



## Planning and Access Committee

Meeting: 26 February, 2024

Agenda item: 4

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**SUBMITTED BY:** Director of Place

|                               |  |
|-------------------------------|--|
| <b>APPLICATION NUMBER:</b>    | 2021/0256/DET  |
| <b>APPLICANT:</b>             | Drummond Trust   |
| <b>LOCATION:</b>              | Land to the West of Station Road St Fillans  |
| <b>PROPOSAL:</b>              | Erection of 18 houses with associated access and landscaping.  |
| <b>NATIONAL PARK WARD:</b>    | Ward 2 - Breadalbane and the Trossachs   |
| <b>COMMUNITY COUNCIL AREA</b> | Strathfillan   |
| <b>CASE OFFICER:</b>          | Name: Jennifer Paton<br>Tel: 01389727738<br>E-mail: <a href="mailto:jennifer.paton@lochlomond-trossachs.org">jennifer.paton@lochlomond-trossachs.org</a> |

## ***Paper for decision***

### **1. Introduction**

- 1.1 This application is for the Erection of 18 houses with associated access and landscaping on land to the West of Station Road, St Fillans.
- 1.2 This application requires to be determined by the Planning and Access Committee in accordance with paragraph 5.6 of the National Park Authority's Scheme of Delegation because the development has been the subject of a valid objection from the Community Council.

### **2 Recommendation**

- 2.1 That Members:

**APPROVE** the application subject to the conditions set out in **Appendix 1** and the and Section 75 Heads of Terms set out in **Appendix 2** of the report.

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### 3 Background

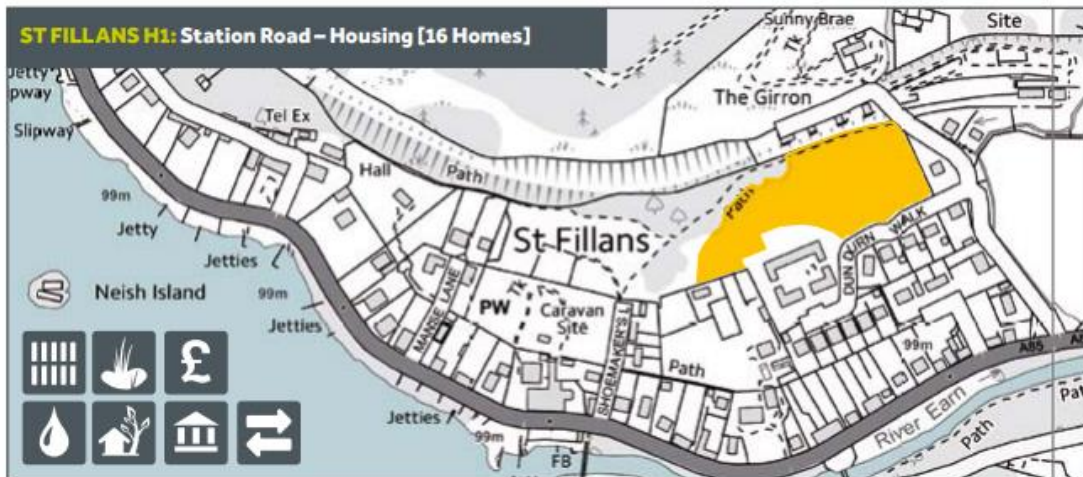
#### Site Description

- 3.1 The application site is 1.45 ha in area and is located at the north-eastern side of the village of St Fillans.



Figure 1: Map of the application site location

- 3.2 The site is allocated in the Local Development Plan for housing development (ref H1) (Figure 2).



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Figure 2: Extract from the adopted Local Development Plan showing the site allocation

- 3.3 The site is located outside of but adjacent to the St Fillans Conservation Area (Figure 3) which abuts the boundary on both the south-western corner and on the eastern side along Station Road.

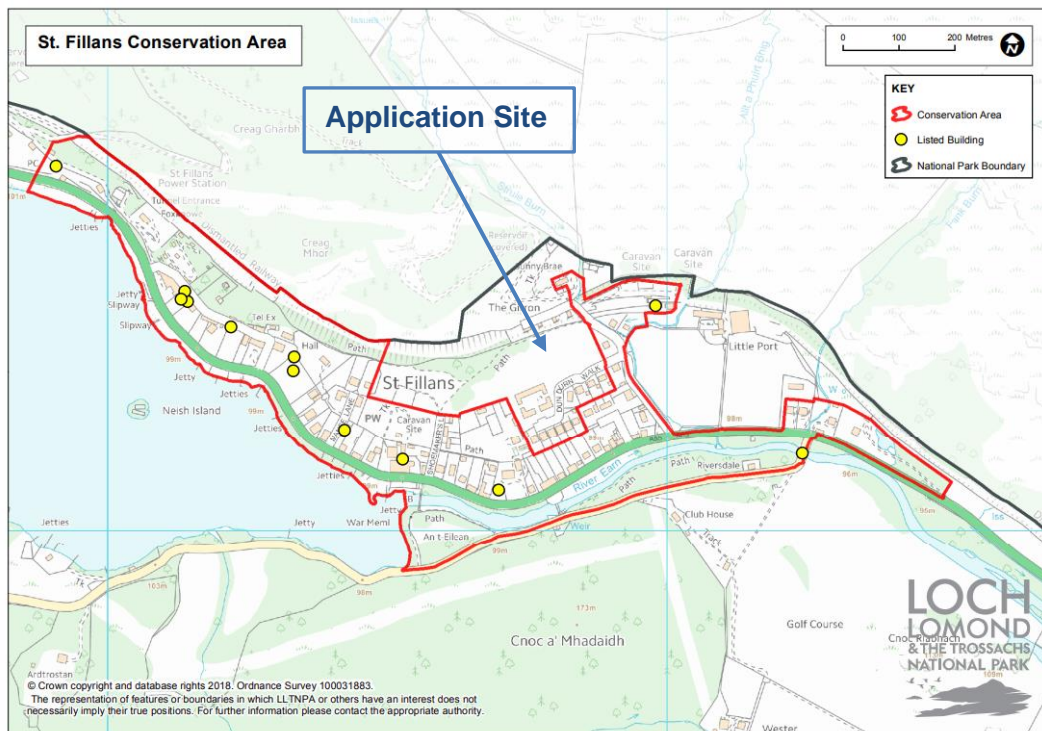


Figure 3: Boundary of St Fillans Conservation Area.





(Data source: LLTNPA ©Crown copyright and database rights 2024. Ordnance Survey 100031883.OS licensed colour raster MM (NG): OSMA latest aerial imagery.) The representation of features or boundaries in which LLT or others have an interest does not necessarily imply their true positions. For further information please contact the appropriate authority.

Figure 4: Aerial view of the application site and surroundings (Extract from Loch Lomond Web GIS)

- 3.4 The site is currently rough grassland with some areas of scrub vegetation and a substantial central portion of the site is marshy grassland. The site topography slopes approximately 6 metres upwards from south to the north (Figure 5).

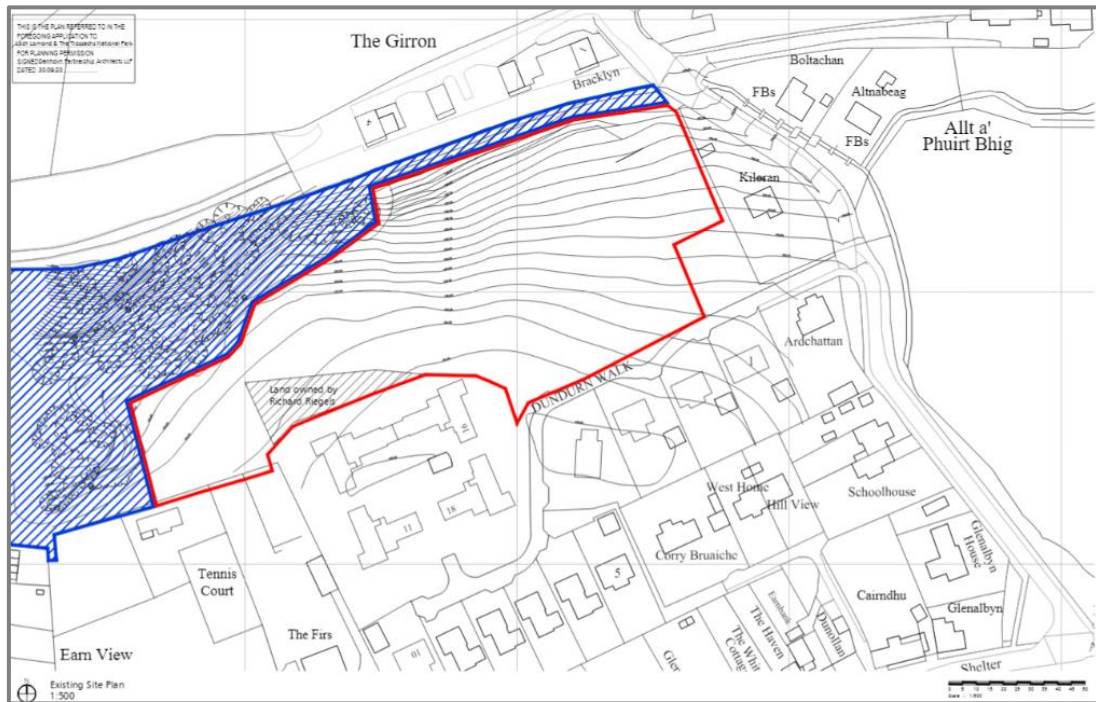


Figure 5: Extract of plan at 1:500 scale showing the location of the application site and topography (image not to scale).

