

Perth and Kinross Council
Planning & Development Management Committee – 24 August 2021

Report of Handling by Head of Planning & Development (Report No. 21/128)

PROPOSAL:	Erection of 107 dwellinghouses, garages and associated works (change of house types and revised designs plots 1-79 and 87-114)
LOCATION:	Land southwest of Maple Place, Blairgowrie

Ref. No: [20/01877/FLM](#)

Ward No: P3 - Blairgowrie and Glens

Summary

This report recommends approval of the application for a development comprising the erection of 107 dwellinghouses and associated works within zoned housing site H64, which sits within the Blairgowrie and Rattray settlement boundary, as identified in the Perth and Kinross Local Development Plan 2019 (LDP2).

The development is considered to continue to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is situated in southwest Blairgowrie, within and adjacent to several established residential areas. The Blairgowrie Community Campus is located to the northwest, across the road from an established residential area known as Moyness Park. The western boundary is defined by the stone wall of Blairgowrie Cemetery on Perth Road, with the boundaries to the south and east characterised by field boundaries and the playing fields off Piggy Lane.
- 2 The site extends to 5.7 hectares (Ha) and is undulating in form, sloping from northwest to southeast with a watercourse running through the site forming a mini valley. The site was previously unmanaged, agricultural land with public access running down to Piggy Lane with open space, parking and recreational areas beyond.
- 3 The existing vehicular access into the site is via Berrydale Road to the north. A new road is also proposed, to link Berrydale Road with Hazelwood Road, to the southwest of the site (currently used for construction traffic). The provision of this linkage is a longstanding objective of Local Development Plan policy to improve adoption access.

- 4 This application seeks permission to change the house types approved under the extant planning permission (17/00961/AMM); with the erection of 107 dwellinghouses. The development is proposed by new applicants Scotia Homes who have purchased the site, alongside GS Brown, to construct 71 and 36 units respectively as part of this application.
- 5 There is also a separate planning permission for 7 dwellinghouses to the north of the site, off Elm Drive which formed part of the extant permission (reference 20/01175/FLL). Development commenced in 2020 under the extant planning permissions (17/00961/AMM and 20/01175/FLL), allowing the site infrastructure works and construction of the initial dwellinghouses to begin. Collectively, the current application and permission 20/01175/FLL would reduce the overall number of dwellinghouses approved on the LDP2 H64 site from 117 plots to 114.
- 6 For the current application, the unit numbers and tenure mix now proposed includes:
 - 12 x 2-bedroom semi/terraced dwellinghouses
 - 50 x 3-bedroom semi-detached dwellinghouses
 - 4 x 3-bedroom detached dwellinghouses
 - 41 x 4-bedroom detached dwellinghouses.
- 7 Supporting infrastructure proposed:
 - Neighbourhood Equipped Area of Play (NEAP)
 - Link through to Hazelwood Road
 - Footpath/cycleway links to community campus and Piggies Lane recreation area.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 A screening exercise was undertaken in association with planning application 10/01360/IPM, where it was found that EIA was not required by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development. Notwithstanding the update in the EIA regulations, it was concluded that the development is still not EIA development.
- 9 Nevertheless, a combined suite of supporting environmental information has been included in the supporting information, including assessment of the following areas:
 - Transport
 - Flood risk and drainage
 - Ecology
 - Energy Statement

PRE-APPLICATION CONSULTATION

- 10 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed. The applicant was therefore required to undertake formal pre-application consultation with the local community.
- 11 The approach followed current Scottish Government guidance, including an online event with a live presentation and question and answer session, hosted on the applicant's website. Two virtual consultation events took place in October 2020 with Scotia Homes (the primary applicant) hosting the first session and the Community Council hosting the second. Supporting material presenting the development was published on 19 October 2020, with views and comments welcomed until 9 November 2020.
- 12 The submitted Pre-Application Consultation (PAC) Report identified that 25 residents and 1 community group member attended the online consultation event. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

NATIONAL POLICY & GUIDANCE

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

National Planning Framework 2014

- 14 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 15 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.

