

Perth and Kinross Council
Planning & Development Management Committee – 3 June 2020
Report of Handling by Head of Planning & Development (Report No. 20/94)

PROPOSAL: Site masterplan and erection of a care/nursing home, 20 dwellinghouses and 8 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM)

LOCATION: Land north of Pitcrocknie Farmhouse, Alyth

Ref. No: [20/00020/AMM](#)
Ward No: P2 – Strathmore

Summary

This report recommends approval of the application as the proposed modification is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site relates to 51 hectares, being part of part the former Glenisla golf course located 750 metres east of the village of Alyth. South and adjacent to the site is the Alyth Burn which is a tributary to the River Tay. Immediately to the north is the B952 that leads to Alyth village. South of the site is Alyth Golf Course, which now incorporates 9 holes of the former Glenisla golf course. At the south eastern corner of the application site is the former Glenisla Golf Clubhouse and car parking area.
- 2 Mature trees also line the site's northern boundary and there are trees planted throughout the site as part of the development of the golf course. Bunkers and greens are still evident from its most recent use but are now overgrown. In the north western corner is the Pitcrocknie Stone Scheduled Monument.
- 3 The site has In Principle Planning Permission (PPP) which was granted in 2010 (09/01345/IPM) and again in 2016 (16/01595/IPM). Following the PPP, detailed permission for Phase 1 (18/01214/AMM) was granted in April 2019 for the following:
 - A 60-bed care home
 - 20 dwellings (including 8 associated garages)
 - 3 employment units (Class 4)

- Energy Centre
 - 2 Entrance/Storage buildings
 - De-culverting and realignment of Back Burn
 - Pumping station
 - Temporary Bridge over Back Burn
- 4 18/01214/AMM was subject to 22 planning conditions and the terms of a Section 75 legal agreement, covering core path improvements and bus service provision.
- 5 Works commenced on site in summer 2019 and significant progress on the Care Home, the first phase of housing, and employment units has occurred to date. One potential issue has arisen during the construction process is the requirement of Condition 22(ii) of the permission that states:
- “The external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.*
- Reason: To ensure the delivery of the employment generating uses in early phases of the development.”*
- 6 A review by the applicant of the development programme indicated that the first houses will be ready for occupation in late Spring/early Summer 2020 but, in light of the nature of the external finishes required for the Care Home, it will be several months later before the final shell of the Care Home is complete.
- 7 The applicant has Approval of Matters Specified in Conditions (ASMC) again for the development approved through application ref: 18/01214/AMM. However, they are now seeking only to modify the specific requirements of Condition 22(ii), so that it has no impact on the completion and opening of the care home but still allows the occupation of the dwellings from Spring/Summer 2020 and continue to accord with the approved phasing plan. The applicant’s requested re-wording of Condition 22 (ii) is as follows:
- “Prior to the occupation of the first residential dwelling within the site, the construction of the Care Home shall be completed to the following specification:*
- *the timber kit shall be fully erected on the foundation;*
 - *all windows and doors fitted; and,*
 - *the roofing and wall membranes shall be applied.*
- Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.”*

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 The PPP applications (09/01345/IPM and 16/01595/IPM) were both screened for an EIA. It was found that EIA was required for the 09/01345/IPM application, but a new/updated EIA was not required for 16/01595/IPM. The site was re-screened, for the 18/01214/AMM application, having regard to the more detailed proposals. It was found that no further EIA procedure was required for

Phase 1. As the site and surrounding circumstances have not altered in the past 2 years and recognising that this is a S42 application to modify a condition associated with Phase 1, it was again determined that no further EIA procedure was required.

PRE-APPLICATION CONSULTATION

- 9 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. However, the amended Regulations, which came into force on the 30 June 2013 removes the requirement for Pre-Application Consultation (PAC) for Section 42 applications (which relate to a 'major planning application') made on, or after the 3 February 2013. Accordingly, there is not a requirement for the applicants 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

- 10 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

- 11 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

- 12 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.
- 13 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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 77 Designing Safer Places

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

- 17 There are no sections of the TAYplan 2016 of particular relevance in the assessment of this S42 application.

