

Perth and Kinross Council
Development Management Committee – 21 August 2013
Report by Development Quality Manager

**Formation of a roundabout and ancillary works, land south of South Lodge,
Windsole, Auchterarder**

Ref No: 12/02160/FLL
Ward No: 7 – Strathallan

Summary

This report recommends approval of the new roundabout and associated landscaping provision on the grounds that the proposal accords with the provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application was considered previously by the Development Management Committee on the 19 June 2013 (Report No. 13/316) where it was deferred for further information on transportation and Development Plan issues. A copy of the previous Committee Report is appended to this report for information (Appendix 1).
- 2 The deferral was to clarify/investigate the following:
 - Provision of a pavement to serve South Lodge.
 - Implications of Shinafoot junction.
 - Development Plan process/timescales/representations for adjacent zoned business site.

CONSULTATIONS

- 3 As part of the deferral, additional comments have been sought from the Planning and Sustainable Development Plan team in respect of transportation and policy issues.

REPRESENTATIONS

- 4 As no further notifications have been carried out, no further representations have been received as a result of the deferral. All valid representations associated with the original application are therefore as detailed in the previous Committee Report.

TRANSPORTATION PLANNING

- 5 The previous committee report advised that the detailed transport matters associated with the development (such as the provision and location of bus waiting facilities and any public footpaths) would be controlled during the Roads Construction stage. Consequently standard transport and landscaping

conditions were attached to the recommendation for the roundabout, in order to secure the satisfactory implementation of the plans forwarded.

- 6 Supplementary feedback from the Transport Planner is that the junction spacing requirements contained within the Design Manual for Roads and Bridges are not applicable to this application. They would however have no objection to the provision of a footway link from, and to the west of the access proposed at the property known as South Lodge. It should be noted that no footpath exists on this side of the public road at the moment, and the formation of a footway will result in the loss of some of the landscaping originally proposed at this gateway feature. As this feature would normally be dealt with during the Roads Construction Consent phase, once again, no specific planning condition has been added.
- 7 The Transport Planner has also confirmed that the junction proposed to the east at Shinafoot has no implication on this application and vice versa. Further, that Transport Scotland would in any event be responsible for works to improve or adapt the nearby A9 trunk road network. This application has therefore to be considered in isolation and will have no impact on any other works proposed within/adjacent to the settlement of Auchterarder. It is also unlikely that any other significant road improvement works will be commenced until a further 500 house units have been built within the town.
- 8 The roundabout will have the benefit of being implemented without any financial burden to the local authority and will act in the short-term as a traffic calming measure and landscaped entrance feature at the eastern approach in to the town. It has however been designed so that in the long term, it can be used as a means of safe access into the land to the southeast, identified as a business park in the latest Development Plan.

LOCAL DEVELOPMENT PLAN

Background

- 9 Planning and Sustainable Development officers have confirmed that the Main Issues Report was published in 2010 and part of the document sought comments on two options for the provision of employment land at Auchterarder. The Main Issues Report specifically sought views on whether to develop a circa 6 ha employment site at a new location instead of the 4 ha site at Kirkton previously identified in the Auchterarder Development Framework.
- 10 After consideration of the responses to the Main Issues Report at a Special Council Meeting, the Proposed Local Development Plan was published in 2012 and this represented the Council's settled view as to where development should and should not happen. The site at Kirkton was accordingly no longer allocated for employment uses and a new Proposal E25 (to the south of Windsole) was introduced with appropriate justification as to why it is deemed to be the better option.

- 11 The Proposed Plan was subject to a 12 week period for representations. Many of the representations sought changes to the Proposed Plan and the issues raised, together with the Council's proposed responses, were discussed at a Special Council Meeting on 23 January 2013. At the meeting, the view of the Council was to submit the Proposed Plan to Scottish Ministers for examination. The Plan was thereafter submitted without modifications, and was accompanied by a summary of the unresolved issues.