- 3.5 Access to the application site is via Station Road and via the residential street, Dundurn Walk (Figure 6). This street was constructed to serve the first phase of development and was engineered to be rural in character, following a meandering route with grass verges, no pavements and traditional-style lampposts.



*Figure 6: Photograph on Dundurn Walk south of site boundary looking east.*

- 3.6 Dundurn Walk, which follows the southern site boundary, is the main access to a recent development of large-detached properties (see Figure 7) which was granted planning permission in 2005 under application ref 2005/0225/DET.





*Figure 7: Photograph of recent housing development at Dundurn Walk south of the proposed development site (granted under planning permission ref 2005/0225/DET).*

- 3.7 This development features a courtyard arrangement that backs onto the southern site boundary. The gardens of these courtyard dwellings are wide and have a depth averaging around 8 metres. To the rear of the courtyard properties, the north facing roofs are steeply pitched and finished in slate, with velux and dormer windows. The rear boundaries of these properties which border the site (Figure 8), are generally defined by established hedgerows.





*Figure 8: Southern boundary of site backing onto the rear gardens of the courtyard dwellings of Dundurn Walk planning permission 2008/0208/DET.*

- 3.8 The site is bound to the north by the former railway line, now an established footpath (part of the Loch Earn Railway Path (Core Path) project connecting Lochearnhead to Comrie). A row of four detached residential dwellings (The Girron) sit in an elevated position north of the path. These dwellings are prominent in the landscape and are of an A-frame design with south facing verandas (see Figure 9).



*Figure 9: View across site looking north from Dundurn Walk. Pumping station in centre of picture, 'The Girron' group of dwellings overlooking the northern site boundary in background.*

- 3.9 The site is bound to the west by a substantial woodland buffer containing mature oak trees. There is a connecting Core Path through the woodland which links the railway path in the north to the village, cutting through a sector of land designated as open space in the Local Development Plan. This area of open space accommodates a playing field and small play park accessible from the village via the existing footpaths and Shoemaker Lane.
- 3.10 A foul waste pumping station is located on the southern boundary of the site which is fenced off by timber fencing approx. 1.8m in height (visible in Figure 9).
- 3.11 There is a bungalow between the site and Station Road which lies within the Conservation Area adjacent to the eastern boundary. Also adjacent to the eastern site boundary and fronting onto Dundurn Walk is no. 22, which was constructed in 2017 as one of four dwellings fronting Dundurn Walk that were approved under planning permission 2014/0237/DET (the remainder of which remain undeveloped to date).
- 3.12 North-east of Station Road, the redundant railway station has become an established caravan site (St Fillans Holiday Park - Caledonian Lodges). Approximately 75m to the west beyond the application site boundary there is a playpark that is accessed via a path that passes in proximity to the application site boundary at the western end.

## Description of Proposal

- 3.13 The proposals described below incorporate additional visitor parking (amendment to the scheme that was originally submitted in July 2021). Additional information submitted in August 2022 included a swept path analysis for fire tender and refuse vehicles and detailed landscaping plans.
- 3.14 The application under consideration proposes the erection of 18 residential properties laid out around a T-shaped road arrangement with the main vehicular access taken from Dundurn Walk (Figure 10).



Figure 10: Proposed Layout

- 3.15 Six house types are proposed comprising detached and semi-detached, two to four bed houses ranging in size from 68 sqm to 133 sqm (gross internal area) (Table 1).

Table 1: Proposed Housing Mix

| House Type | Type          | Floors   | Bedrooms | SQM (Gross Internal) | Plots           |
|------------|---------------|--|----------|----------------------|-----------------|
| 1          | Semi-detached | Bungalow (single storey)                           | 2        | 68                   | 11, 12          |
| 2          | Semi-detached | Room in the roof                                   | 4        | 124                  | 5, 6, 17, 18    |
| 3          | Detached      | Bungalow (single storey)                           | 3        | 133                  | 10              |
| 4          | Detached      | Bungalow (single storey)                           | 3        | 102                  | 2, 16           |
| 5          | Detached      | Bungalow (single storey)<br>(inc. 2 no affordable) | 2        | 70                   | 1, 3, 4, 14, 15 |
| 5+         | Detached      | Room in the roof)                                  | 3        | 95                   | 7, 8, 9, 13     |

- 3.16 The proposed dwellings are all single storey, or room in the roof design (chalet bungalow) to be finished in a mix of natural stone, timber cladding and render with

natural slate roofs. Figures 11, 12 and 13 show the typical elevation style and materiality.

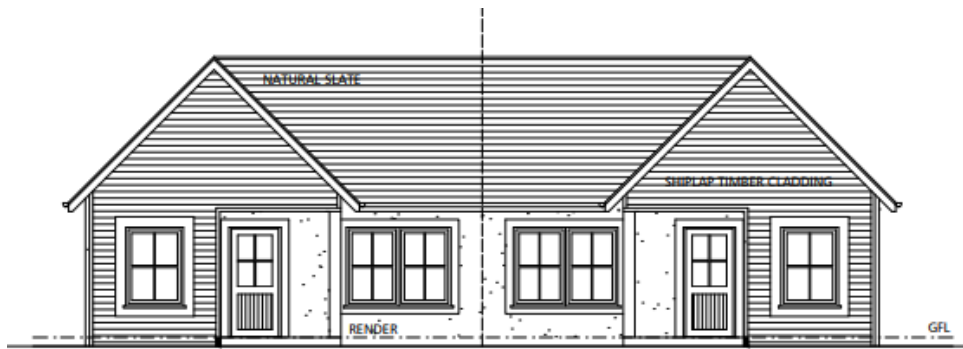


Figure 11: Proposed House Type 5 Elevations (Affordable)

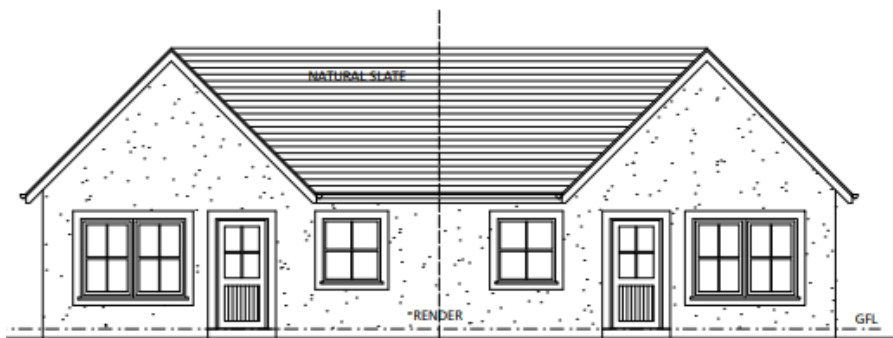


Figure 12: House Type 2 – Proposed Elevations





**Front Elevation**












**Rear Elevation**

*Figure 13: House Type 1 Proposed Elevations*

- 3.17 A total of 41 car parking spaces would be provided. Each property would have a private, detached garage and driveway with two spaces for off road parking. Five on road parking spaces for visitors are proposed (indicated in blue on Figure 14).
- 3.18 The roads and pavements are proposed as black top surface, and the domestic driveways would be permeable paving. Footpaths within the dwelling curtilage and patios are proposed to be constructed from textured silver-grey granite effect precast concrete pavers.
- 3.19 Beech hedging is proposed as boundary screens within residential curtilages with some areas of herbaceous planting. Heavy standard trees are proposed in some of the front gardens and within the pockets of amenity land, interspersed with multi-stemmed trees. An amenity green area is proposed close to the centre of the site, at the corner of Dundurn Walk and the main access which would be planted with multi-stemmed shrubs at a height of 2.5m - 3m.



