

Perth and Kinross Council
Development Management Committee – 20 September 2017

Report of Handling by Interim Head of Planning

Erection of 8 dwellinghouses (approval of matters specified in conditions 16/00478/IPM - Phase 2) at land 25 Metres South West of 8 The Beeches, Aberfeldy, Perthshire.

Ref. No: 17/01201/AMM
Ward No: N4 Highland

Summary

This report recommends approval of the second phase of a residential development of 8 dwellinghouses at land 25 Metres South West of 8 The Beeches, Aberfeldy, Perthshire. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and forms the south eastern corner of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan 2014 (LDP) for residential use (H37) and benefits from an in principle planning permission for residential development (16/00478/IPM).
- 2 The entire LDP site lies on the southern slope of the Strath Tay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. The application site forms the south eastern corner of the LDP site and is adjacent to the existing Hillcrest Housing Association on Duntaylor Avenue and the Phase 1 (16/01761/AMM) development of 24 affordable dwellings currently under construction which was granted planning consent at Development Management Committee on 15 March 2017.
- 3 The western, southern and eastern boundaries of the application site are contained by agricultural land. Immediately north of the site is the affordable housing residential development and an area of open field that has planning permission for residential use (Phase 3 on the overall consent 16/00478/IPM).
- 4 A farm access road dissects the LDP site from the north-east corner traversing the site south-west to access Duntuin Farm. An additional supplementary farm access road and junction has been constructed to the west of the LDP site.

PROPOSAL

- 5 This proposal is the second phase and involves the development of 8 dwellings of single storey appearance with upper floor rooms under the eaves. 6 dwellings will contain bedrooms under the eaves whilst 2 provide for the

possibility of an upstairs area. Two of the dwellings will contain dormer extensions on the front elevation and four will have detached single garages set back from the frontage of the associated dwelling. The following mix is proposed:

- 2 x 2 bedroom dwellings (single storey appearance with capacity for upper floor use)
 - 4 x 3 bedroom dwellings (single storey appearance with upper floor rooms)
 - 2 x 4 bedroom dwellings (single storey appearance with upper floor rooms and dormer extensions)
- 6 The units are designed with horizontal weatherboard cladding and white render. A variety of pastel colours are proposed for the cladding. The roofs are proposed to be plain grey concrete tiles which is similar to the existing dwellings on Duntaylor Avenue and the currently under construction Phase 1 affordable dwellings.
- 7 Condition 23 of the 16/00478/IPM stipulated that access for construction is not permitted to use Duntaylor Avenue. Duntaylor Avenue currently terminates at its western edge with a hammerhead junction and a fence – the applicant holds rights of reserved access at this point. A separate application (16/01592/FLL) was approved for an access track for construction purposes, to access both Phase 1 and 2 as well as future phases. The intention of the condition is to prevent HGV vehicles from using the residential roads and presenting a hazard to the residents of Duntaylor Avenue. The long term intention is for this site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular notably for connection of the services and the road.
- 8 At completion of Phase 1, residential access to Phase 2 shall be available via Duntaylor Avenue. The recently approved access track will be developed into an adoptable road for the future phases of the development site.

ENVIRONMENTAL IMPACT ASSESSMENT

- 9 A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA was not required for the site.

PRE-APPLICATION PROCESS

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through the National

Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 12 The 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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

- 13 The SPP is a statement of Scottish Government policy on land use planning. 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
- 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 - 291

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport

Designing Places 2001

- 15 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 17 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

TAYPlan Strategic Development Plan 2012-2032

- 18 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 19 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

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

Policy 5: Housing

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 23 The LDP 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.”