Timescales

- 12 A reporter has been duly appointed to conduct the examination of the unresolved issues. This process commenced on 25 March and is ongoing. Depending on the number and complexity of the unresolved issues, the examination is anticipated to be completed around November 2013, after which the Council will receive a copy of the Reporter's conclusions and recommendations as to whether the Plan should be modified. The Reporter's recommendations will be largely binding on the Council, and the Plan will be modified in line with the Reporter's recommendations unless there are reasonable and justifiable grounds for not accepting some of the recommendations. The Local Development Plan will be adopted shortly thereafter.

Representations on Proposal E25

- 13 The Council received seven representations in respect of E25 during the consultation process on the Proposed Local Development Plan. Two representations were in support of the Proposed Plan and five sought changes. Proposal E25 therefore remains an unresolved issue and the matter will be considered by the Reporter during the examination of the Proposed Plan.
- 14 The points raised in representation, against the inclusion of the site can be summarised as follows:

Site should be removed from the Plan and preserved for agricultural use because:

- Development may have an adverse impact on residents of properties adjacent (visual, operational, privacy, amenity);
- Adverse impact on landscape, natural drainage;
- No need for additional employment land in the area – other employment sites are not being taken up;
- Sites at north west Kirkton, northern Auchterarder, should be developed instead;
- Proposed Plan states E25 is deliverable earlier but provides no justification why;

- Local road network lacks capacity for proposal;
- Proposed Plan should show a green buffer between existing homes and E25 and uses should be restricted to office type and small business low-impact commercial uses.

APPRAISAL

- 15 The deferral has enabled further robust inspection of the applicant's proposals and brought forward more detailed responses from consultees which have again raised no objections to the support of the roundabout under consideration.
- 16 The roundabout is considered to be of benefit to the wider community by reason of environmental landscaping gain, traffic calming measures and provision of enhanced pedestrian and public transportation facilities.
- 17 In the event that the adjacent Site E25 is endorsed as employment land, then further planning application(s) would be required to take the use forward. This would afford third parties a period to comment during the neighbour notification and publication stages, in respect of the detailed aspects of any plans forwarded. The creation of land zoned for employment uses (irrespective of its precise location) will have a positive economic impact on the wider community. In the event that this was not confirmed through the LDP process then it is probably unlikely to be constructed but in any event the roundabout would act as a traffic calming and improved entrance feature.

LEGAL AGREEMENTS REQUIRED

- 18 No legal agreement is required for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 19 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

- 20 It is concluded that appropriate consideration has been taken of the Committee's reasons for deferral of the application in relation to perceived road safety, transportation and Development Plan issues.
- 21 In planning policy terms, the proposed development remains in accordance with the Adopted Strathearn Area Local Plan 2001. There are no material considerations that would justify refusing the application. On that basis the application continues to be supported and is recommended for conditional approval.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the accompanying approved plans unless provided for by conditions imposed on the planning consent.
- 2 Prior to the occupation and use of the approved development all matters regarding road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 3 Prior to the commencement of the development, full details of the landscaping specification shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme shall include hard and soft landscaping (materials/specification/sizes/planting and aftercare arrangements) boundary treatments, and tree/shrub planting, particularly including these proposals within the vicinity of Castle Garrick and South Lodge. The scheme as subsequently approved shall be implemented as part of the site development programme and completed by the second planting season following completion of the works.
- 4 Any planting which fails to become established shall be replaced by the next available planting season, unless otherwise agreed, to the satisfaction of the Council as Planning Authority.

Reasons:

- 1 To ensure the development is carried out in accordance with the plans approved.
- 2 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 23 None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 Prior to the commencement of work on site, the applicant should secure Roads Construction Consent from the Council as Roads Authority.