16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Maintaining a 5-year Effective Land Supply: paragraphs 123 - 125
- A Low Carbon Place: paragraphs 152 – 154
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 - 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 271.

Planning Advice Notes

17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 84 Reducing Carbon Emissions in New Development.

Creating Places 2013

18 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

19 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 20 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 22 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 2: Shaping Better Quality Place
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets.

Perth and Kinross Local Development Plan 2

- 24 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14: Open Space Retention and Provision
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 22: Particular Needs Housing Accommodation
 - Policy 23: Delivery of Development Sites

- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements.

Other Policies

- 25 Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- 26 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.
- 27 Flood Risk and Flood Risk Assessments – Developer Guidance January 2021
- 28 This document set out the Council's guidance on how to approach flood risk and flood risk assessments across sites.

SITE HISTORY

- 29 The site is allocated for residential development in LDP2 as site H64, Blairgowrie South. The allocation notes an indicative capacity range of 94-148 residential units across the 7.82ha allocation.
- 30 [10/00007/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN satisfactory. Decision issued May 2010.
- 31 [10/01360/IPM](#) Residential development and associated works (in principle). Approved September 2014.
- 32 [17/00961/AMM](#) Erection of 117 dwellinghouses, garages and associated works (approval of matters specified in conditions 10/01360/IPM). Approved April 2019.
- 33 [19/01467/FLL](#) Erection of a sales office (for a temporary period). Approved November 2019.
- 34 [19/01566/FLL](#) Formation of vehicular access (temporary period) Approved March 2020.

- 35 [20/00007/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN satisfactory. Decision issued September 2020.
- 36 [20/01175/FLL](#) Erection of 7 dwellinghouses and associated works (revised design and layout for plots 81 to 87 of application 17/00961/AMM). Approved November 2020.
- 37 [20/01176/FLL](#) Erection of temporary Cabin with associated parking spaces and access. Approved November 2020 for a temporary period up to one year.
- 38 [20/01438/FLL](#) Erection of 2 dwellinghouses (revised plot layout and house types for plots 27 and 28 of application 17/00961/AMM). Approved December 2020.

CONSULTATIONS

- 39 As part of the planning application process the following bodies were consulted:

External

- 40 **Blairgowrie and Rattray Community Council:** No comments made.
- 41 **Scottish Water:** No objection. Sufficient capacity at both the Lintrathen supply and the Blairgowrie wastewater treatment works identified.
- 42 **Scottish Environment Protection Agency (SEPA):** No objection. Advised responsibility for flood and drainage with the Council Flood Team.

Internal

- 43 **Environmental Health (Contaminated Land):** No objection, no evidence of contamination from records.
- 44 **Structures and Flooding:** No objection. The applicant provided further clarification via an updated Flood Risk Assessment. The Flood Team are comfortable that there will be no adverse impact. Conditions are recommended, for further infiltration testing prior to development commencing and the provision of temporary SUDS during construction.
- 45 **Transport Planning:** No objection.
- 46 **Development Contributions Officer:** No objection. The existing S75 agreement will need to be modified or terms satisfied in advance of granting any planning permission.
- 47 **Biodiversity/Tree Officer:** No objection, following updated habitat survey information.

- 48 **Planning and Housing Strategy:** No objection.
- 49 **Community Greenspace:** No objection, subject to conditional control over final play area design and specification.
- 50 **Community Waste Advisor:** No objection, subject to ongoing conditional requirement to provide a mini glass recycling point within the development.

