

Perth and Kinross Council
Planning & Development Management Committee – 8 May 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/130)

PROPOSAL: Erection of 39 dwellinghouses, formation of SUDS pond, car parking, landscaping and associated infrastructure

LOCATION: Land at Southfield, Newburgh Road, Abernethy

Ref. No: [17/02190/FLL](#)

Ward No: P9 - Almond and Earn

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed application site of 1.5 hectares is located in the north east of Abernethy and is immediately north of the A913 Newburgh Road, from which the site access is proposed. The Perth to Ladybank railway line is located to the north along a raised embankment and there is a former petrol filling station site garage immediately to the west. Beyond the former petrol filling station is Branston potato factory and a row of detached dwellings. To the immediate east is an existing dwellinghouse, Southfield, and beyond this, open countryside. To the south are houses on Newburgh Road and to the south west, the recently extended Abernethy Primary School is located approximately 100 metres away.
- 2 The site is currently in agricultural use and laid to grass and primarily used for sheep grazing. It is over 1.5 metres below the level of the A913 and 2.5 metres below the level of the rail line.
- 3 The site is located within the settlement boundary of Abernethy as defined by the Perth and Kinross Local Development Plan (LDP) 2014. It forms a significant part of a 2.17 hectare (Ha) mixed use allocation (Site MU8) for housing and employment land, with the remaining 0.67 Ha located to the west taking up the land up to the existing boundary of the aforementioned Branston site.
- 4 The proposal was originally for 42 dwellinghouses but has been reduced to 39 following the assessment and consultation process. The following range of house types are proposed:

- 7 x 2 bedroom 2 storey terrace dwellinghouses (affordable)
 - 3 x 3 bedroom 2 storey terrace dwellinghouses (affordable)
 - 9 x 3 bedroom 2 storey terrace dwellinghouses (open market)
 - 12 x 3 bedroom 2 storey semi-detached dwellinghouses (open market)
 - 7 X 3 bedroom bungalow dwellinghouses (open market)
 - 1 x 4 bedroom 2 storey detached dwellinghouses (open market)
- 5 All the house types will have white rendered walls and dark grey roof tiles. The application has been accompanied by a significant level of supporting information including a Design and Access Statement; Flood Risk Assessment; Drainage Strategy; Noise Impact Assessment; Transport Assessment; Ecological Appraisal and Landscape Strategy.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the ‘competent authority’ (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before ‘development consent’ can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An Environmental Impact Assessment Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

NATIONAL POLICY AND GUIDANCE

- 9 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

- 10 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

- 11 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.
- 12 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
 - Historic Environment: paragraphs 135-137 and 150
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

Designing Streets 2010

- 14 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.

Creating Places 2013

- 15 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.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 17 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

- 18 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:
- 19 *"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."*
- 20 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 21 Seeks to focus the majority of development in the region's principal settlements. Abernethy which is within the Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2: Shaping Better Quality Places

- 22 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and

enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 23 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 24 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 9: Managing TAYplans Assets

- 25 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 26 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.

27 LDP Allocation MU8 – Site Specific Developer Requirements:

- A mix of housing types and sizes including low cost housing
- Flood Risk Assessment
- The existing culvert opened and layout to deal with surface water from steep southern slopes.
- Road and access improvements to the satisfaction of the Council as Road Authority

- Develop gateway improvement to settlement from the east to ensure the built form and layout strengthens the character of the settlement and creates an attractive eastern village boundary.
- Enhancement of biodiversity
- The site may require to be phased to ensure sufficient space is available in the primary school.

28 The principal relevant LDP policies are, in summary;

Policy PM1A - Placemaking

29 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

30 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

31 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

32 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 PM4 - Settlement Boundaries

33 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy ED1B - Employment and Mixed Use Areas

34 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

Policy RD1 - Residential Areas

- 35 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are 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

- 36 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 TA1B - Transport Standards and Accessibility Requirements

- 37 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

- 38 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 HE1B - Scheduled Monuments and Non Designated Archaeology

- 39 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

- 40 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

- 41 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

- 42 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

- 43 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 EP3B - Water, Environment and Drainage

- 44 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

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

- 47 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.

Policy EP12 - Contaminated Land

- 48 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 49 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.
- 50 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.
- 51 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.