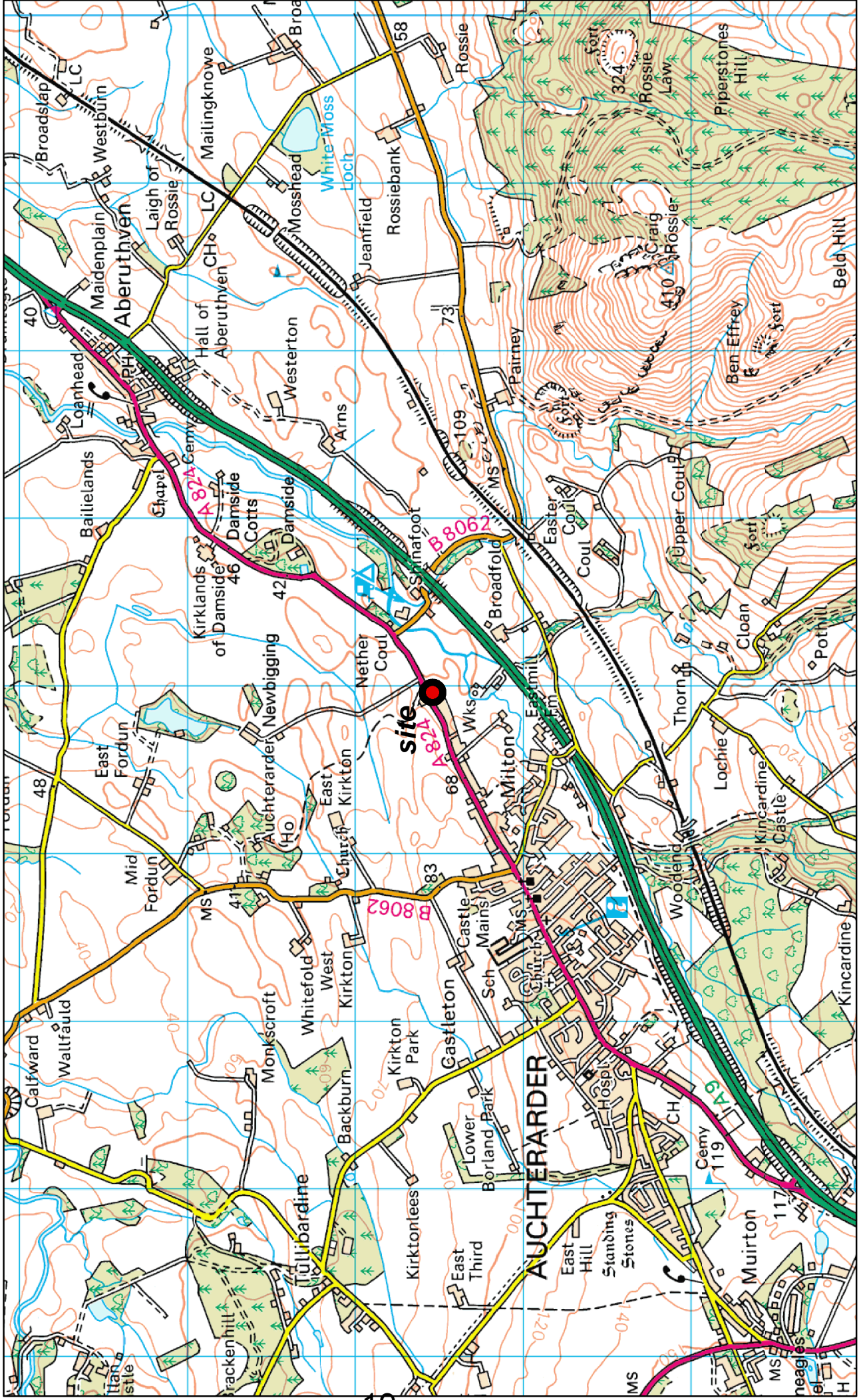
Background Papers: Development Management Committee Report of 19 June 2013, associated minute and four letters of representation
Planning Officer: Alma Bendall – Ext 75358
Date: 30 July 2013

Nick Brian
Development Quality Manager

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12/02160/FLL Land south of South Lodge Windsole Auchterarder