- 24 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for mixed use development. The principal relevant policies are in summary:

PM1A: Placemaking

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

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

Policy RD1 – Residential areas

- 28 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 29 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy HE2 - Listed Buildings

- 30 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy NE3 - Biodiversity

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

Policy NE4 - Green Infrastructure

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 35 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 36 There is 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. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 37 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 38 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

- 40 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

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

TA1B- Transport Standards

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

OTHER POLICIES

- 43 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance (Draft) July 2014
- 44 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

Perth & Kinross Corporate Plan 2013-2018

- 45 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

PLANNING SITE HISTORY

46 The following history is of particular importance:

- 14/01554/FLL Formation of an access road. Approved under delegated powers October 2014
- 15/01735/SCRN Screening Request for EIA. No EIA required - Decision issued December 2015
- 15/00022/PAN Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.
- 16/00478/IPM Residential development (in principle) approved by Development Management Committee 13th July 2016
- 16/01592/FLL Formation of vehicle access road. Approved under delegated powers February 2017.
- 16/01761/AMM Erection of 24 affordable dwellings (Phase 1). Approved by Development Management Committee March 2017 and is currently under construction.

CONSULTATIONS

EXTERNAL

Scottish Water

47 No objection to the proposal.

Aberfeldy Community Council

48 Supports the proposal.

INTERNAL

Environmental Health

49 No objection to the proposal.

Transport Planning

50 No objection to the proposal.

Developer Contributions/Affordable Housing

51 A contribution towards primary education will be required because this phase is for is now for open market houses only.

Waste Services

52 No objection to the proposal.

REPRESENTATIONS

- 53 The application attracted one letter of representation objecting to the proposal. The issues they have raised are as follows:

- Adverse impact on privacy and value of nearby C listed Dun Aluinn House
- Request a mature planting scheme along boundary of Dun Aluinn House and the LDP site.

54 ADDITIONAL STATEMENTS

Environment Statement	IPM Screened – Not Required
Screening Opinion	Submitted at IPM stage
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Construction and Environmental Management Plan

APPRAISAL

Policy

- 55 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 56 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance.

Principle

- 57 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Phase 1 of 24 affordable dwellings is currently under construction immediately north of the application site. Therefore the principle of residential development has been established.

Scale, Density and Design

- 58 This portion of the site is to be developed for open market dwellings and the proposed single storey appearance with steep roof pitches and upper floor

areas has been designed to appeal to a broad sector of the market. Two have been designed to allow conversion of the loft area at a later date should the need arise.

The proposed phase has utilised the existing landscape to shape the layout and tie it to the surrounding area and the 3D plans show an attractive and sensitively designed layout.

- 59 The proposed house designs in terms of exterior finishes reflect the surrounding area. The design is considered quite simple but reasonably contemporary in appearance and avoids a pastiche approach. Designs have been site specific, of high quality that have considered the localised identity, outlook, landscape and solar orientation. Overall it is considered to be a well-designed and high standard proposal that will contribute to good placemaking in the area.

Transport and Access

- 60 The applicant is the same applicant as for Phase 1 and is fully aware that construction traffic will not be using Duntaylor Avenue but via the new vehicular access road which enters the wider site from the A827 Kenmore Road to the north. This access was granted planning consent under a separate application (16/01592/FLL). This access road will ultimately form the permanent main road within the site and connect with Duntaylor Avenue.
- 61 On completion of Phase 1, Phase 2 will be accessible to residents via Duntaylor Avenue. This is consistent with the LDP and in principle permission requirement that access is primarily taken from Kenmore Road with a secondary access from Duntaylor Avenue.
- 62 The long term intention is for the IPM approved site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular for connection of the services and the road.
- 63 However, given that the access for construction traffic is subject of a separate planning permission there is still a need to retain the condition from the 'In Principle' permission to prevent access for construction traffic (in particular HGV's) from Duntaylor Avenue.
- 64 The site offers an acceptable level of permeability and connectivity to the existing road network which is in line with the requirements of Designing Streets and the National Roads Development Guide.

Affordable Housing Provision

- 65 Phase 1 of the overall development amounting to 24 affordable units provides the affordable housing requirement for the entire site and this is currently under construction and will be managed by Hillcrest Housing Association. There is therefore no requirement for this application as Phase 2 to provide any additional affordable housing.

