with Residential Phase 1 to be acceptable. I consider it to be contrary to the Council's Placemaking Policies, Designing Streets and also the National Roads Development Guide 2014.

Road Framework Layout

- 106 In the absence of a full Transport Assessment or a Quality Audit – both of which are designed to inform and support the development of an overall roads strategy for large developments, it is not possible to comment accurately on the acceptability of the proposed road framework for the wider site. Whilst there are elements of the proposed road framework which could be considered acceptable, for a development of this scale it is extremely difficult to accurately comment in the absence of essential background information such as Transport Assessment and Quality Audits. As stated previously in this report, the submission of a 3-dimensional Masterplan which would set out the design principles and urban form of development site would have been extremely useful in helping assess the overall road framework which has been suggested.
- 107 However, in the absence of the required Transport Assessment, Quality Audit and Masterplan I consider the overall road layout to be unacceptable. It may be the case that after the submission of additional information that parts of the layout are acceptable subject to modifications, however without the applicant clearly demonstrating how the layout has been arrived I do not consider it appropriate to consider the layout any further than assessing purely what has been applied for.

Developer Contributions

Primary Education

- 108 The local primary school is not currently operating at over 80% capacity so there is no requirement for any contributions relating to primary education matters for the first 18 dwellings.

Affordable Housing

- 109 The applicant has indicated that they are intending to make financial contributions to the Council in lieu of providing onsite affordable housing. As there is not a shortfall of affordable housing in Alyth at the present time, I have no objection to this approach subject to a legal agreement being completed which secures the required contribution against house completions.

Transport Infrastructure

- 110 The site lies outwith the catchment area for transport infrastructure contributions so there is no requirement for any transport infrastructure-related contributions as part of this development.

Impact on Trees

- 111 There are a number of existing trees aligning the site's boundaries, particularly along the northern edge of the site adjacent to the public road. The majority of these existing trees are to be retained and encompassed into the development which will help to provide a natural landscape setting to parts of the development. To this end, subject to appropriate tree protection measures being attached to any consent I have no concerns regarding the impact that the proposal will have on existing trees.

Impact on the Cultural Heritage

- 112 Within the site lies Pitcrocknie Stone which is a Scheduled Monument. Discussions have taken place with Historic Scotland regarding the area which is considered to be within the immediate setting of this stone and the applicant has taken this advice on board and is not proposing to encroach into the area which was considered to be sensitive to the setting of the Scheduled Monument. In terms of unscheduled archaeology, subject to conditions being attached to any consent, the proposal raises no issues.

Impact on Rights of Way/Access Rights

- 113 There are a number of rights of way and paths which criss-cross the development site; however these will be retained as part of the development. In the event that this application is approved, appropriate conditions must be placed on any consent to ensure that the rights of way are retained and that any obstruction which may be caused during the construction phase is mitigated by appropriate diversions.

Landscaping / Openspace

- 114 As part of the submission, the applicant has submitted a landscaping plan that identifies the key areas of structural landscaping and also small pockets of land which are earmarked for functional open space. Both the areas of structural landscaping and open space are outwith the boundaries of the area covered by the proposed 18 dwellings. In general terms, I have no objection to the structural landscaping areas and the fact that there are not any specific areas of functional open space included within the 18 dwellings. However, in the absence of a detailed Masterplan which highlights what function the spaces proposed are supposed to perform it is not possible to fully assess whether or not the functional areas of open space are appropriate as they have been shown. Whilst it is perhaps easier to identify (and assess) structural landscaping, an appropriate size, location and type of functional open space will be ultimately dependant on the detail layouts of subsequent residential phases and should be an integral part of the Masterplan process.

115 As part of the outline consent there was not a specific requirement made for either LEAPs or NEAPs however the Council would be looking for functional areas of open space to be incorporated into the wider development. To this end, whilst not objecting as such to the proposed open space on the wider development site, in the absence of a suitable Masterplan which identifies likely building positions and conceptual information as to how the proposed open spaces will function, it is not possible to fully comment on the acceptability of the proposed open space.

ECONOMIC BENEFIT

116 The outline consent was approved by the Council as a significant departure from the Development Plan due to the economic benefit which the development would bring to the area. That economic benefit was largely derived from the non-residential land uses. The application as submitted has not attempted to bring forward any of the commercial uses which could generate a positive economic impact on the local area and to this end, the application in its current form brings with it little in the way of sustainable economic benefit to the local area with the exception of opportunities for local trades and tradesmen to become involved in the construction phase. To this end, I consider the proposal unacceptable and not in accordance with the justification of the original approval.

LEGAL AGREEMENTS

116 None.

DIRECTION BY SCOTTISH MINISTERS

117 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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 REASON FOR RECOMMENDATIONS

118 The outline consent is a significant material consideration and carries significant weight. However, whilst the site has been granted planning consent it is extremely disappointing that the proposal which has come forward does not follow the spirit of the terms of the outline consent insofar as delivering a number of economic benefits which were promised as part of the outline consent. The outline consent was for a mixed use development, however the proposal which has been submitted gives no guarantee that anything other than 18 dwellings would be delivered on this site. In addition to this, the applicant has failed to produce a satisfactory Transport Assessment which fully considers the impact that the proposal would have on both the local road and pedestrian network based on up-to-date statistical data. The application is therefore considered to be unacceptable for these reasons and is recommended for a refusal.