Figure 14: Proposed Layout and Landscaping (Extracts from Plans C2011 L101-Rev B and C2011 L102 Rev A)

- |   |  |   |  |
|---|--|---|--|
|  | Heavy Standard Tree<br>See Detail SD1          |  | Mixed Native Species Wet Meadow<br>Scotia Seeds Wet Meadow or equal approved   |
|  | 2.5 - 3m Feathered Multistem<br>See Detail SD2 |  | Timber Sleeper Retaining Wall  |
|  | Specimen Shrub<br>See Detail SD3               |  | Permeable Paving to driveways  |
|  | Specimen Shrub to Woodland<br>See Detail SD3   |  | Textured Silver Grey Granite Effect<br>Precast Concrete Pavers<br>Marshalls Conservation X Silver Grey<br>Textured or Equal Approved |
|   |  |  | Black Top Surface to Roads<br>and footpaths  |

- 3.20 Terraces/crib retainer walling (averaging c. 2m in height) planted with ivy (Figure 15) is proposed to the rear of the gardens backing onto the Core Path in the northeastern part of the site (rear of plots 9-13). This will align with the height of the railway path and a timber post and rail fence is proposed above, at a height of 1.25m.



*Figure 15: Proposed Crib Walling – Typical Appearance*

- 3.21 Vehicular access to plot 17 would be via a separate drive alongside no. 22 Dundurn Walk. This drive then continues as zig-zag footpath path up the slope linking to Station Road through a landscaped amenity area in the east of the site. This eastern area is prone to surface water flooding and has been designed with retaining timber sleeper walls and a mix of planting including heavy standard trees with a mix of woodland and wet meadow species.
- 3.22 A new pavement would be provided along the northern side of Dundurn Walk (outwith the application site boundary) connecting the development's main access to Station Road.
- 3.23 The new development would be served by a Sustainable Urban Drainage (SUDs) system for managing surface water. For the houses (roofs and driveways) this would comprise permeable paving which would allow percolation to ground soakaway. For roads and footpaths, an adoptable system of SUDs is proposed comprising gulleys with filter trenches leading to underground crates beneath the amenity areas which store and discharge to ground soakaways. To intercept runoff entering the site from upslope a shallow ditch/swale with filtration trench will run continuously around the northern boundary of the site and continue a suitable distance along the eastern and western boundaries. This will collect and store runoff above ground preventing it running off to the lower parts of the site. As an additional assurance, the low points of the lengths of swale will terminate at manholes which, if they fill up, will overflow to adjacent shallow basins formed on adjacent green space. This element would not be adoptable and would require to be maintained privately/via a factor arrangement.
- 3.24 The proposed development would be connected to the existing foul water pumping station which serves the Dundurn Walk development and which connects to the Scottish Water public sewer system. The system would be designed to Sewers for Scotland 4.0 Guidelines and adopted by Scottish Water.



## Planning History

3.25 The undernoted planning permissions are of relevance:

### Application site:

- 2006/0038/OUT - Approve with Conditions - 31 March 2008 Erection of residential development (in principle). Lapsed.
- 2014/0237/DET - detailed permission granted for 4 units north of Dundurn Walk. One plot was subsequently developed. A S75 Agreement was secured for affordable housing contributions . Approved 6 October 2016.

### Adjacent site:

- 2005/0225/DET Erection of sixteen dwellinghouses with detached garages and associated road layout, approved on 6 October 2005.
- 2008/0208/DET Erection of steading development incorporating 8 semi-detached dwellinghouses (to replace existing consent for six detached dwellinghouses - Reference LT/2005/0225/DET/P), approved 27 January 2009.
- 2017/0242/DET - to amend the planning permission (2014/0237/DET) to alter the garage to form ancillary accommodation in retrospect, this was in respect of the first plot of the 4-house development, approved in October 2017 (no.22 Dundurn Walk).

## 4 Environmental Impact Assessment and Habitat Regulations Assessment

- 4.1 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (EIA) (Scotland) Regulations 2017. The National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this case the proposal was screened as it comprises development listed in Schedule 2 under category 10 (b) Urban development projects. The screening process concluded that there would not be any likely significant environmental impacts as a result of the development proposed and EIA is not therefore required. The screening opinion can be viewed as part of the planning application file.
- 4.2 The Habitats Regulations require that where an authority concludes that a development proposal is likely to have a significant effect on a European site (Special Protection Area (SPA) or Special Area of Conservation (SAC)) it must undertake an Appropriate Assessment (AA) of its implications for the European site in view of the site's conservation objectives. In this case an AA is not required because the development proposal would not impact on any designated sites.

## 5 Consultations and Representations

### Responses to Consultations

#### St Fillans Community Council

- 5.1 No response was received to the original consultation in July 2021. In December 2023 the Community Council raised a late objection. Whilst accepting the principle of housing development on the site, they endorsed concerns raised by individuals including:

- Inadequate car parking within the existing Dundurn Walk (particularly the existing courtyard development).
- Unsuitable waste water infrastructure and capacity concerns.
- ‘Landlocking’ of the two properties numbers 14 and 15 in Dundurn Walk impacting on conditions of Deeds in respect of access and maintenance.

5.2 They also highlighted that aims in the Community Place Plan (2023 – 2033) are not being met including:

- Ensuring services and drainage are able to cope with further development, and climate change.
- Improving parking across the community (Local Place Plan Theme 3 aims to reduce housing and increase parking using the section of the current application site to the east closest to Station Road).
- Aspirations for mix of homes that includes a good mix of single storey and sheltered housing for those that need it and for those with mobility issues (Local Place Plan Theme 5). The proposal details no sheltered housing.

#### Perth and Kinross Council Transport Planning (Roads Authority)

5.3 Following initial comments by the Roads Authority of 11 February 2022, the application was revised to include the requested 5 visitor parking spaces and a swept path analysis was submitted. The Roads Authority raises no objection but advised that a footway link is required along the northern side of Dundurn Walk to ensure connectivity with the wider path network and ensure pedestrian safety. Additionally, they advise that the two car parking spaces plus garage meets the National Roads Development Guide, and that the development should consider the existing road drainage system along the north side of Dundurn Walk in the construction of vehicle access points across it. Conditions are recommended in respect of street lighting, waste and recycling bin locations to meet with the standards for waste vehicle collection manoeuvres, vehicle access standards, and a Construction Traffic Management Scheme.

#### Perth and Kinross Council Flood Risk Management (Perth)

5.4 Following the receipt of updated information in response to their initial comments in October 2021 the Flood Risk Management Team is satisfied with the proposals. They request conditions to control the details of the surface water drainage design and mitigation of overland flows. They require that the overland flow path along the eastern extent of the site to be maintained in perpetuity. A condition in respect of Sustainable Urban Drainage (SUDs) is recommended.

#### Scottish Water (Glasgow)

5.5 No objection subject to service requirements. At the time of writing there is sufficient capacity in Turret Water Treatment Works to service the development. Waste Water Treatment at the St Fillans Works will require further consultation between the applicant and Scottish Water. Asset Impact Assessment -Scottish Water records appear to show a private foul drain within the site. The applicant is required to contact the owner to establish their requirements for building within the vicinity of this asset. The abandoned water infrastructure within the site requires to be removed prior to the commencement of works and advice on the necessary procedure should be sought from Scottish Water Asset Impact Team.

Perth and Kinross Council Education Authority

- 5.6 No objection - confirmed that no education contribution is required as there is capacity within the catchment school (Comrie Primary).

West Of Scotland Archaeology Service (Glasgow)

- 5.7 No objection. A watching brief throughout development works is recommended.

Transport Scotland - Trunk Road Network (Glasgow)

- 5.8 No objection.

Perth and Kinross Council Environmental Health (Perth)

- 5.9 No response received.

**Representations Received**

- 5.10 The application was originally notified to neighbours at the end of July 2021 and advertised in the Strathearn Herald on 5 August 2021. At that time the proposal attracted an objection from one individual and representations from two individuals offering comment. Following the receipt of revised drawings which sought to address technical road layout and parking issues, neighbours were re-notified in August 2022. Following this, a ten-signature petition (representing five of the neighbouring properties) and four individual objections were received. In summary, the objections concern the following:

Road Safety

- Concern regarding the suitability of the current road and signage arrangement (Dundurn Walk) to serve new development.
- Insufficient visitor car parking spaces.
- Exacerbating issues of parking and driving on verges.
- Risk to emergency, refuse vehicle and pedestrian safety.
- Winter weather risk and lack of gritting.

