

Perth and Kinross Council
Planning & Development Management Committee – 6 June 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/188)

PROPOSAL:	Erection of 62no. dwellinghouses and associated works (change of house type to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091)
LOCATION:	Land At Bertha Park, Perth

Ref. No: 18/00430/FLM
Ward No: P5- Strathtay

Summary

This report recommends approval of this detailed application for a change of house types on land at Bertha Park for the inclusion of rear sun rooms.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents identify residential development at Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and the application site extends to 4.1 Ha. An application was more recently submitted in 2017 reference 17/00919/FLM, relating to a central residential area within the wider Bertha Park site a change in design from previous approvals. This gave approval for a re-design to the layout and plot and configuration alongside changes to the house types on a number of plots. The number of dwellings was also increased by 10, comprising of smaller units to meet changing demand. That application was approved at Development Management Committee (DMC) in August 2017.
- 2 The current proposal seeks to further alter the design of dwellings approved by planning permission 17/00919/FLM through the incorporation of sun rooms on various house types. Previously, a generic sun room specification was included in supporting information, but did not form part of the approved documentation; so in effect this current application would provide a sun room option for buyers. The sun rooms proposed are a standard size and design, measuring 3.6m x 4m, with the pitched roof rising to 3.6m and would be located on the rear elevations. The finishing material specifications are proposed to match those of the approved house type.

- 3 The following approved plots are now being proposed as part of the sun room choice offered (as per site layout plan 18/00430/2):

- Plots 10001 - 10043
- Plots 10070 – 10071
- Plots 10075 - 10091

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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.

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

- 7 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
- Affordable Housing: paragraphs 126 - 131

Creating Places 2013

- 8 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

- 9 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 11 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:
- 12 *"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."*
- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary

Policy PM1A - Placemaking

- 16 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

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

Policy EP2 - New Development and Flooding

- 18 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 19 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 20 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 21 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

SITE HISTORY

- 22 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 23 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.

- 23 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.
- 25 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements .Application Approved by Development Management Committee, March 2015.
- 26 15/01112/IPM Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth. Application Approved at Development Management Committee May 2016.
- 27 15/01109/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park to the North West of Perth. Application Approved at Development Management Committee September 2016.
- 28 17/00919/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) at Bertha Park, Perth. Application Approved at Development Management Committee August 2017

CONSULTATIONS

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

EXTERNAL

Forestry Commission Scotland

- 30 No response received.

National Grid Plant Protection Team

- 31 No response received.

Luncarty, Redgorton and Moneydie Community Council

- 32 No response received.

Methven Community Council

- 33 No response received.

RSPB

- 34 No response received.

Scottish Environment Protection Agency

- 35 No objection to revision of planning 17/00919/FLM as long as the previously requested planning conditions are attached to any new grant of consent.

Scottish Natural Heritage

- 36 No objection, confirming that the application site is sufficient distance to have no impacts upon them with no further comment to make.

Scottish Water

- 37 Have no objection to the application. It is highlighted that there is sufficient capacity at both the Perth Water Treatment Works and the Perth City Waste Water Treatment Works.

Tay Salmon Fisheries Board

- 38 No response received.

Transport Scotland

- 39 No objection to proposed revisions, subject to suspensive conditions consistent with associated consents.

INTERNAL

Transport Planning

- 40 No objection to the proposal provided that certain conditions are attached in the interests of pedestrian and traffic safety.

Contributions Officer

- 41 No objection providing the consent remains to be covered through the associated Section 75 (S75) agreement pertaining to planning consent 15/01112/IPM.

Environmental Health

- 42 No objection.

Structures and Flooding

- 43 No objection but note that any flooding/drainage conditions attached to previous consent should also be applied.

Community Waste Advisor - Environment Service

- 44 No objection setting out current refuse and recycling standards.

Community Greenspace

- 45 No response received.

Perth Kinross Heritage Trust (PKHT)

- 46 No issues identified with confirmation that the associated archaeological fieldwork was carried out in 2016.

REPRESENTATIONS

- 47 No letters of representation were received.

ADDITIONAL STATEMENTS

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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	Not Required

APPRAISAL

Policy Appraisal

- 49 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 determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.
- 50 The principle of development has already been assessed against Development Plan policy and continues to be considered acceptable, subject to continued conditional control and compliance with the extant S75 agreement. This application seeks the addition of sun rooms on these 62 plots only.
- 51 The revisions proposed are minor and would otherwise be considered permitted development if the dwellings were already in situ. It is considered that the proposed sun room elements do not raise any policy concerns as discussed below.