RECOMMENDATION

A Refuse the planning application on the following grounds:

- 1 The applicant has failed to produce a satisfactory Transport Assessment and therefore the proposal is contrary to the terms of the outline planning consent (09/01345/IPM) which explicitly required the submission of a Transport Assessment and Policy TA1B of the adopted Local Development Plan 2014 which requires a Transport Assessment to be submitted for proposals which are likely to generate significant travel movements.
- 2 The applicant has failed to provide precise details of the phasing directly associated with the implementation and delivery of the development and therefore the proposal is contrary to the terms of the outline consent (09/01345/IPM) which required precise phasing details for the implementation of all land uses to be approved prior to any development to be approved prior to the commencement of the development.
- 3 The applicant has failed to produce a suitable Masterplan for the wider development and therefore the proposal is contrary to the aims of Policy PM1C of the Local Development Plan 2014 which promotes the use of Masterplans for large developments sites (more than 200 houses or 10 ha) to ensure that new sustainable neighbourhoods with a sense of identity are established.
- 4 As the background information provided by the applicant does not clearly demonstrate that the delivery of the economic benefits envisaged at the outline stage can be achieved, the economic justification for approving the outline consent, contrary to the Development Plan is not being fulfilled.
- 5 In the absence of a satisfactory Transport Statement and Quality Audit which clearly outlines the overarching principles behind the road structure and the proposed junction arrangement, it has not been demonstrated that the proposed Roads Layout meets with guidance offered in Designing Streets and Creating Places and the requirement of Policy PM1B of the Local Development Plan 2014 (criteria a) which requires all new developments to have a coherent structure of streets.

B JUSTIFICATION

The proposal is not considered to be in accordance with the requirements of conditions imposed on the outline planning permission. Furthermore the proposal as submitted is not in accordance with the terms of the Development Plan and there are no material considerations which would justify a departure.

C PROCEDURAL NOTES

None

D INFORMATIVES

None.

NICK BRIAN DEVELOPMENT QUALITY MANAGER

Background Papers: Five letters of representation

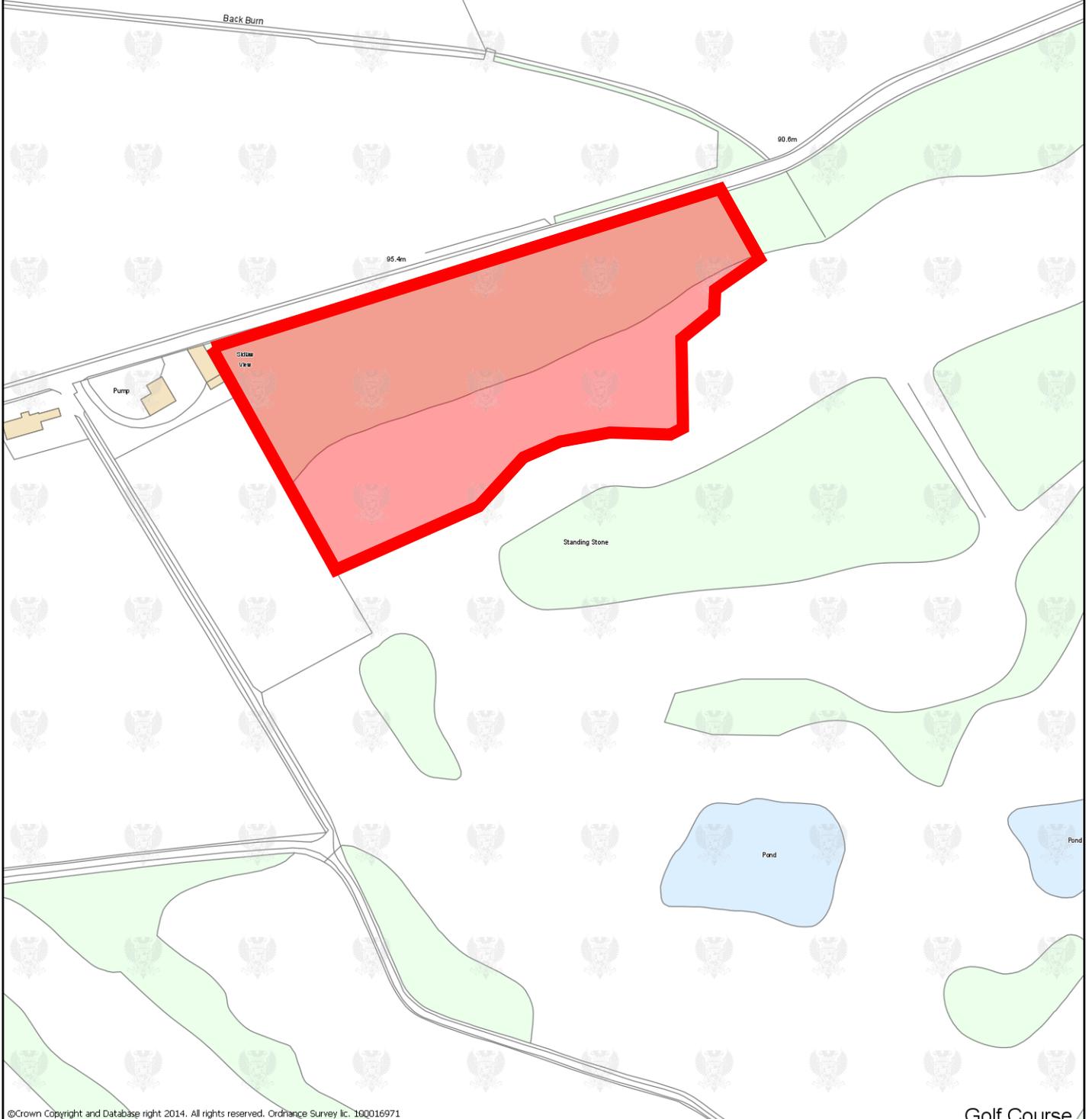
Contact Officer: Andy Baxter – Ext 475339