Infrastructure

- Existing sewage capacity is insufficient and Scottish Water often have to intervene.
- Development will increase flood risk (risk from surface water and an underground spring) – issues particularly acute north of no. 22 Dundurn Walk, concern regarding removal of emergency ditches.
- No detailed SUDs scheme to deal with surface water.
- The proposal will affect water pressure.
- The housing will impact negatively on broadband speed in the village.

Amenity

- Over development – too many houses.
- Insufficient separation distance from proposed plots 1, 2 and 4 to existing properties at 13 and 15 Dundurn Walk.



- Existing trees overshadow plots 13 and 14 Dundurn Walk and the proposed heavy standard tree planting nearby will exacerbate this problem.
- Loss of privacy to properties in the neighbouring Girron development
- Noise and disruption during and after construction.
- Bushes on the corner of the site are used for public toileting as there is no public W/C, this will be displaced by the development.

#### Nature

- Disturbance to wildlife, deer, slo-worms, red squirrels and birds including pheasants.
- Tree clearance would be detrimental to the area and wildlife.

#### Non-Material Planning Matters

- Detrimental impact on property value.
- Landlocking – loss of rear access for those in courtyard building and consequent issues with safe evacuation in an emergency (14 and 15 Dundurn Walk).

5.11 A late representation was received in December 2023 from the St Fillans Community Place Plan Steering Group and St Fillans Community Trust. They raise the following matters:

- Lack of pre application consultation.
- The proposal doesn't provide for local needs including smaller housing for elderly residents, young families and appropriate affordable housing.
- Due regard should be given to the St Fillans Community Place Plan priorities and actions including:
  - More smaller homes for those who need them; more affordable homes for young families.
  - Ensure new housing developments are in keeping with the village character.
  - Ensure new developments include a mix of homes to buy or rent: single floored homes and sheltered housing for elderly people or those with mobility issues, affordable long-term lets, medium/short -term lets ofr seasonal workers.
  - All new houses to be eco-homes as standard.
  - Explore options for self builds.
  - Ensure that all new developments have the support of the community.
  - Reduce the scope of the proposed H1 Housing.
  - Ensure there is full consultation by planning of any proposed development.
  - Ensure local infrastructure is robust enough to cope.

5.12 Copies of all representations received are available to view on the public portal at <https://eplanning.lochlomond-trossachs.org/OnlinePlanning> by typing in the reference number 2021/0256/DET and selecting the 'Documents' tab.

## 6 Policy Context

## The Development Plan

- 6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises National Planning Framework 4 (NPF4) and the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) along with Supplementary Guidance (SG).

### National Planning Framework 4 (NPF4) (Feb 2023)

- 6.2 NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Governments priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 supports the achievement of six overarching spatial principles (just transition, conserving and recycling assets, local living, compact urban growth, rebalanced development, and rural revitalisation) through the planning and delivery of sustainable, liveable and productive places. NPF4 contains 33 policies to guide development management decisions. The following NPF4 policies are relevant to this proposal:

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 5 - Soils
- Policy 6 - Forestry, woodland and trees
- Policy 7 - Historic assets and places
- Policy 13 - Sustainable transport
- Policy 14 - Design, quality and place
- Policy 15 - Local living and 20-minute neighbourhoods
- Policy 16 - Quality homes
- Policy 17 - Rural homes
- Policy 22 - Flood risk and water management

- 6.3 The full policy wording can be viewed on the Scottish Government's website at <https://www.gov.scot/publications/national-planning-framework-4/pages/3/>

### Local Development Plan (2017-2022) (LDP)

- 6.4 The LDP outlines the vision for how the National Park should change over the next 20 years, including the strategy for development and the policy approach for key topics. There remains broad alignment between the LDP and NPF4 policies however, where any incompatibility does arise, then NPF4 prevails as the more recent policy. The following LDP policies are relevant to this proposal:

- Overarching Policy 1: Strategic Principles
- Overarching Policy 2: Development Requirements
- Housing Policy 1: Providing a diverse range of housing
- Housing Policy 2: Location and types of new housing required
- Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options
- Transport Policy 3: Impact Assessment and Design Standards of New Development
- Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

Natural Environment Policy 4: Legally Protected Species  
Natural Environment Policy 6: Enhancing Biodiversity  
Natural Environment Policy 8: Development Impacts on Trees and Woodlands  
Natural Environment Policy 9: Woodlands on or adjacent to development sites  
Natural Environment Policy 11: Protecting the Water Environment  
Natural Environment Policy 12: Surface Water and Wastewater Management  
Natural Environment Policy 13: Flood Risk  
Historic Environment Policy 8: Sites with Unknown Archaeological Potential  
Waste Management Policy 1: Waste Management Requirement for New Developments

- 6.5 The full LDP policy wording along with the Supplementary and Planning Guidance listed below can be viewed on the National Park's website at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

#### Supplementary Guidance

- 6.6 The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:
- Design and Placemaking
  - Housing

#### **Material Considerations**

##### National Park Partnership Plan (2018-2023)

- 6.7 The National Park Partnership Plan ("Partnership Plan") is the overarching vision to guide how all those with a role in looking after the National Park will work together to widen the environmental, social and economic benefits of the National Park. All planning decisions require to be guided by the outcomes and priorities of the Partnership Plan to ensure that they are consistent with the Park's statutory aims.
- 6.8 Public Consultation on a draft National Park Partnership Plan (2024-2029) was undertaken from 26th April – 19th July 2023. The final draft was presented to the National Park Authority Board in December 2023 and is awaiting approval by Scottish Ministers.

##### Planning Guidance

- 6.9 Planning Guidance does not form part of the Development Plan, but it supports the LDP and is a material consideration in decision making. The following Planning Guidance is of relevance to the determination of this application:
- Planning Guidance Listed Buildings and Conservation Areas
  - Developer Contributions
  - Sustainable and Active Travel

##### Local Place Plan/Community Action Plan

- 6.10 Community or Local Place Plans are community-led plans setting out proposals for the development and use of land. Introduced by the Planning (Scotland) Act 2019, these plans set out a community's aspirations for its future development. Once completed and then registered by the planning authority, they are to be taken into account in the preparation of the relevant local development plan. St Fillans Community Place Plan 2023-2033 has been registered with the National Park Authority and will be taken into account during the preparation of the National Park's Local Development Plan and Partnership Plan.
- 6.11 St Fillans Community Action Plan 2017-2022 - sets out the community's vision and priorities for St Fillans for the period up to 2022.

#### St Fillans Conservation Area Appraisal

- 6.12 The Conservation Area Appraisal defines and evaluates the special qualities and architectural and historic interest of St Fillans.

#### National Park Aims

- 6.13 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- to conserve and enhance the natural and cultural heritage of the area;
  - to promote sustainable use of the natural resources of the area;
  - to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - to promote sustainable economic and social development of the area's communities.
- 6.14 Section 9 of the Act states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

## 7 Summary of Supporting Information

- 7.1 The applicant has submitted the following documentation in support of the planning application:
- 7.2 Flood Risk Assessment (July 2021) - Concludes the site is not at risk of flooding and the development would not increase flood risk elsewhere. The assessment includes recommendations for adoption of flood resilient building design.
- 7.3 Drainage Strategy and Drainage Design (June 2021) - The report concludes that the development can be drained satisfactorily based on the drainage strategy described within the report which includes a private system to manage overland flow from higher ground, an adopted system to manage run-off from roads and footpaths and permeable paving to manage water from private houses. The foul drainage would be connected to the Scottish Water public network and the report states there is capacity.
- 7.4 Ecology Survey The extended phase 1 survey (July 2021) - The Ecology Survey found no evidence of protected and/or notable species however it includes a series of



recommendations which should be adhered to by an appropriate Clerk of Works on site. A tree protection plan should also be submitted.

Tree Survey and Arboricultural Constraints Report (July 2022) - The Tree Survey identified 22 trees within immediate proximity of the site. A Tree Survey Plan is attached to the report which identifies their condition and any recommended remedial works. The report includes an Arboricultural Impact Assessment which identifies the need for some crown lifting. A root protection system will be required in some areas to minimise damage to underlying root systems. The report includes a Tree Protection Plan and identifies a Construction Exclusion Zone around trees proposed for retention on the western boundary of the site.

Supporting Planning and Design and Access Statement - The Supporting Planning Statement includes planning history of the site and details of the pre-application consultation with the community and community feedback. It also includes a Design and Access Statement and policy appraisal.