Perth and Kinross Local Development Plan 2019

- 18 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 19 The principal relevant policies in assessing the extent of the changes proposed in this application are, in summary;

- Policy 1: Placemaking
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology

SITE HISTORY

- 20 The following planning history is of relevance:

- 21 [04/00862/OUT](#) Proposed development of residential plots (in outline). Application refused June 2004.

- 22 [09/00002/PAN](#) Erection of approximately 200 private houses, a nursing home and affordable units, a hotel and business starter units with associated servicing, access and landscaping. Withdrawn June 2009.
- 23 [09/01345/IPM](#) Improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units - 25% affordable plus mainstream housing (in principle). Application approved September 2010.
- 24 [13/00660/FLL](#) Erection of 18 dwellinghouses with garages. Application withdrawn October 2013.
- 25 [13/01114/IPM](#) Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved September 2014.
- 26 [14/00282/AMM](#) Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused January 2015.
- 27 [16/01595/IPM](#) Variation of Condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel). Application approved February 2017.
- 28 [18/01214/AMM](#) Site masterplan and erection of a care/nursing home, 20 dwellinghouses and 8 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM). Application approved April 2019.

CONSULTATIONS

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

External

- 30 **Scottish Environment Protection Agency** – No objection to the proposal as it does not impact on their interests.
- 31 **Scottish Natural Heritage** – No response received.
- 32 **Scottish Water** – No objection.
- 33 **Sport Scotland** – No objection.
- 34 **Scottish Gas Network** – No response received.
- 35 **Perth And Kinross Heritage Trust** – No objection to the proposal but recommend the archaeology condition from the 18/01214/AMM is continued.
- 36 **Alyth Community Council** – No response received.

Internal

- 37 **Environmental Health** – No objection.
- 38 **Land Quality** – No objection.
- 39 **Transport Planning** – No objection.
- 40 **Structures and Flooding** – No objection.
- 41 **Development Negotiations Officer** – No objection.
- 42 **Biodiversity/Tree Officer** – No objection.
- 43 **Community Greenspace** – No response received.

REPRESENTATIONS

- 44 None received.

ADDITIONAL STATEMENTS

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| 45 | Screening Opinion | Not Required |
| | Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| | Appropriate Assessment | Not Required |
| | Design Statement or Design and Access Statement | Not Required |
| | Report on Impact or Potential Impact | Supporting Statement |

APPRAISAL

- 46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and LDP2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies, supplementary guidance, consultation response and any representation received.

Principle

- 47 Since the approval of the 18/01214/AMM application in April 2019 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained under the extant permission as the approved site is currently under construction. The proposed modification Condition 22 (ii)

(construction phasing), to allow changes to the timing of delivery of the care home, and Class 4 employment uses to be altered, must be assessed to ascertain if there is any adverse impact on the area or a risk that some elements will not be completed. Such changes cannot undermine the required delivery of the employment elements of the masterplan, which was a key requirement in the PPP approvals.

Phasing/Delivery

- 48 The applicant has advised that the care home structure will be wind and water-tight (in accordance with industry standards) by Spring 2020 and will be fully completed by the end of 2020 and open to residents in 2021. It is assumed with the ongoing Covid-19 pandemic that this timescale will now slip as there is no construction activity on-site at time of writing this report. Progress on this care home structure is easily visible on site and a building warrant is in place. The applicant has advised that full funding of £8.2million is in place for the care home and Healthcare Management Solutions has been appointed to manage the home. To date £1.2million has been spent on the development of the care home facility.
- 49 The applicant has also confirmed that 15 of the 20 dwellings in Phase 1 are now reserved. It is appreciated that funding from the sale of the houses is part of the applicant's financial plan for Phase 1 of the development and the proposed modification will allow for purchase of the new dwellings to move forward.
- 50 The proposed modification to the condition will not impact the delivery of the Class 4 employment uses within the development. The modification is simply to allow the occupation of purchased dwellings as part of the larger committed and on-going development.
- 51 It is clear that significant progress in the construction of the care home and, notwithstanding current delays enforced during the Covid-19 pandemic, the construction continues, with a view to it opening in 2021. Likewise, development of the 3 employment units has taken place on site and the delivery of these units will not be affected by the proposed change and will continue to be "fully serviced before the occupation of the first residential dwelling" as per the requirements of Condition 22(i). As noted, the construction of dwellings has been ongoing in parallel to the employment uses, as permitted under the existing approval. Given these circumstances, it is considered that the risk of completed dwellings with no care home or employment units is very low. This proposed modification of Condition 22(ii) does not reduce the applicants commitment to the project or indeed their obligation to deliver the employment elements or future phases. The proposed changes considered to be a justified in the context of the construction details for the care home and it represents a pragmatic solution to the phased delivery of the development as a whole.
- 52 Overall, the proposed modification of Condition 22(ii) is considered acceptable and is compliance with LDP2 Policy 23 – Delivery of Development Sites.