REPRESENTATIONS

- 51 A total of 3 representations have been received. The points raised within the representations were:
- Flood and drainage risk
 - Impact on wildlife and habitat
 - Road and access concerns
 - Impact on neighbouring residential amenity.
- 52 The material planning concerns raised are summarised and salient points are addressed in the Appraisal section of the report. The following concern is not material considerations:
- Shared boundary issues and logistics of maintenance of boundary fence

ADDITIONAL STATEMENTS

53

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Design Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment and Habitat Survey Submitted

APPRAISAL

- 54 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other

material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 55 As is clear, the principle of residential development on this site has already been approved, with an extant planning permission in place and the site being allocated in LDP2 for residential development. The principle of development therefore continues to be acceptable.
- 56 Whilst the principle of residential development is already established, detailed consideration of the submission requires further review of:
- the revised density and mix;
 - private amenity space provision;
 - open space, including landscaping proposals, play area provision and specification;
 - updated peripheral road arrangements and delivery commitment; and
 - clarification that satisfactory drainage arrangements and avoidance of and flood risk.

Design and Layout

- 57 This application seeks to change the detail of the residential development proposed, including: reduced dwellinghouse numbers, revised house types, and minor plot design changes. The most significant changes across the layout are proposed in and around the northwest tip of the site adjacent to the community campus where three units have been removed. The general road and plot layout and open space configuration remains consistent to the extant permission, only it is now to serve modified house types and sees the link road brought forward at an earlier stage. Further, the play area design has been reconsidered to take account of community feedback and to meet current Community Greenspace standards.
- 58 In respect of design and layout, LDP2 Policies 1 and 2 directly apply. In relation to the layout and plot subdivision, this remains broadly consistent with planning permission 17/00961/AMM. The layout is considered to continue to work well with the immediate and surrounding site characteristics. The location of higher density of terraced units next to the school remains, albeit now reduced through the removal of 3 units. A lower density and more generous plot provision remains towards the south and eastern boundaries. Consistent with planning permission 17/00961/AMM, the plot sizes, orientation/positioning, landscaping and rear garden ground provision has been detailed to ensure continued compliance with LDP2 placemaking and design policy. Overall, the proposal represents a medium-scale development with a density of approximately 20 dwellings per hectare. This is considered appropriate in this location.

- 59 The layout includes a logical movement hierarchy with perimeter blocks, courtyards with parking to the rear and a crescent. The layout seeks to generally avoid cul-des-sac style development and maintain movement patterns, consistent with designing streets and LDP2 policy requirements. The built areas are supplemented by useable open space and blue and green networks which are further assessed in detail under Landscape, Visual Amenity and Open Space provision below.
- 60 Whilst new house designs are proposed, these designs remain consistent in style and scale to neighbouring residential dwellings, primarily two-storey, with 19 house type variations all together. House sizes range from just under 60 sqm to 138 sqm, which is considered to provide a good housing mix, as required by LDP2 Policy 25.
- 61 The material finishes include a mixture of rendered, grey cedar cladding, brick and reconstituted stone walls, concrete roof tiles and dark grey windows and doors giving it a contemporary flavour. The material palette is considered to remain appropriate within this site context and typical of the area.
- 62 Taken as a whole, the current proposals are considered to remain acceptable and correspondingly accord with LDP2 Policy 1 and 2.

Residential Amenity

- 63 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. Analysis has found no concerns in relation to either, consistent with planning application 17/00961/AMM; other than potential for long term noise associated with pumping station and any mechanical ventilation/heat pump technology, which could be adequately controlled (Condition 9).

Overlooking

- 64 The house designs and orientation would not result in overlooking to neighbouring properties. All plots consistently maintain a minimum 18 metre window-to-window separation at the rear.

Overshadowing, loss of sunlight and daylight.

- 65 A reasonable level of daylight and sunlight is maintained for all properties. The extent of any overshadowing between properties is not significant and considered to be acceptable.

Private Amenity Space

- 66 The proposed layout remains consistent with the extant permission and complies with the minimum garden ground standards of the supplementary guidance. The private garden ground ranges from 55 sqm (with a further

generous front garden) for smaller, terraced units, up to 315 sqm for larger, detached units.