## 8 Planning Assessment

8.1 The planning matters requiring assessment in this case are:

- Principle of Development
- Housing Mix and Affordable Housing
- Local Place Plan
- Siting scale and Design
- Road Safety
- Residential Amenity
- Flooding and Drainage
- Landscape and Trees
- Biodiversity
- Infrastructure
- Other Matters

### Principle of Development

8.2 National Planning Framework 4 – Policy 16 – Quality Housing – supports the delivery of high quality, affordable and sustainable homes in the right location. NPF 4 - Policy 16 (a) supports proposals for new homes on land allocated for housing in the LDP. NPF 4 – Policy 17 – Rural Homes provides support for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area where it is (a) allocated for housing within the LDP.

8.3 The application site is allocated in the Local Development Plan for development of 16 homes (H1). This allocation is long-standing and was carried over from the previous Adopted Local Development Plan (2010-2015), (identified therein as ref. H27) for 16 homes directly alongside H26 (6 homes), the latter site being granted planning permission under 2014/0237/DET for four dwellings as a first phase. The current proposal provides for the continuation of the development envisaged at that time. An indicative masterplan was provided alongside that application which provided re-assurance that the 4 dwellings proposed at that time did not compromise the potential to develop the wider site for housing in a future phase. Only one of those four dwellings has been completed to date (no.22 Dundurn Walk).

- 8.4 The proposal for 18 units is substantially in accordance with the allocation for 16 homes (the Local Plan allocation figures being indicative of capacity and not representing a cap on numbers) and the proposal therefore accords with the Local Development Plan and NPF4 Policies 16 and 17 in principle.

### **Housing Mix and Affordable Housing**

- 8.5 Local Development Plan Housing Policy 1 supports the provision of a diverse range of housing within the National Park. In particular, the policy supports proposals which meets the needs of smaller sized households, older people and families. NPF4 Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives. In particular, it supports proposals for new homes that improve affordability and choice: including accessible, adaptable and wheelchair accessible homes; homes that meet the needs of older people; a range of size of homes; and other specialist groups.
- 8.6 The proposal provides for a suitable mix of housing sizes, including 2, 3 and 4 bed homes. Seven of the 18 houses are 2 bed properties, thus 40% of the development is smaller sized housing (under 70 square metres). Out of the 18 homes, 10 are bungalows (i.e. single level) (55%) including two affordable houses – to be made available for sale at a discounted price. The mix of house types sizes is considered appropriate and in accordance with Housing Policy 1 and NPF4 Policy 16.
- 8.7 Local Development Plan Housing Policy 2 (a) stipulates that on sites of four or more homes in St Fillans, a minimum of 25% affordable housing is required. NPF 4 – Policy 16 – Quality Homes part (e) ii states that an affordable housing contribution lower than 25% of the total number of homes is acceptable where justified by evidence of impact on viability and where proposals are small scale. The proposed scheme (18 houses) generates a requirement for 5 affordable houses.
- 8.8 The applicant advised that they approached Rural Stirling Housing Association with a view to them delivering affordable housing on the site, however no response was received. They also advised that Perth and Kinross Council would not take on affordable units at this location due to its remoteness and the difficulties in management.
- 8.9 The only option is therefore for the developer to provide affordable housing directly. However, the viability of the scheme means that it is not possible to achieve a policy compliant offer. A confidential viability appraisal submitted by the applicant was independently reviewed by the District Valuer concluding that the proposal can offer two of the smaller units at discounted sale. A discount of 40% from the open market value for two 2-bed units (house type 5) has been agreed with the applicant having regard to average income levels and site costs. This provision would equate to 10%, falling short of the policy 25% requirement but justified by the financial viability of the scheme. The developer has committed to building out the affordable homes early in the development phasing. A Section 75 legal agreement is proposed to secure the provision of the affordable housing tenure in perpetuity and ensure that these can only be occupied as a person's primary or main residence in accord with the provisions of the Housing Supplementary Guidance.

### **St Fillans Community Place Plan**

- 8.10 The St Fillans Community Place Plan (“Local Place Plan”) was recently registered with the National Park and is a material consideration. Planning Circular 1/2022: Local Place Plans confirms the primary role of Local Place Plans is to influence local planning policies however, the circular also advises that Community Bodies may wish to consider whether the proposals contained within the Local Place Plan may reasonably form a part of representations on individual planning applications. In this case the Community Council has objected on the basis that the proposal fails to address some relevant priorities and actions including the Local Place Plan’s aspirations for this site. They refer to the lack of sheltered housing in the housing mix and suggest that part of the site should be reserved for public car parking.
- 8.11 Local Place Plan Theme 3: Transport, Traffic and Parking aims to provide better public parking and increase road safety. The accompanying Actions include “*Explore opportunities to improve and increase public car parking: create parking on proposed new hall/community hub site, improve parking near the play park and at the village hall, explore opportunities to improve parking along South Loch Earn Road...*”. Although the application site is not referenced in the text, a suggested amendment/consideration for the LDP or NPPP identified on page 53 of the Community Place Plan is to “*reduce the scope of H1 and incorporate small-scale parking for play park*”. Local Place Plan Theme 5: Housing, however, aims to provide more smaller homes and more affordable homes for young families and people, single-level housing for downsizers and the elderly and sheltered housing.
- 8.12 The applicant has had sight of the Community Council’s objection and has expressed concern that these issues have come at this very late stage following extensive consultation and engagement and a protracted application determination period (delayed principally whilst affordable housing provision was negotiated).
- 8.13 In determining this application, a balance must be struck between the merits of the proposal and the aspirations of the Local Place Plan. The proposal would deliver much needed housing, including affordable housing and several smaller and single-level units, for which there is an acute need, and which are identified as priorities in both the Local Development Plan and Local Place Plan. The public parking aspirations of the Local Place Plan are broad, albeit this site has been identified as one that the community consider could potentially contribute to meeting them. However, in the light of the demonstrable viability constraints, a reduction in housing quantum to accommodate public parking, or requirements for sheltered housing on this site risks further compounding the financial viability of the scheme and therefore affordable housing delivery. Housing provision, and particularly affordable housing, remain important priorities for the Local Development Plan and the emerging National Park Partnership Plan and indeed the proposal would deliver on the Local Place Plan aspirations for smaller sized accommodation and single-level houses. As a long-standing allocation for housing, the proposed development is also needed to maintain the Local Development Plan’s planned housing supply in the National Park.
- 8.14 Whilst acknowledging the Local Place Plan aspirations in respect of the site, the Local Development Plan review also has a key role in allocating appropriate sites for sheltered housing and addressing public parking for the village. Taking account of the above - and noting the proposal’s alignment with the Local Development Plan’s housing allocation and its positive contribution to the housing priorities of both the Local Development Plan and Local Place Plan, as well as accordance with Policies 16 and 17 of NPF4 - it is considered that there are insufficient grounds to refuse the application on the strength of the aspirations of the Local Place Plan.

### Siting scale and design

- 8.15 Local Development Plan Housing Policy 2 – ‘Location and types of new housing required’ supports housing within villages on sites identified for housing within the LDP where it is developed to a density which is in-keeping with the area.
- 8.16 The layout of the development is proposed around a T-shaped road with housing either side, following the design principles of the adjoining housing development and respecting the existing density and characteristics of this side of the village. Some of the local vernacular design features (for example, natural slate roofs, inclusion of timber detailing, and roof styles) are included within the proposal which contributes to achieving a sense of place.
- 8.17 The application proposes six different dwelling types of varying sizes which will avoid a uniform layout in this part of the village. The proposal includes the use of slate for the roofs, timber and stone with some render. At single storey and a ratio of 12 dwellings per hectare, the new houses would respect the local density and sit comfortably within the site topography without being dominant in the wider landscape.
- 8.18 The design of the proposal will achieve a high-quality design and layout, providing a positive sense of place and will compliment local distinctiveness. The layout and design provides for safe road access and appropriate parking provision. The landscaping proposal includes new hedging and together with new heavy tree planting proposed in the front gardens will assist in softening the development. In this regard the proposal satisfies LDP Overarching Policy 2. The proposal will provide for a safe and healthy residential environment within a rural village and therefore satisfies the requirements of NPF 4 – Policy 14 – Liveable Places. With the connections proposed to the village centre and the playgrounds to the west, inclusion of affordable housing and the close proximity of the site to the village centre of St Fillans, the proposal also satisfies the requirements of NPF 4 – Policy 15 – Local Living and 20-minute neighbourhoods.
- 8.19 NPF 4 Policy 7 - Historic Assets and Places (d) states, ‘development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced’. Similarly, Local Development Plan Historic Environment Policy 2: ‘Conservation Areas’, supports development within or adjacent to a conservation area, ‘where it preserves or enhances the character and appearance or setting of the Conservation Area through the appropriate scale, proportion, siting, massing, design and use of materials, whilst not inhibiting high quality contemporary and/or innovative design and ensuring that important views within, from and into the Conservation Area will be maintained and enhanced’.
- 8.20 The development lies just outside the conservation area, albeit adjacent to the boundary in two locations. The proposed development would settle behind the recently developed housing along Dundurn Walk (which lies between the site and the Conservation Area) and would form a natural extension to it. The application proposes development at single-storey in height, some with dormers in the roof, and this approach, together with the proposed use of sympathetic materials namely natural stone, natural slate, timber cladding and render; will complement the historic characteristics of the Conservation Area and will not affect views to and from it.