Formation of a roundabout and ancillary works

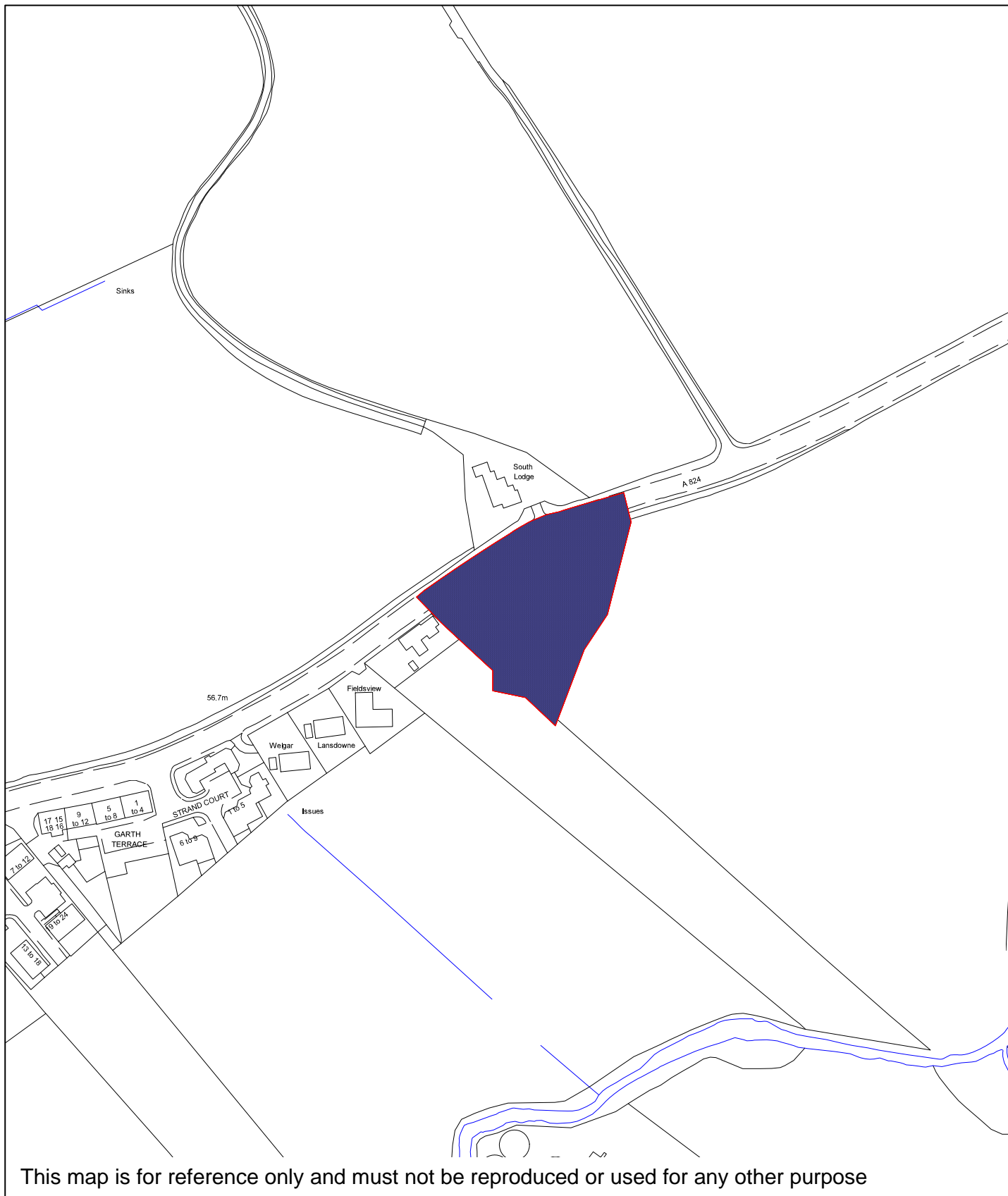


Perth & Kinross Council

12/02160/FLL

Land 50 metres south of South Lodge Windsole Auchterarder

Formation of a roundabout and ancillary works



↑ Scale
1:2500

Perth and Kinross Council
Development Management Committee – 19th June 2013
Report by Development Quality Manager

**Formation of a roundabout and ancillary works, land south of South Lodge,
Windsole Auchterarder**

Ref No: 12/02160/FLL
Ward No: 7 – Strathallan

Summary

This report recommends approval of the new roundabout and associated landscaping provision on the grounds that the proposal accords with the provisions of the Development Plan.