Design & Visual Amenity

- 52 Policies PM1A and PM1B set out the objectives in seeking to achieve good placemaking in respect of the immediate and wider site context. The design of the house types remain to be acceptable with the addition of sun rooms, which respect the character and scale of the dwellings. There is no adverse impact on the overall design of Bertha Park.

Private Amenity Space

- 53 It is important and consistent to seek an outside area that can perform the minimum to be expected of a garden; i.e. clothes drying, waste and recycling storage requirements and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future. Across the identified 62 units, a minimum undeveloped rear garden ground of 80 square metres would still be achieved, which is considered acceptable in this context.

Overlooking

- 54 I do not consider that the house designs would result in overlooking to neighbouring properties. This is due to the single storey nature of the sun rooms alongside the associated boundary fences that would ensure an 18 metre window-to-window separation between properties would be maintained.

Overshadowing, loss of sunlight and daylight.

- 55 I consider a reasonable level of daylight and sunlight is maintained for all properties and the extent of overshadowing of amenity ground between properties is considered acceptable.

Flood Risk

- 56 SEPA and the Council's Structure and Flooding Team have no objection to the proposed amendment to the previous planning permission (15/01109/FLM and 17/00919/FLM) subject to the previously requested planning conditions being attached. These conditions (4, 8, 9 & 10) are therefore included in the recommendation section of this report.

Traffic and Road Safety

- 57 There are no implications regarding traffic and road safety resulting from the proposal. The previously requested planning conditions to address this matter are included in the recommendation section of this report (6 & 7).

Biodiversity

- 58 There will be no additional impact on the biodiversity of the site as a result of supporting the proposals. The recommendations for the previous applications (17/00919/FLM and 15/01109/FLM) still apply and the conditions (11, 12, 13,

14 & 15) attached to these permissions are still applicable and are therefore carried forward in this recommendation.

Developer Contributions

- 59 The Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on 3000 dwellings regardless of the dwelling size. It is considered appropriate to ensure the extant legal agreement relationship is clarified through an informative.

Economic Impact

- 60 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents should also fill job vacancies and support existing employers in the local area.

Conditions

- 61 As the development comprises of part of a larger application site (15/01109/FLM), all salient conditions attached to planning consent 17/00919/FLM are recommended to be repeated on this new permission. It should be noted however that a number of conditions are either no longer necessary or have been amended to ensure they remain relevant.

LEGAL AGREEMENTS

- 62 No additional agreement required, covered by the original agreement associated with planning consent 15/01112/IPM.

DIRECTION BY SCOTTISH MINISTERS

- 63 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

- 64 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 development proposed does not conflict with the Development Plan as it is a minor proposal.
- 65 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 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 permission.

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

- 2 No buildings shall be constructed on the identified economic mineral resource until detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on the rest of the Bertha Park development.

- 3 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by this Planning Authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

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

- 4 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 5 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 6 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment as part of planning consent 15/01109/FLM and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 7 No development shall commence apart from the extraction of the economic mineral resource until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment as part of planning consent 15/01109/FLM and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 8 Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 9 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

- 10 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (as referred to in Flood Risk Assessment (FRA) dated 18 June 2015 in support of planning consent 15/01109/FLM) within any affected extents

of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.

- 11 The development shall be fully undertaken in accordance with the agreed Construction Environment Management Plan (CEMP) associated with planning consent 15/01109/FLM.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 12 The approved Ecological Clerk of Works (ECOW) associated with planning consent 15/01109/FLM shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 13 No development shall take place apart from the extraction of the economic mineral resource until details of checking surveys for protected species or the

nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage (SNH). The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 14 The approved biodiversity monitoring strategy associated with planning consent 15/01109/FLM will, where it applies to this site area, be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 15 No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys associated with planning consent 15/01109/FLM have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 16 The approved structural landscaping works associated with planning consent 15/01109/FLM covered within this site area shall be installed in accordance with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

- 17 No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 as identified in planning consent 15/01109/FLM have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide

a buffer between the mineral extraction and Phase 1 of the Masterplan.

- 18 The approved noise mitigation strategy associated with condition 39 of planning consent 15/011009/FLM shall be fully implemented where applicable to this site.

Reason: To prevent disturbance from noise.

- 19 Prior to the completion or bringing into use any part of the development any agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 67 None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 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 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 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 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.
 - 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 is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning consent 15/01112/IPM. This consent continues to be tied by this legal agreement and the associated requirements will continue to apply.
 - 11 The applicant is reminded that in association with planning consent 15/01109/FLM; no more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, have been designed, approved and contract let.

Background Papers: None.
Contact Officer: Callum Petrie 01738 475353
Date: 24 May 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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