- 8.21 It is concluded that the proposal will respect and preserve the character and appearance of St Fillans Conservation Area and satisfies LLTNP Historic Environment Policy 2 and NPF 4 Policy 7 Historic Assets and Places clause (d).

### **Road safety**

- 8.22 Local Development Plan Transport Policy 3 requires new developments to be of a design and specification that are sensitive to the special qualities of the National Park. In this regard the proposal has sought to link into the established Dundurn Walk design approach as a shared surface and not to be over heavily engineered. The internal roads are proposed as 5.5m width with 2m wide grass verges. The proposal includes black top surface material for the roads and pavements in accordance with Roads Authority adoption requirements and flush kerbs in-keeping with Dundurn Walk. All plots have driveways for off street private parking. A swept path analysis demonstrates that there is sufficient space for a waste/ emergency vehicle to turn and service the site safely.
- 8.23 Perth and Kinross Council requested a minimum of 5 additional visitor/unallocated spaces which have been incorporated into the layout. They also requested that a footway should be provided along the northern side of Dundurn Walk connecting the development to the footway at Station Road. The applicant has agreed to this, and a condition is proposed to secure delivery. Although the location of the required footway is outside of the red line (planning application) boundary in part, it is understood that the developer will work with the Roads Authority to deliver this through a Roads Construction Consent (RCC). This will also consider the design of the existing road drainage system on the north side of Dundurn Walk. The footpath will enhance the safety of this route and meet the ambitions of the St Fillans Community Place Plan. The issue of safety of the shared surface design of Dundurn Walk was a concern raised in the representations, however the shared surface proposed within the development is appropriate in design and safety terms for this low-traffic, rural village location.
- 8.24 Transport Scotland has raised no objection to the proposal with regards to the impact on the trunk road.
- 8.25 It is concluded therefore that, subject to a condition to secure the footpath along Dundurn Walk and conditions requested by the road authority (concerning road design, street lighting details and details of the waste collection areas), the proposal is acceptable and in accordance with Transport Policy 3.
- 8.26 NPF- 4 – Policy 13 – Sustainable Transport – encourages, promotes and facilitates development that prioritises walking, wheeling, cycling and public transport and reduces the need to travel unsustainably. LLTNP Transport Policy 2 promotes sustainable travel and improved active travel options.
- 8.27 The application site is located close to a core path network and footpath connections are proposed through to the neighbouring open space/ playing field, and to the village store and bus stop. Garages are provided as well as adequate space for a shed within the dwelling plots for the storage of bicycles and/or the addition of electrical vehicle charging points, therefore offering occupants sustainable travel options. The proposal satisfies Local Development Plan Transport Policy 2 and NPF 4 – Policy 13 Sustainable Transport in this regard.

### **Residential amenity**

- 8.28 NPF4 Policy 26 and Overarching Policy 2 of the Local Development Plan require developments to be compatible with surrounding land uses and avoid any significant adverse impacts of noise/vibration, air emissions/ odour/fumes/dust, light pollution - or loss of privacy/sunlight/daylight. LDP Overarching Policy 2: Amenity and Environmental Effects, aims to avoid any significant adverse impacts upon nearby land users.
- 8.29 The proposed new dwellings are adequately spaced and designed such as to offer good amenity between occupiers of the development. Within the new layout all the properties achieve an average distance of 18m window to window across the new street which is acceptable. Adequate garden space and off-site car parking will be provided.
- 8.30 The new development will be predominately single storey but, owing to the site topography rising over 6 metres across the site to the north, the new housing will be slightly elevated above the existing housing in the 'phase' 1 Dundurn Walk. Neighbour representations raise objection in relation to loss of privacy and impact on amenity resulting from the new houses, in particular for Nos 13-16 Dundurn Walk (the courtyard buildings which are located behind proposed plots 1, 2, 3 and 4). These new dwellings are proposed to sit directly behind the rear gardens, elevated by approximately 0.5m - 1m. The rear gardens of these proposed plots is characteristic of the existing dwellings and will average approximately 7m in depth from the boundary. The distance between the new homes and the existing would average 15 meters in this location, although with a closer distance to the corners of the courtyard building – but orientation of these minimises direct overlook.
- 8.31 As the proposed new dwellings at this location are single storey only and with narrow rear windows and no windows in the roof, it is considered that there is sufficient distance proposed between the existing and proposed dwellings to maintain privacy. Existing and proposed boundary treatment, including a 1.8m high timber fence the rear of the new dwellings would also reduce intervisibility and prevent overlooking but are not so high as to cause unacceptable overshadowing. In this regard the dwelling plots at this southwest location of the site are considered acceptable and that the privacy of the existing dwellings will not be adversely affected by the development.
- 8.32 The existing dwellings north of the core path “the Girron” are sited in an elevated position but are sufficient distance from the proposed dwellings along the northern edge of the site so as not to give rise to detrimental overlooking or overshadowing.
- 8.33 No. 22 Dundurn Walk (the recently completed house on the eastern side of the site fronting the road) will remain unaffected by the new development with separation provided by the driveway to proposed plot 17 and amenity land to the north. It is assessed that the new drainage proposals will benefit that property which has suffered from existing overland flows. On the north side of Dundurn Walk, the new dwellings plots 17 and plots 18 are considered appropriate in scale and siting and will be set at a suitable distance from those existing properties on the southern side of Dundurn Walk.
- 8.34 Concerns are noted relating to impacts on amenity from existing overshadowing of the boundary of 13 Dundurn Walk by mature trees and that the proposed heavy standard tree planting adjacent to these would exacerbate this. The applicant is proposing to crown lift the existing trees in this location which will assist with this concern. The amenity trees to be planted would consist of species suitably sized for a housing estate.
- 8.35 In relation to noise and vibration there will be some disturbance to existing residents throughout construction of the dwellings. Thereafter no vibration should be experienced

and any increase in noise levels will be of a domestic nature from new residents in the locality. A standard condition is proposed to control working hours to minimise these impacts.

- 8.36 There may be some fumes and dust throughout construction work which the contractors will be required to keep to a minimum under separate legislation. Thereafter, the development is of a domestic scale which will not contribute materially to air emissions.
- 8.37 Contaminants – The last known use of the site was for rough pasture. Existing residents have expressed concern regarding the removal/levelling of an existing spoil heap on the site which was formed throughout phase one of the development works. Perth and Kinross Environmental Health team were consulted on the current proposal but no response was received. For the avoidance of doubt a condition is proposed in respect of a contaminated land investigation. This will be explored further by the contractor through site preparation and liaison with PKC Building Standards Team/SEPA.
- 8.38 It is concluded that the proposal will not give rise to a detrimental impact upon existing amenity and will create a suitable level of residential amenity for the future occupants in accordance with Overarching Policy 2 of the Local Development Plan.

#### **Environmental Matters – Flooding and Drainage**

- 8.39 NPF4 Policy 22- Flood Risk and Water Management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing vulnerability of existing and future development to flooding. Clause (c) is of relevance to the proposal. This requires that development proposals will: *“i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and iii. seek to minimise the area of impermeable surface.”*

#### **Flood Risk and Surface Water Management**

- 8.40 The application is supported by a Flood Risk Assessment (FRA) dated June 2021 which confirms the application site does not form part of the functional floodplain of any nearby watercourse (River Earn or Struie Burn).
- 8.41 The representations received in respect of the application express concern regarding historical flooding of this area and advise that the drainage strategy proposed with the new development is inadequate. In particular, as identified in the Flood Risk Assessment, the new property number 22 Dundurn Walk has experienced run-off down the slope in very wet weather and subsequently ad hoc drainage channels have been excavated to lead water around the house and onto Dundurn Walk.
- 8.42 The Flood Risk Assessment recommends remediation measures to ensure that runoff from Station Road entering the northwest corner of the site does not cause problems onsite or elsewhere. These measures include a line of raised kerbs along the northeast corner of the site to prevent run-off entering the site and avoiding housing development in that location. In addition, a terraced green space with underground crated storage located to the north of 22 Dundurn Walk is proposed to address surface water in this location and manage water that may enter the site from Station Road in a heavy rainfall event.