Flood Risk and Drainage

- 66 LDP Policy EP2 confirms 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. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 67 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the application for Phase 1 and this has taken account of Phase 2 also. This phase will simply connect into the approved drainage and SUDs basin. The drainage and SUDs have previously been assessed by SEPA and the Council's Flood Risk Officer and they had no objection.

Biodiversity

- 68 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer had commented that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.
- 69 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings and the approved SUDS pond is designed to provide suitable habitats for amphibians and a wet meadow mix.
- 70 The letter of objection submitted requests that mature boundary planting between the LDP site and the adjacent property known as Dun Aluinn is provided. However, the red line site boundary of the current proposal is not adjacent to this boundary. Consequently, the request by the objector cannot be included with the current proposal. However, the issue of boundary planting along this boundary can be considered when applications for future phases are submitted.

Construction Environmental Management Plan (CEMP)

- 71 A Construction Environmental Management Plan (CEMP) has been submitted for Phase 1 and has been updated for Phase 2 and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise, dust etc. and methods to reduce the risk of pollution events.
- 72 The CEMP is a live flexible document that may require to be updated further before and possibly during the construction process. This can be enforced by way of conditional control.

Developer Contributions

- 73 The requirement for primary school financial contribution now applies as Phase 2 is for open market dwellings. The required financial contribution of £51,680 (8 x £6,460) can either be paid up front or via a Section 75 legal agreement.

Cultural Heritage

- 74 The site is in close proximity to Dun Aluinn which is a Category C listed building.
- 75 Previously Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have both assessed the site's proximity to listed buildings and archaeology and there were no objections and no mitigation is requested. However, as identified in para 70, planting along the boundary of Dun Aluinn will be considered in future phases.

Overlooking/Overshadowing

- 76 The proposed scale, layout and orientation of the proposed dwellings are such that there would not be any significant overlooking or overshadowing of neighbouring properties or of each other.

Air Quality and Noise

Air Quality

- 77 The application contains provision for wood burning stoves and associated flues. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 78 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore Environmental Health recommend a condition to deal with this issue.

Noise

- 79 As a result of the proposed end use being residential, it is not likely to generate excessive noise. However the construction of this phase of the entire site is expected to last a number of years. This can lead to considerable disruption at adjacent residential receptors if not properly managed.
- 80 This application is supported by an updated Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Councils recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

Socio-Economic Impact

- 81 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. Although only 8 dwellings, the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.
- 82 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Highland Perthshire.

Non Material Matters

- 83 The letter of objection submitted argued that the proposed development of the LDP site will devalue the adjacent property known as Dun Aluinn, a C Listed dwelling. It is important to point out that the issue of devaluation of properties is not a material consideration in the assessment of a planning application.

LEGAL AGREEMENTS

- 84 Should the applicant not wish to pay the primary education financial contribution required for this phase of the development up front, a Section 75 legal agreement will be required before the decision notice can be released.

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 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 87 The proposed development on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered to be of a high standard and appropriate to the surrounding area. On this basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 6 Prior to the commencement of works on any part of the development, the applicant shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) 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;

- c) 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;
- d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- e) 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;
- f) details of information signs to inform other road users of construction traffic;
- g) arrangements to ensure that access for emergency service vehicles are not impeded;
- h) co-ordination with other major commercial users known to use roads affected by construction traffic;
- i) traffic arrangements in the immediate vicinity of temporary construction compounds;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 7 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.

- 8 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

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).

- 9 Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.

Reason: In the interests of enhancing biodiversity.

- 10 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of enhancing biodiversity.

- 11 Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 12 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTE

- 1 Primary school financial contribution of £51,680 (8 x £6,460) is required and can either be paid up front or via a Section 75 legal agreement. Should the applicant not wish to pay the primary education contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.
- 2 Any 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 will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be recommended for refusal under delegated powers.

INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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 Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR.
- 8 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.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

- 11 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.
- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

Background Papers: 1 letter of objection
Contact Officer: Steve Callan – Ext 75337
Date: 4 September 2017

Nick Brian
Interim Head of Planning

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