

Perth and Kinross Council  
Development Management Committee – 18 January 2017  
Report of Handling by Interim Head of Planning

**Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) on land at Castlemains Farm, Auchterarder.**

Ref. No: 16/01809/IPM  
Ward No: N7 - Strathallan

**Summary**

This report recommends approval of the application to delete condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle) on Land At Castlemains Farm Auchterarder.

The proposal is not considered to conflict with the provisions of the Local Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to a strategic development site in Auchterarder that was submitted in 2008 and subsequently approved on the 31 October 2013 following the satisfactory conclusion of a section 75 legal agreement.
- 2 The 2008 application was for the development of land which constitutes part of the northern Auchterarder Expansion Area at Castlemains and Kirkton. The proposal includes 4 separate areas including two areas for residential development with associated land for employment uses at Castlemains and Kirkton and an area to the north west of Castlemains for playing fields and a smaller area to the north east for SUDs and associated landscaping.
- 3 This application seeks to delete condition 14 of application 08/01133/IPM, which advises the developer to seek advice on the storage of waste and recycling facilities and access for service provision within the development from the Council's Community Waste Adviser. Reproduced in full below:-

*Condition 14 - The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.*

- 4 As well as seeking the deletion of this condition the developer is also requesting that the timescale associated with the implementation of the strategic development site is extended to allow them sufficient time to build out the development. They have requested that the time limit should be changed from the standard three year time limit within the legislation to fifteen years.

## **PRE-APPLICATION CONSULTATION**

- 5 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a major application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after the 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 8 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 9 The principal relevant policies are, in summary:

### **Policy 3: Managing TAYplan's Assets**

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

### **Policy 4: Strategic Development Areas**

- 11 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the Tayplan. This includes a strategic development area to the West/ North West of Perth for 4000+ homes and 50ha of employment land.

## **Perth and Kinross Local Development Plan 2014**

- 12 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.

- 13 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM1C - Placemaking**

- 16 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

### **Policy PM3 - Infrastructure Contributions**

- 17 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 ED1A - Employment and Mixed Use Areas**

- 18 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy RD1 - Residential Areas**

- 19 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. 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**

- 20 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 RD6 - Particular Needs Housing Accommodation**

- 21 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

#### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 22 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

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

#### **Policy CF1B - Open Space Retention and Provision**

- 24 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**

- 25 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 CF3 - Social and Community Facilities**

- 26 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit are provided.

#### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

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

#### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

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

#### **Policy NE3 - Biodiversity**

- 29 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**

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

#### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

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

#### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 32 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**

- 33 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**

- 34 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**

- 35 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**

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

### **Policy EP8 - Noise Pollution**

- 37 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.

### **OTHER POLICIES**

- 38 Developer Contributions Supplementary Planning Guidance.
- 39 Auchterarder Expansion Development Framework.

### **SITE HISTORY**

- 40 08/01133/IPM Proposed Residential and Class 4 (Business), Class 5 (General Industry) \_ Class 6 (storage and distribution) development (in principle) on 31 October 2013 Application Permitted by the Development Management Committee.
- 41 08/01279/FLM Erection of 147 dwellinghouses and associated engineering operations 15 November 2013 Application Permitted by the Development Management Committee.
- 42 13/02016/ADV Display of signs and flags 16 December 2013 Application Refused under delegated powers.
- 43 14/00481/FLL Modification of permission (08/01279/FLM) change of house type at Plot 125 15 May 2014 Application permitted under delegated powers.