Date: 11 December 2014

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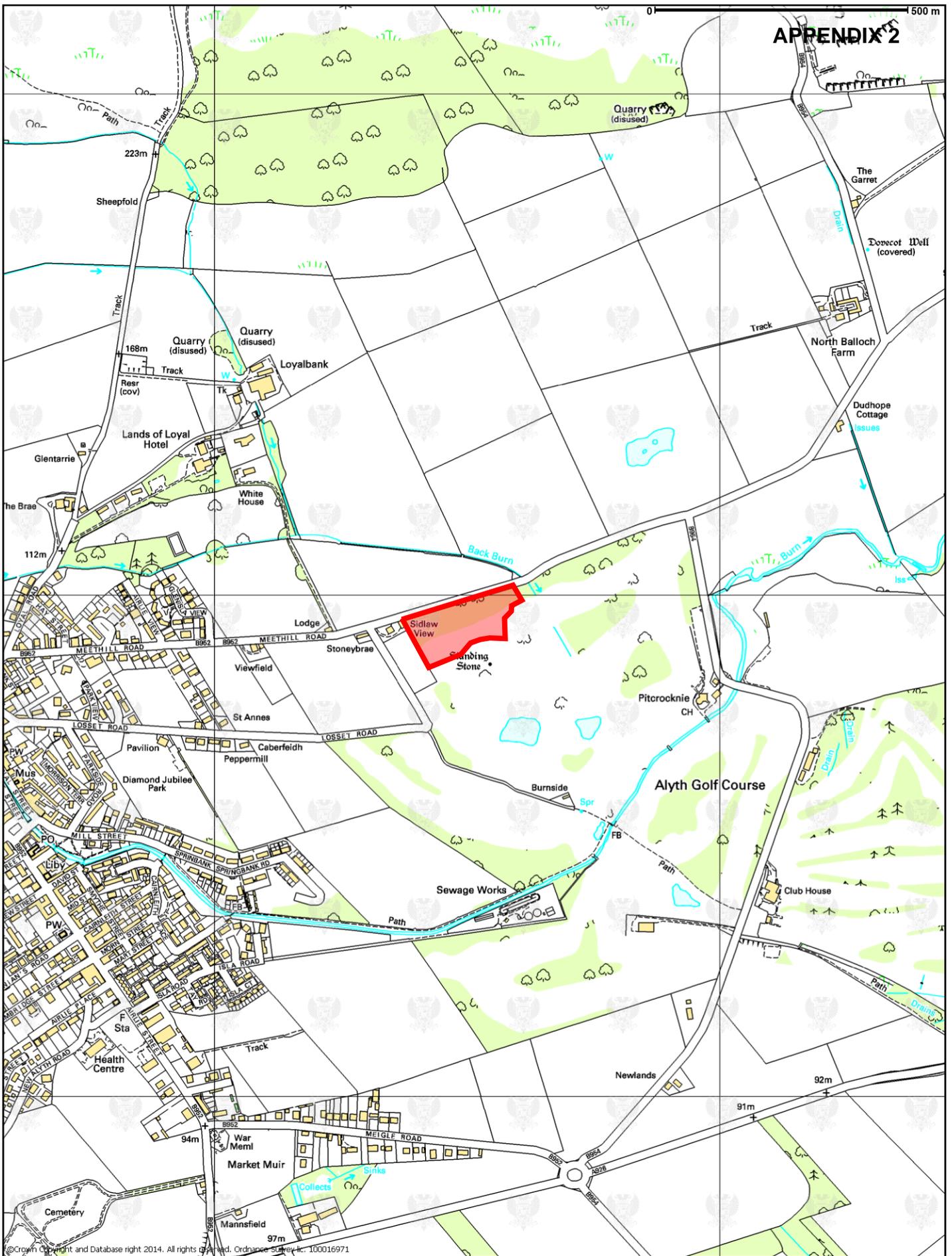


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14/00282/AMM

Erection of 18 dwellinghouses and garages, formation of access and associated works at Land NW of Glen Isla Golf Club, Alyth





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