- 67 Overall, the policy requirements of LDP2 Policies 1, 17, 55 and 56 continue to be satisfied. A reasonable level of amenity for the new residents has been identified, causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 68 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the general road layout and access provision remains consistent with that of the extant permission. In addition to this, the provision of the proposed link road through to Hazelwood Road is now coming forward much earlier than previously required under the extant permission, which addresses a site-specific requirement of the H64 LDP2 allocation. This road would also be used for construction traffic, as it has been for development to date under the extant permission. PKC Transport Planning have raised no concerns with the proposals, including adequate parking provision allocation. There are no issues regarding traffic and road safety resulting and therefore the proposals are considered to satisfy the terms of LDP2 Policies 1, 15 and 60.

Drainage and Flooding

- 69 LDP2 Policy 52 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. LDP2 Policy 53 requires all new development to employ appropriate SUDS measures. In respect of flood and drainage, the applicant submitted detailed assessments on flooding and drainage proposals with relevant consultation undertaken through both SEPA and the Council's flood team. Further detail (Plan 124) was submitted in June 2021. The additional plan sets out more detail to the construction phases, with SEPA clarifying responsibility will remain with the Council. PKC Flooding team considers the updated assessment demonstrates the required design detail and mitigation measures required, subject to recommended planning conditions, address any concerns relating to drainage and flood risk (which were originally raised and addressed through planning permission 17/00961/AMM).
- 70 In summary, the updated proposals are considered to satisfy LDP2 Policies 52 and 53 in respect of both flood risk and surface water drainage.

Landscape, Visual Amenity and Open Space provision

- 71 LDP2 Policies 39 and 42, are relevant considerations in relation to landscape and visual amenity. Detailed landscaping plans have been submitted, which include revised planting specifications to reflect more native species than was

previously secured through the extant permission and revised details of the neighbourhood equipped play area. Community Greenspace, who will maintain the area in the future, are satisfied with the proposals submitted in the correct location; however, the final play equipment details and landscaping specification around the play area requires to be specified (Condition 3).

- 72 The development is considered to integrate well within its wider site context, including the wetland landscape corridor and provide good connections to wider services such as parks and other open spaces, whilst providing adequate open space within the site itself and a dedicated equipped play area, serving the wider residential area.
- 73 Overall, the balance and allocation of the different proposed open space elements and planting proposals are considered to remain satisfactory. The general allocation of public open space, subject to conditional control to secure and deliver the detail of the committed neighbourhood play area, is considered to comply with LDP2 Policies 39, 42 and Supplementary Guidance: Open Space Provision for New Developments.

Core Paths, Pedestrian and Cycle Routes

- 74 A promoted and well used path (Core Path BLAI/22, which is also a right of way Blair Muir Path: 17/22), known locally as Piggy Lane, runs along the southeast boundary of the site between the site and the playing fields.
- 75 Overall, the proposed access and path provision is considered to continue to comply with the site-specific requirements in relation to public access being maintained and enhanced, consistent with LDP2 Policy 15 in this regard.

Natural Heritage and Biodiversity

- 76 In relation to natural heritage and biodiversity, LDP2 Policies 40 and 41 apply. An updated Ecology Report was sought with additional survey work commissioned, which established no evidence of any Great Crested Newt. Alongside the assessment of ecology, revised detailed landscaping proposals to incorporate more appropriate native species beyond that approved as part of the extant permission, is proposed. The assessments and landscape provision are considered appropriate and proportionate.
- 77 Measures to enhance biodiversity through bat roosting and bird nesting opportunities, along with provision for hedgehog passage and wildlife kerbs for amphibians, have all been identified by the Council's Biodiversity Officer. A plan identifying bat and bird accommodation provision addresses this requirement (Plan 18). In other areas, planning conditions are proposed requiring wildlife kerbs to be installed and finished boundary fencing to incorporate safe hedgehog passage between gardens are also now recommended (Conditions 6-8).