SITE DESCRIPTION AND PROPOSAL

- 1 This application site relates to a triangularly shaped area of land located on the eastern approach into the settlement of Auchterarder. The site extends to 0.58 hectares and comprises a section of the existing public road, the adjacent roadside verges and part of the agricultural fields which exist to the south.
- 2 The site is located immediately outwith the present boundaries of Auchterarder as delineated in the current local plan. Predominate land use in the vicinity of the site is agricultural; the nearest residential properties being “South Lodge” and “Castle Garrick”. Topographically the surrounding landform is raised to the north, with lower lying fields to the south of the A824.
- 3 Consent is sought to alter the present road layout in order to create a new roundabout. Plans indicate that the roundabout will feature a total of 4 spur roads; the main east and west spurs taking traffic to and from Auchterarder, with a further 2 partially formed accesses intended to the southeast and southwest to serve the future development proposals in the locality.
- 4 Complimentary hard and soft landscaping proposals form an integral part of the scheme and include the erection of 4 segments of stone curved walling of graduating height, as an entrance gateway feature – similar to that which exists at Broxden in Perth. Additional tree and shrub planting will take place, specifically on the northern and western edges of the site which are closest to the nearest neighbouring properties; the dual aim being to act as a screen and focal point.
- 5 The existing accesses at Castle Garrick and South Lodge properties will be partially affected by the works as a result of the changes to the present road layout, namely:
 - Landscaping will be undertaken on the land to the eastern side of Castle Garrick. Following discussions between the parties, the previously affected access (subject to a gentleman’s agreement) is to remain.

- South Lodge will have a wider landscaped strip either side of present access, and differing alignment in public road to enter/exit property.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (February 2010)

6 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.

Of relevance to this application are:

- Paragraphs 25 Determining Planning Applications
- Paragraphs 33: Sustainable Economic Growth
- Paragraphs 92 - 94 Rural Development
- Paragraphs 165 – 170: Transport
- Paragraphs 174 – 176: Strategic Transport Network
- Paragraphs 255 – 257: Outcomes

DEVELOPMENT PLAN

7 The Development Plan for the area comprises the Approved TAYplan June 2012 and the Adopted Strathearn Area Local Plan 2001.

TAYplan June 2012

8 The principal relevant policy is:-

Policy 1: Location Priorities

9 Identifies Auchterarder as a Tier 3 Settlement which has the potential to play an important, albeit modest role in the regional economy and a location for accommodating additional sustainable development proposals.

Strathearn Area Local Plan 2001

10 Indicates that the site lies outwith the settlement boundary of Auchterarder within the landward area where background policies are applicable:

Policy 1: Sustainable Development

- 11 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. A series of principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development:

Policy 2: Development Criteria

- 12 Provide criteria by which all developments will be judged, including a good landscape framework, the scale, form, colour and density of development within the locality, compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community; the road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided; the site should be large enough to accommodate the development satisfactorily in site planning terms; and built developments should where possible be built within those settlements that are the subject of inset maps.

Policy 3: Strathearn Landscape

- 13 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage

Policy 4: Strathearn Landscape

- 14 Details of landscape treatment should be submitted with development proposals including, where appropriate, boundary treatment, treatment of settlement edge and impact on key views. Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

Policy 39: Transport Standards

- 15 Seeks to ensure adequate provision for parking, servicing and where appropriate public transport must be made in all new developments in accordance with Council standards.

Policy 44: General Land Uses

- 16 Built development should not be located adjoining and outwith those settlements that are the subject of Inset Maps.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

17 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.

18 Under the PLDP the site lies partly within and partially outwith the settlement boundary. The principal relevant policies are in summary:

Policy PM1: Placemaking

19 Requires development to contribute positively to the quality of the surrounding built and natural environment, the design and siting should respect the character and amenity of the place and should create and improve links within and where practicable beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B: Placemaking

20 Sets out a place making criteria which seeks amongst other things to achieve appropriate design and materials, create a sense of local identity, consider topographical features and provide safe, accessible and easily navigable routes.