8.43 The FRA includes a number of technical models resulting in proposed mitigation and management of flood risk at the site. This includes a finished ground floor level of at least 300mm above finished ground levels, and that new buildings should be constructed using water resilient methods and materials.





Figure 16: Drainage proposals (Extract from Drainage Strategy Report)

- 8.44 The FRA concludes that access to the site will not be significantly affected by predicted flood extents (up to 1:200-year flood scenario) and that surface water can be dealt with through adopting the principals of a Sustainable Urban Drainage System (as described in Section 3 of this report and as identified in the submitted Drainage Strategy (see extract at Figure 16).
- 8.45 The FRA states that, subject to the recommendations proposed, the development of the proposed site will not be at risk of flooding or cause an increase in flood risk to third party property.

#### Foul Drainage

- 8.46 Foul sewage is proposed to be connected to the Scottish Water sewer system via the pumped mains which already exists and serves the adjacent residential development of Dundurn Walk. Residents on Dundurn Walk have raised concern with respect to the capacity of the existing sewerage system. The Drainage Strategy advises that the existing pumping station has spare capacity to serve the proposed development and the connection of the additional properties to the system will be arranged by prior agreement. The applicant will be required to engage with Scottish Water as to whether there is sufficient capacity at the St Fillans Waste Water Treatment Works to service the development. Scottish Water has currently been implementing upgrades (planning permission 2023/0216/DET) at the St Fillans Waste Water Treatment Works to enhance its efficiency.
- 8.47 The proposal has the support of the Flooding Authority at Stirling Council, subject to a condition requesting further information to be submitted in respect of the SUDs (Sustainable Urban Drainage systems).
- 8.48 It is concluded that subject to complying with proposed drainage design and further acceptable details in respect of SUDs, that the proposal should not give rise to third party flooding or foul treatment issues. A condition to achieve this is recommended, and subject to its implementation will ensure that the proposal satisfies LDP Natural Environment Policy 13 and NPF 4 – Policy 22 – Flood Risk and Water Management.

#### **Landscape and Impact on Trees**

- 8.49 NPF 4 – Policy 6 – Forestry Woodlands and Trees aims to protect and expand forests, woodlands and trees. LDP Natural Environment Policy 9: Woodlands on or adjacent to development sites is of relevance. The policy requires that trees are adequately protected throughout works and follow guidance set out in British Standard 5837:2012.
- 8.50 The application is supported by a Tree Survey dated 7 July 2022. This survey has been reviewed by the National Park Authority Tree Officer who confirmed that the survey shows that the root protection area of a number of trees which are part of the woodland adjacent to the northwest of development site extends into the development site. The Tree Officer is satisfied however that if the proposed Tree Protection Plan is followed, this would provide an acceptable level of protection for the adjacent trees. It is noted that the tree protection plan recommends an appropriately located construction exclusion zone and where footpaths are proposed within this, an appropriate construction method has been detailed. A condition is proposed to secure compliance with the Tree Protection Plan.

- 8.51 The Tree Officer advised that the proposed pruning and crown raising of the mature beech hedge/ line of trees on the southwest boundary of the site would be acceptable if undertaken in line with BS3998: 'Tree Work – Recommendations'. A condition to ensure this is therefore recommended.

### **Biodiversity**

- 8.52 NPF-4 Policy 3 – Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 3(c) states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Natural Environment Policy 6 requires developments to enhance biodiversity by securing the protection, management and enhancement of natural landscape, wildlife, wildlife habitat, habitat networks and green corridors, and where possible the creation of new wildlife habitats.
- 8.53 The application site is dominated by poor semi-improved grassland with smaller areas of scrub, mainly grassland, and ruderals. The habitats within the site are only considered to have negligible value, the adjacent woodland is considered to be of local value.
- 8.54 The application site is significantly distant from any designated sites and therefore will not impact upon designated sites. The application is supported by an Ecology Survey which found no notable protected species on the site but made recommendations which should be carried out by a future contractor to ensure good practice. An informative to advise the developer of these requirements is included.
- 8.55 Natural Environment Policy 6: Enhancing Biodiversity - encourages new development to enhance biodiversity. The application includes landscaping plans with the introduction of new tree planting. Green corridors are included within the design layout through the use of hedges as boundaries and the planting of a diversity of plant species to encourage new habitats. Further domestication of the site will take place within individuals gardens. The use of trellising at the rear of the site (adjacent to the railway path) will green-up and provide an enhanced boundary wall. To further assist in biodiversity gain across the site a condition is proposed to ensure that the measures set out in the Extended Phase 1 Habitat Survey Report (Direct Ecology July 2021) are further incorporated into the development and that locally native species are used in the landscaping of the site, thus satisfying the objective of Natural Environment Policy 6: Enhancing Biodiversity.

### **Other Matters**

- 8.56 Issues with respect to 'landlocking' of properties 13-16 Dundurn Walk (the courtyard building) have been raised in objections in section 5.10. These properties have rear gardens backing onto the development site. Concerns are that a right of access along the rear of the gardens would be removed by the development that would also block a potential access route in the event of an emergency. Whilst acknowledging that some residents currently enjoy the convenience of an access to the rear of their properties, private rights of access are a civil matter and are not material to planning decisions. The Council Building Standards service would separately consider matters such as fire escape, however the proposed layout with plots backing-on to rear gardens is a common

arrangement for a residential context and not one that is understood to have any safety implications.

- 8.57 The application site overlaps with planning permission reference 2014/0237/DET which was a detailed permission granted for 4 units on the north side of Dundurn Walk. One plot was subsequently developed, number 22 Dundurn Walk and as such the permission is extant. To ensure that the development now proposed in this application can (presuming a permission is granted) be completed as proposed, including the green corner amenity area, the permission 2014/0237/DET is required to be confirmed as unable to proceed. This is therefore included in the Heads of Terms for the legal agreement – see Appendix 2.

### **Conclusions**

- 8.58 This application, if approved, would deliver a range of housing types and sizes on a site that has a long-standing allocation for housing in the Local Development Plan. The proposal is considered of an appropriate density and layout for this location and demonstrates quality in its design and materiality, appropriate to the rural-edge location and setting of the St Fillans Conservation Area.
- 8.59 The development would deliver much needed housing including two affordable houses provided as discount sale tenure alongside a meaningful proportion of smaller 2 and 3 bed homes suitable for downsizers and young families. This would make a valuable contribution to addressing the acute need for housing within the village and the wider National Park, a benefit which needs to be balanced against the recent Local Place Plan's suggestion that the site may be better used in part to deliver public car parking.
- 8.60 The proposal would improve safety on Dundurn Walk by provision of a new footpath alongside the road and has further footpath links to the playpark in the west and to the railway path at the northeastern corner. The application has satisfactorily demonstrated that environmental constraints such as flooding, and drainage can be adequately addressed and formal management of surface water within the site would help to address existing flood issues. Adherence to a Tree Protection Plan would ensure that there is no detrimental impact to surrounding woodland and a scheme of landscape planting will deliver net biodiversity benefit.
- 8.61 It is concluded that the proposal satisfies the relevant policies of the Local Development Plan and NPF 4 and there is no conflict with the National Park Aims. It is therefore recommended that planning permission be granted. subject to conditions and a Section 75 legal agreement.



## Appendix 1 - Planning Conditions

### Planning Conditions

- 1. Duration of Permission:** This permission lapses on the expiration of 3 years beginning from the date of this permission unless the development to which this permission relates is begun before that expiration.

REASON: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. Sustainable Urban Drainage:** Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) design has been submitted for the further written agreement of the Planning Authority, in consultation with Perth & Kinross Council as Flooding and Roads Authority, and SEPA where necessary. This shall include the overland flow route around the site. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and Perth & Kinross Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of the development.

REASON: To avoid surface water drainage causing a hazard on the site and the adjacent road and property and to minimise pollution of adjacent water courses in accordance with Natural Environment Policies 11 and 13.

- 3. Biodiversity enhancement:** Prior to the commencement of the development hereby permitted, a scheme for the enhancement of biodiversity within the development site shall be submitted to, and approved in writing by, the Planning Authority. This scheme shall then be based on the measures outlined in sections 4.2 and 4.3 of the Extended Phase 1 Habitat Survey Report (Direct Ecology, July 2021) and include the use of locally native species in all landscaping (such species to be agreed in writing with the planning authority prior to planting). Thereafter, the scheme shall be implemented in full in a timescale to be agreed in writing with the Planning Authority.