- 44 14/01061/FLL Modification of permission 08/01279/FLM (residential development) for change of house type at Plot 112 28 July 2014 Application permitted under delegated powers.
- 45 14/01477/FLL Variation of condition 8 (formation of path) of permission 08/01279/FLM for the erection of 147 dwellinghouses and associated engineering operations 9 July 2015 Application permitted under delegated powers.
- 46 15/00234/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses and associated engineering operations) change of house type units on plots 109, 110 and 111 19 March 2015 Application permitted under delegated powers.
- 47 15/00376/FLL Modification of planning permission 08/01279/FLM (erection of 147 dwelling houses and associated engineering operations ) change of house type on plots 42, 44 and 45 19 May 2015 Application permitted under delegated powers.
- 48 15/00683/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses and associated engineering operations) change of house type plot 38 3 June 2015 Application permitted under delegated powers.
- 49 15/01145/FLL Modification of permission 08/01279/FLM (Erection of 147 dwelling houses) change of house types on plots 24 - 36 and the formation of 3 additional plots - 156, 157 and 158 30 November 2015 Application permitted under delegated powers.
- 50 15/01383/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses) change of house types on plots 40 and 140 28 October 2015 Application permitted under delegated powers.
- 51 15/02067/FLL Modification of permission 08/01279/FLM (residential development) change of house type and erection of garages at plot 14 to 16 and removal of plot 13 18 January 2016 Application permitted under delegated powers.
- 52 15/02080/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type plot 136 20 January 2016 Application permitted under delegated powers.
- 53 15/02223/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type at plots 56-100 and 148-151 30 May 2016 Application permitted under delegated powers.
- 54 15/02224/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type at plots 13, 46-55, 101-108 and 152-155 30 May 2016 Application permitted under delegated powers.

## CONSULTATIONS

### EXTERNAL

- 55 **Auchterarder And District Community Council** – No response
- 56 **Scottish Water** – No response.
- 57 **Transport Scotland** – No objection.
- 58 **Historic Environment Scotland** – No comments.
- 59 **Scottish Environment Protection Agency** – No objection.
- 60 **National Grid Plant Protection Team**– No response.

### INTERNAL

- 61 **Transport Planning** – No objection.
- 62 **Contributions Officer** – No comments.

## REPRESENTATIONS

- 63 A total of 2 letters of representation were received during the advertisement period for the application.

The representations have raised the following relevant issues: -

- Concerns regarding the management of water and runoff/flooding and sewerage discharge.
- 64 The concerns associated with the management of water is noted. However, this is not relevant to the matter under consideration which is the deletion of condition 14 (storage of waste and recycling facilities and access for service provision). Notwithstanding this the issue has been passed to the Development Management Monitoring Officer for investigation. It should be noted that this site, due to its scale, is subject to continual monitoring.

## ADDITIONAL STATEMENTS

65

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Undertaken for previous application.



## **APPRAISAL**

- 66 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires 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 consists of the TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.
- 67 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the issue of the conditions to be attached to any resulting permission. If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 68 The principal determining issue in this case is whether: the deletion of condition 14 in contention would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations. There is also a further issue on whether the 15 year time limit that the developer seeks to be included under this consent can be accommodated.

### **The deletion of Condition 14**

- 69 The application seeks the deletion of condition 14 as set out above.
- 70 In this case I consider that the advice of the Council's Community Waster Adviser should be sought when building out this strategic development site, however, the wording used in this instance is more suited as an Informative rather than a condition. I am therefore satisfied that this matter can be dealt with adequately through the use of an Informative.
- 71 Taking this into account I am of the view that the deletion of the condition is acceptable and its loss would not conflict with the Development Plan. Notwithstanding this it should feature as an informative on the decision notice.

### **The timescales associated with this consent**

- 72 The developer in their submission has also requested a direction to vary the standard time limit in the present application to 15 years. This is to coincide with the likely build out of this strategic development site.

- 73 Scottish Government Circular 3/2013: Development Management Procedures provides advice on dealing with Section 42 applications in 'Annex I : Applications for Planning Permission under Section 42 of the Act'. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
- 74 Paragraph 2b) stipulates that the duration of the new permission is specified in the Act. Alternatively, authorities may direct that a longer or shorter period applies. Paragraph 8) specifies that where a new permission is granted, the new duration will be as specified in Section 58 or 59 of the Act. However, it would be possible for the planning authority to direct that an alternative time period applies. In this case I consider it competent to include a direction allowing 15 years to coincide with the likely build out of this strategic site.