Design and Layout

- 53 The proposed modification to Condition 22(ii) will have no impact on the approved and under construction layout as no physical changes are being proposed.

Landscape

- 54 The proposed modification to Condition 22(ii) will have no impact on the local landscape as no physical changes are being proposed.

Visual Amenity

- 55 The proposed modification to Condition 22(ii) will have no impact on the visual amenity of the area as this will remain unaltered.

Roads and Access

- 56 The Council's Transport Planning team have not raised any issue in relation traffic and road safety. The proposed modification will have no impact on the road network.

Drainage and Flooding

- 57 Neither SEPA nor the Council's Structures and Flooding department have raised any flood risk or drainage issues with the proposed modification to Condition 22 (ii).

Conservation Considerations

- 58 HES has confirmed that the proposed modification of Condition 22(ii) will not have any impact on the nearby Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area but will require the condition from 18/01214/AMM to be replicated with this permission (Condition 6).

Natural Heritage and Biodiversity

- 59 SNH have no comment to make on the proposed modification and the Council's Biodiversity Officer has confirmed that the proposal will not have an impact on local biodiversity.

Developer Contributions

- 60 No contributions are required by this S42 application.

Economic Impact

- 61 The proposed modification will not have an impact on the local economy.

Other Matters

- 62 The 2018 AMSC permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in Summer 2019. It is good practice, where approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered should remain. These conditions are set out in the recommendation section below.

LEGAL AGREEMENTS

- 63 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, upgrading of Losset Road core path and bus service provision. It is future-proofed for S42 applications so will not require modification in light of this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 64 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

- 65 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.
- 66 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/00020/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/0020/07):

- a) Erection of a 60-bed care home;
- b) Erection of 20 dwellinghouses (including 8 associated garages);
- c) Erection of 3 business units (Class 4);
- d) Erection of an Energy Centre;
- e) Erection of 2 Entrance/Storage buildings;
- f) De-culverting and realignment of Back Burn;
- g) Erection of a Pumping station; and
- h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/00020/12)

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

- 2. Prior to the approved development being completed or brought into use, all matters regarding access, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/00020/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

- 4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

- 5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

- 6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/00020/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and

archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. The approved protective fencing (Drawing ref: 20/00020/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/00020/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

11. Following approval by SEPA, the approved realignment design of the Back Burn (drawing ref: 20/00020/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. Following approval by SEPA of the topographic information (drawing ref: 20/00020/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/00020/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 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 protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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).

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/00020/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Council as Planning Authority

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).

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/00020/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/00020/05) shall continue to 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) 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;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) 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;
- (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/00020/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and
- (ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:
 - the timber kit fully erected on the foundations;
 - all windows and doors fitted; and
 - the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

D INFORMATIVES

1. 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.
2. 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.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. The applicant is advised that in terms of Sections 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 Environmental Protection Agency.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they 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 Environmental Protection Agency (SEPA).
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. 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.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.

9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

Background Papers: 18/01214/AMM Decision Notice and Section 75 Legal Agreement.

Contact Officer: Steve Callan – 01738 475337

Date: 21 May 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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