REASON: To secure biodiversity enhancement as required under adopted local development plan Natural Environment Policy 6: Enhancing Biodiversity.

- 4. Archaeological Watching Brief:** Not less than 1 month before the commencement of the development hereby permitted the name of an archaeological organisation to be retained by the developer, for the purpose of the implementation of an archaeological watching brief, shall be submitted to and approved in writing by the Planning Authority. Thereafter, at all reasonable times during the development of the site the approved retained archaeological organisation shall be afforded access and shall be permitted to record and recover items of interest and finds. The terms of reference for the watching brief will be supplied by the West of Scotland Archaeology Service.

REASON: To ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation in accordance with Historic Environment Policy 7.

- 5. Finished Levels:** Prior to the commencement of the development hereby permitted details of the finished floor levels and ridge heights of all approved and existing

neighbouring buildings, and the finished ground levels of the site in relation to existing site levels, shall be submitted to, and approved in writing by, the Planning Authority. The floor level of the proposed buildings should have a suitable upstand above surrounding finished ground levels of at least 300mm and the buildings shall be constructed using water resilient methods and materials. Thereafter the development shall not be undertaken otherwise that in complete conformity with the approved details.

REASON: In order to ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and the appearance of the completed development.

6. **Samples of Materials:** A specification (or samples where requested) of the following specified external materials; render, slate, shiplap timber cladding, natural stone, to be used in the development hereby permitted shall be submitted to, and approved in writing by, the Planning Authority before such materials are incorporated into the development and only the approved specifications for such materials shall be used.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

7. **Contaminated Land Investigation:** Prior to the commencement of the development hereby permitted, a comprehensive contaminated land investigation shall be submitted to and approved in writing by the Planning Authority, in consultation with the relevant Environmental Health Officer. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites - Code of Practice (BS 10175:2011)' and must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.

REASON: To ensure potential risks arising from previous site uses have been fully assessed.

8. **Pavement on Dundurn Walk to Station Road:** Prior to the commencement of development, a detail design showing the footway link from the development site to Station Road, shall be submitted to, and approved in writing by, the Planning Authority. The submission will confirm the location, specification, gradient, dropped kerbs, drainage and detailed design and delivery timescales for the footway. The scheme for the approved footway shall thereafter be implemented in full, prior to the occupation of the first unit.

REASON: In the interests of pedestrian safety and connectivity with the wider path network in accordance with Transport Policy 3.

9. **Street Lighting:** Prior to commencement of development, the street lighting design shall be submitted to and approved by the Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

REASON: In the interests of road safety and to avoid light pollution.

**10. Waste Collection:** Prior to the commencement of works on site, detailed drawings showing waste and recycling bin presentation locations and strategy for presenting the bins at those locations, shall be submitted for the written agreement of the Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full for all dwellinghouses.

REASON: In the interests of road safety to prevent long reversing manoeuvres.

**11. Driveways:** Prior to the development hereby approved being brought into use, the vehicle accesses to plots shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

REASON: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

**12. Construction Traffic Management Scheme:** Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the National Park as Planning Authority, in consultation with Perth & Kinross Council's Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:

- i. restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- ii. timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- iii. a code of conduct for HGV drivers to allow for queuing traffic to pass;
- iv. arrangements for liaison with the Roads Authority regarding winter maintenance;
- v. emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- vi. arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- vii. arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- viii. arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- ix. details of information signs to inform other road users of construction traffic;
- x. arrangements to ensure that access for emergency service vehicles are not impeded;
- xi. co-ordination with other significant developments known to use roads affected by construction traffic;
- xii. traffic arrangements in the immediate vicinity of temporary construction compounds;
- xiii. monitoring, reporting and implementation arrangements;
- xiv. arrangements for dealing with non-compliance; and
- xv. details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

REASON: In the interest of road safety and proper site management.

- 13. Protected species:** The recommendations for bats, breeding birds and reptiles detailed in section 4.3 of Extended Phase 1 Habitat Survey Report (Direct Ecology, July 2021) and the general mitigation for protected species detailed in section 4.4 of the report shall be implemented in full. A repeat survey for protected species shall also be undertaken prior to the commencement of the development. The results of this survey, together with a scheme of mitigation (if required), shall be submitted to, and approved in writing by, the Planning Authority.

REASON: To minimise impacts on protected species and ensure that no offences are committed under protected species legislation.

- 14. Tree protection:** All trees adjacent to the application site shall be fully protected in line with BS5837 *Trees in relation to design, demolition and construction* and the development shall proceed in accordance with the Tree Protection Plan set out in the Trees Survey and Arboricultural Constraints Report by Alan Motion Tree Consulting Ltd, dated 7<sup>th</sup> July 2022. Any lopping, chopping or pruning of existing retained trees shall be undertaken in accord with BS3998 – ‘Tree Work – Recommendations’.

REASON: To protect these trees from damage during the construction of the development.

- 15. Landscape Management Plan:** Prior to the first occupation of the development a 5 year landscape management plan for all landscape areas, other than privately owned domestic gardens) including long term design objectives, management responsibilities and maintenance schedules (inc review period) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the landscape management plan and any subsequent revisions shall be implemented as approved.

REASON: To ensure a satisfactory standard of appearance of the development and to safeguard the visual amenities of the area.

- 16. Replacement Planting:** Any trees or plants, to be planted in accordance with the approved landscape plan, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation.

REASON: To ensure the landscaping that is essential to integrate the proposal with its surroundings is maintained in the first instance to provide a chance for it to reach maturity.

- 17. Hours of construction:** Construction works which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To protect the occupants of nearby dwellings from excessive noise and disturbance associated with construction works.





## **Appendix 2 – Planning Obligations**

### **Section 75 Heads of Terms**

A recorded or registered Section 75 Legal Agreement is required to be entered into between the Park Authority and the Landowner to secure the following:

1. Affordable Housing: 2 no. units (House Type 5) to be delivered as discounted sale affordable housing tenure at 40% discount from the open market value. Units to be restricted to occupation as primary or main residence.
2. Ensuring that planning permission 2014/0237/DET will not be implemented any further and that the applicants/landowners will, if required by the Park Authority, take such steps as the Park Authority may reasonably require to achieve this, including the Applicants/landowners consenting to a formal revocation of that planning permission under s65 of the Planning Act 1997 and waiving any claim for compensation under s76.

## Appendix 3 – List of Plans

### List of Plans

| <b>Title</b>                   | <b>Reference</b>            | <b>Date Received</b> |
|--------------------------------|-----------------------------|----------------------|
| Landscape Structure 1          | C2011 201                   | 19/07/21             |
| Landscape Structure 2          | C2011 201                   | 19/07/21             |
| Soft Landscaping               | C2011 203                   | 19/07/21             |
| Hard Landscaping               | C2011 204                   | 19/07/21             |
| Existing Site Plan             | E02 Rev A                   | 19/07/21             |
| House Type 1                   | P01 Rev D                   | 22/02/22             |
| House Type 2                   | P02 Rev D                   | 22/02/23             |
| House Type 3                   | P03 Rev D                   | 22/02/22             |
| House Type 4                   | P04 Rev D                   | 22/02/22             |
| House Type 5                   | P05 Rev D                   | 22/02/22             |
| House Type 5+ (5 Plus)         | P06 Rev D                   | 22/02/22             |
| Proposed Landscape Layout West | C2011 L101 Rev B            | 12/08/22             |
| Proposed Landscape Layout East | C2011 L02 Rev A             | 12/08/22             |
| Landscape Design and Layout    | 22003-MTS-00-XX-DR-TP-06001 | 12/08/22             |
| Landscape Design and Layout    | 22003-MTS-00-XX-DR-TP-06002 | 12/08/22             |
| Landscape Design and Layout    | 22003-MTS-00-XX-DR-TP-06003 | 12/08/22             |
| Site Plan as Proposed          | P11                         | 12/08/22             |
| Garage Type 1 - render finish  | P08 Rev D                   | 22/02/22             |
| Garage Type 2 - render finish  | P09 Rev D                   | 22/02/22             |
|                                |                             |                      |

## Appendix 4 – Informatives

- 1. Notification of Initiation of Development** - 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. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2. Notification of Completion of Development** - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
- 3. Roads Construction Consent** - The applicant is advised that in terms of Sections 21 and 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing 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.