### **Other Site Circumstances**

- 75 There has been a change to site circumstances since the previous 'in principle' planning approval as a number of detailed applications have been submitted for this site. These have been approved with a number of dwellings now constructed. Furthermore there is also a new Local Development Plan in force.
- 76 It should be noted that the Auchterarder Development Framework has been adopted by the Council and the settlement boundary to the north of Auchterarder in the LDP correlates with sites one and two of the strategic Development Framework (essentially application 08/01133/IPM). Taking this into account there is no conflict with the principle of the development.
- 77 The report on application 08/01133/IPM covered a number of topics including Affordable Housing, Employment Land, Education, Traffic, Drainage and Flooding, Residential Amenity, Design, Layout and Landscaping, Built Heritage, Natural Heritage as well as Sustainability. I find that these matters have been satisfactorily addressed or covered via the earlier in principle application and conditions. I have taken account of the applicable policies of the LDP and if conditional control is reapplied it is considered that the proposal will accord with the Development Plan. It should be noted that the existing legal agreement for the site will also need to apply to this consent, accordingly it will need to be varied to ensure it also applies to this consent.

### **Economic Impact**

- 78 The construction of the residential development would provide opportunities for local trades and tradesmen to become involved in the construction phase. Additionally there would likely be a positive economic impact on the local area associated with the increase of population to Auchterarder which may sustain commercial opportunities within the town centre or lead to other economic opportunities.

## **LEGAL AGREEMENTS**

- 79 A variation of the existing legal agreement will be required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 80 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 81 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the deletion of condition 14 does not conflict with the Development Plan.
- 82 Accordingly the section 42 application should be granted as it complies with the Development Plan and there are no other material considerations that would justify refusing the application.

## **RECOMMENDATION**

### **A Approve subject to the following direction & conditions:**

#### **Direction:**

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

#### **Conditions:**

- 1 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of the Planning Authority.

Reason - To ensure adequate surface water drainage from the site.

- 4 Prior to the commencement of any development on site, the details of the roads proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.

Reason - To ensure that the standard of the proposed infrastructure modifications complies with current standards and that the safety of the traffic on the Trunk Road is not diminished.

- 5 Prior to the occupation of any part of the development, infrastructure modifications to the A9 (T) Loaninghead Interchange, generally as indicated in DBA drawing 08007/SK/03, and the closure of central reserve gaps on the A9 (T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason - To maintain safety for both the Trunk Road Traffic and traffic moving to and from the development.

- 6 The submission of reserved matters referred to in Condition No 1 shall include control measures for noise, dust and odours. These measures shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses.

Reason - To ensure the adequate level of local environmental quality.

- 7 The submission of reserved matters referred to in Condition 1 shall include the detailed Ecological/Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.

Reason - In the interests of biodiversity and environmental quality.

- 8 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - In the interest of archaeological heritage.

- 9 The submission of reserved matters referred to in Condition 1 shall include carbon emission reduction measures including the onsite use of renewables and/or low carbon technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:-

i 'Excellent' standard in respect of energy credits.

ii 'Excellent' standard in respect of water credit

iii 'Very Good' standards in respect of the material credits.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 10 Prior to the commencement of development the following carbon reduction details shall, together, be submitted to and approved in writing by the Council as Planning Authority:-

- a) details of a 'Design Stage' type assessment in accordance with the BREEAM EcoHomes (2006):Environmental rating for homes - Pre Assessment Estimator: and
- b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of emissions that would result from the predicted total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 11 Following completion of the final dwelling within each phase, a Post Construction, type assessment and related certification confirm the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of conditions 11 and 12 (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures and technologies necessary to achieve the minimum 'EcoHomes' 'very good' standard shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 12 The developer shall provide a continuous footpath link along Castlemains Road to the site of the new playing fields to the satisfaction of the Planning Authority.

Reason -In the interests of pedestrian safety.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the development plan.

## **C PROCEDURAL NOTES**

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

Consent shall not to be issued until the Section 75 Agreement has been varied to take account of this application. 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 will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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. In accordance with 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.

- 4 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 The applicant is advised that the granting of planning permission 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 The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.

Background Papers: 2 letters of representation  
Contact Officer: John Russell – Ext 75346  
Date: 21 December 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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