Policy TA1: Transport Standards

21 The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.

Policy ER5: Prime Agricultural Land

22 Outside identified settlements development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal and there is no other suitable site available on non prime land. Small scale development directly linked to rural business, including housing, may also be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the plan and there are no other suitable non prime land sites available, and it does not adversely affect the viability of the agricultural unit.

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

- 23 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be required to conserve and enhance the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments, that a series of criteria are satisfied, including local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience; safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality and they provide high quality standards in landscape design.

Strathearn Area Spatial Strategy

- 24 The adopted Auchterarder Development Framework (ADF) seeks to provide a further 800 houses, together with associated employment land. The ADF essentially comprises 3 sites, two to the north of the town and one to the south. The land to the immediate rear of The Feus (reached via one of the roundabout accesses) is not within the Auchterarder Development Framework area, but has been identified for general employment uses. The framework document allows for an alternative employment site within the Auchterarder area to be brought forward instead of the planned 4 ha at north-west Kirkton.

SITE HISTORY

- 25 Planning site history is limited to a pre-application enquiry for the proposal, under reference 12/01081/PREAPP.

CONSULTATIONS

- 26 **Community Greenspace** – Have commented that the proposed alignment of the roundabout is unfortunate in that the footway (core path AUCH/165) runs along the south side of the road, and the new layout will make it less direct (about 70m further). They note that the layout includes new footways which are welcome; but suggest that some people will not use them preferring to cross the A842 twice in order to straighten out their route.

REPRESENTATIONS

- 27 Representations have been received from the occupants of 3 of the nearby residential properties. Revised plans have however been forwarded which have taken into account the concerns of the closest affected household (South Garrick). Following re-notification of the neighbours, confirmation has been received that the comments forwarded from occupants at South Garrick are to be withdrawn. The points made by the other two parties still stand, namely:

- No consent exists for the Business Park.
- There is no present need for a roundabout.
- Detrimental impact on neighbouring residential amenity via traffic noise, fumes and proximity of roundabout.
- Will be dangerous to road users; poor visibility and difficulty entering and exiting onto new section of road.
- Result in further problems with drainage of surface water.
- Loss of existing pedestrian footpath and creation of unsuitable alternative route.

APPRAISAL

Policy

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 29 The determining issues in this case are whether-: the proposal complies with Development Plan policy; whether the proposals are acceptable in terms of land use policy, whether the siting, detailing, landscaping and associated impact on surrounding residential properties.
- 30 Strategy and Policy colleagues have confirmed that the application site is outwith the settlement boundary; and that the development of the Business Park (E25 with the proposed Development Plan) would be premature until such times as the LDP is examined by an appointed Reporter. The Business Park referred to on the plans is not however under consideration, only the formation of the roundabout. In land use terms the roundabout proposals are acceptable, as is the associated loss of some agricultural land to accommodate the works.
- 31 As the existing local plan does not zone the site for any specific use, “background” policies apply and the proposal has to be judged in terms of “fit” within the landscape, loss of amenity to and relationship with the surrounding area, provision of satisfactory access, acceptability of landscaping and compliance with Council standards.
- 32 Auchterarder has been subject to sizeable growth of the recent years and this is envisaged to continue, as outlined in the Auchterarder Development Framework. The ADF has been produced to create a Masterplan to guide development in areas where significant land use change is anticipated. The document has therefore to be appraised in association with the Tayplan and Proposed Development Plan as the most recent statement of intent for policy matters.
- 33 The Tayplan identifies Auchterarder as a site for growth, as does the proposed Development Plan. Development must however provide safe access, contribute to the quality of the surrounding area and respect local features.

- 34 The roundabout will reduce traffic speeds into the built up area and contribute to the local environment by reason of the integral landscaping proposals.

Landscaping & Visual Impact

- 35 The agent has submitted a detailed landscaping plan and the maintenance of the landscaping can be regulated by planning condition. The hard and soft landscaping details are compatible in respect of heights, species and material with the character of the surrounding area, so no adverse impact is envisaged.
- 36 Visually the proposals will be of little overall significance to the amenity of the area, and will create a focal point of interest into the settlement.