- 78 It is considered that there will be neither adverse nor significant additional impact on site biodiversity as a result of the revised development. In light of the supporting information and associated recommended conditions, the proposals are considered to comply with LDP2 Policies 40 and 41.

Energy and Low Carbon Technology

- 79 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. An Energy Statement was submitted (Plan 125) with further clarification from the applicant, which confirms that the dwellings will achieve the necessary standards required by LDP2 Policy 32.

Waste Collection

- 80 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. It is however recommended that a mini glass recycling point is integrated within the site by the developer, which is addressed via condition (Condition 14).

Developer Contributions

- 81 To address the requirements of LDP2 Policy 5, an updated legal agreement, from that secured for planning permission 17/00961/AMM, will be required to secure infrastructure associated with site H64 and related contributions. Matters to be secured and covered within the S75 are identified below under the following topic headings as per the agreed heads of terms:

- Primary Education
- Open Space/Play Facilities & Maintenance.

Economic Impact

- 82 During the construction period, jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area with improved links to a dedicated area of recreation.

VARIATION OF APPLICATION UNDER SECTION 32A

- 83 This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate ecology, drainage and flood risk updates with an amendment to the open space areas and planting specification.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 84 The proposal is considered acceptable, subject to securing either a modification of the extant Section 75 legal agreement or new agreement for this planning application specifically.

DIRECTION BY SCOTTISH MINISTERS

- 85 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 86 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 87 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Conditions and Reasons for Recommendation

General

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

Landscaping and Open Space

- 2 Prior to the commencement of development hereby approved, all trees identified for retention on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 3 Within 6 months of the date of this decision notice, finalised details on the layout, boundary treatment and specification of the identified and committed play area (NEAP) shall be submitted for the written agreement of the Council as Planning Authority, in consultation with Community Greenspace. The details shall include a commitment to delivery timescales. The scheme and specification agreed will thereafter be fully implemented to the satisfaction of the Council as Planning Authority on the timescales set out and agreed.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 The detailed landscaping and planting scheme hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

Biodiversity

- 5 The conclusions and recommended action points detailed within the Habitat Survey and Great Crested Newt Survey (Plan 123, dated 24/06/21) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 6 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 7 Wildlife kerbs shall be installed adjacent to all road gullies within 500m of a SUDS pond or watercourse as part of the construction phases of the development. The timing for the delivery of kerbs shall be specified in the

Construction Environment Management Plan (CEMP) required under Condition 10 of this permission.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 8 Notwithstanding the plans hereby approved, “hedgehog highways” (gaps of 13 x 13 centimetres) shall be incorporated at ground level in a fence for each plot, or section of fence not within a plot, as part of the finished boundary fence detailing. The “hedgehog highways” shall be delivered prior to occupation of any affected plot and prior to the completion of development for all other fences, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

Amenity and Construction Management

- 9 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of public health and to prevent adverse noise pollution.

- 10 The Construction Environment Management Plan (CEMP) submitted with this application shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable, citing the relevant amendment and appropriate guidance.

Reason: In the interest of protecting environmental quality and of biodiversity.

- 11 In association with Condition 12, Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 In association with Condition 12 and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the

permanent surface water drainage scheme is fully implemented and operational.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 13 Prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: To ensure the provision of effective drainage for the site.

Recycling

- 14 Prior to the completion and handover of public open space, a mini-glass recycling point shall be incorporated at an appropriate location within the site, agreed in consultation with the Council's Community Waste Service team.

Reason: In the interests of sustainability and to compliment the kerbside recycling services that will be provided.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not be issued until a revised or new Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 No work shall be commenced until an application for building warrant has been submitted and approved.

- 9 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 10 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 11 The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
- 12 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the landscaping scheme to incorporate more native species planting and updated play area layout. Additional information was also submitted in respect to ecology, drainage and an updated Flood Risk Assessment.

Background Papers: 3 letters of representation
Contact Officer: Callum Petrie
Date: 12 August 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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