Surface Water Drainage

- 37 The disposal of surface water will be assessed during the assessment of the Roads Construction Consent submission.

Road Design and Traffic Safety

- 38 It is clear that the roads infrastructure within the settlement and surrounding area (such as links to the A9 Trunk road) will have to be upgraded to improve safety and cater for additional traffic movements. Roundabouts such as this one proposed will help fulfil this objective and collectively meet strategic planning aims. As such, I consider the principle of the roundabout to be acceptable in land use terms and in accordance with policy.
- 39 Transportation Planners have extensively discussed the project and the associated representations received. They have advised that they have no objections to the development forwarded, and have recommended conditional approval.
- 40 During the assessment of the application, consideration was given to the feasibility of relocating the roundabout, in order to increase the distance from the nearest affected residential properties. Advice received from Transportation colleagues was that the location had been subject to pre-application discussions and that the plans forwarded by the applicant are considered acceptable; further that the scheme will be subject to closer detailed scrutiny before any Roads Construction Consent is forthcoming. The detailed plans are accordingly deemed to be acceptable.

Residential Amenity

- 41 The issue of residential amenity has been raised as an issue in objection letters due to proximity of traffic to residential properties, and resultant noise and disturbance. The occupants of the houses have suggested that the new facility be re-sited to alleviate their concerns.
- 42 The modification to the scheme allows for the retention of the eastern access into Castle Garrick. This has alleviated the concerns of the residents;

notwithstanding the presence of another, albeit not favoured access to the west of the property.

- 43 Noise may be considered a valid issue of concern for the residents due to the proximity of traffic. The current position of the houses is such however that traffic already passes close by at higher speeds, accordingly I do not consider that any substantial increase in traffic noise will be encountered if the development is approved, particularly given the potential for landscaping when mature to help baffle some noise. Environmental Health have endorsed this view by raising no objections to the roundabout which is under consideration.
- 44 Though not raised as an objection, headlight glare should be restricted to the main road and alleviated when turning around the roundabout by the presence of existing and proposed landscape features.

Economic Benefits

- 45 Along with the road safety benefits which the proposed roundabout will provide, it is considered that the scheme will assist in the long term aspirations to develop a Business Park on land to the south, thereby promoting future employment opportunities in the surrounding area. It should be noted however that the Business Park does not have the benefit of planning permission, and the Proposed Development Plan may be subject to change.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 46 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENT REQUIRED

- 47 None Required.

DIRECTION BY SCOTTISH MINISTERS

- 48 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 REASON FOR RECOMMENDATION

- 49 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise.

In this respect, the proposal is considered to comply with the adopted Strathearn Area Local Plan and Tayplan 2012. The provision of the roundabout may have some minor impact on the existing residential properties; however it is considered that the effects will not be unduly significant, and are outweighed by the long term benefits to the wider community. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval.

RECOMMENDATIONS

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans herewith unless provided for by conditions imposed on the planning consent
- 2 Prior to the occupation and use of the approved development all matters regarding, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 3 Prior to the commencement of the development, full details of the landscaping specification shall be submitted and agreed in writing by the Council as Planning Authority. The scheme shall include hard and soft landscaping (materials/specification/sizes/planting and aftercare arrangements) boundary treatments, and tree/shrub planting, particularly including these proposals within the vicinity of Castle Garrick and South Lodge. The scheme as subsequently approved shall be implemented as part of the site development programme and completed by the second planting season following completion of the works.
- 5 Any planting which fails to become established shall be replaced by the next available planting season, unless otherwise agreed, to the satisfaction of the Council as Planning Authority.

Reasons:

- 1 To ensure the development is carried out in accordance with the plans approved.
- 2 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 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.
- 2 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.
- 3 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 4 The applicant should be advised that in terms of section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: Four letters of representation have been received.
Planning Officer: Alma Bendall
Date: 03 June 2013

Nick Brian
Development Quality Manager

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