OTHER POLICIES

- 52 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance (Draft) July 2014
 - Open Space Standards (2001)

SITE HISTORY

- 53 There is no recent planning application history for the site specifically. However, as it is part of a mixed use allocation (MU8) in the LDP, the following applications are of relevance:
- 54 [18/01016/FLL](#) Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works. This application relates to the remaining portion of LDP Site MU8. Submitted June 2018 and currently under assessment.

CONSULTATIONS

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

External

Scottish Environment Protection Agency

- 56 No objection.

Scottish Water

- 57 No objection.

Network Rail

- 58 No objection provided certain conditions are applied to ensure the protection of their infrastructure, public safety and amenity.

Perth and Kinross Heritage Trust (PKHT)

- 59 No objection provided an archaeological condition is applied for a written scheme of archaeological investigation.

Abernethy Community Council

- 60 No objection but raised concerns regarding housing density and proximity to Branston's facility.

Internal

Strategy and Policy

- 61 No objection and are supportive of housing being established at this location provided there is no conflict along the western boundary with Branstons wishing to expand their business.

Community Greenspace

- 62 No objection provided any public open space (POS) is multifunctional.

Environmental Health

- 63 Following a revised Noise Impact Assessment of the adjoining proposal to expand Branstons facilities no objection is now offered, provided certain noise mitigation conditions are applied and the acoustic bund and fencing is delivered.

Land Quality Officer (Contaminated Land)

- 64 No objection.

Structures & Flooding Team

- 65 No objection.

Transport Planning

- 66 No objection.

Contributions Officer

- 67 The Affordable Housing requirement is 10 units (39 units x 0.25).
- 68 This proposal is within the catchment of Abernethy Primary School and the Council have invested significant funds in extending this school to accommodate future development, such as housing from Site MU8. A contribution towards this will therefore be required.
- 69 Based on the Councils Transport Infrastructure Developer Contributions Supplementary Guidance a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area.

Waste Services

- 70 No objection.

Biodiversity Officer

- 71 No objection provided certain conditions are applied.

REPRESENTATIONS

- 72 The following issues were raised in the 12 representations received:

- Contrary to Development Plan

- Noise, air and light pollution
- Incompatible with neighbouring uses
- Non-compliance with Councils Affordable Housing tenure
- Impact on archaeology
- Impact on trees and biodiversity
- Flood risk
- Excessive density and scale
- No demand
- Adverse visual impact
- Road safety concerns
- Lack of parking within site
- Poor public transport links
- Loss of open space
- Loss of daylight/sunlight
- Privacy and health implications

73 These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL STATEMENTS

74	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Design and Access Statement Submitted
	Reports on Impact or Potential Impact	Flood Risk Assessment; Drainage Strategy; Noise Assessment; Transport Assessment; Ecological Appraisal and Landscape Strategy

APPRAISAL

75 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

76 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, such as the Developer Contributions Supplementary Guidance including Affordable Housing April 2016 and Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

Principle

- 77 The principle of a large scale mixed use (residential and business) development on this site has been established through its allocation as Site MU8 in the LDP. Furthermore, the site is within the settlement boundary of Abernethy village. The principle of residential development on this portion of the site is accepted.
- 78 Based on the site area of 1.5 hectares, the 39 dwellinghouses proposed would be classed as a medium to high density proposal (a density of 26 dwellings per hectare). Given its location close to the village centre, the primary school and commercial premises the density is considered suitable, in principle, for this edge of settlement location. Further, the context of national policy stating the desirability of using land efficiently would further support this density within a settlement boundary. The suitability of the proposed layout, siting and design and all other considerations is, nevertheless, undertaken below and the LDP site specific requirements are also addressed.

Mixed Use Allocation and Employment Land

- 79 As the site forms part of a mixed use allocation, it is important to ensure the residential element is not assessed in isolation and there must be an understanding that the employment element can also be delivered without either use being adversely affected.
- 80 An application (18/01016/FLL) was submitted on 4 June 2018 to expand the adjacent potato distribution business operated by Branston Limited. There has been extensive dialogue with all parties Branston, Hadden Homes (the applicant of this housing proposal) and the Council over potential noise issues. This was undertaken to ensure that the two developments are compatible with each other in the interests of bringing both the employment and residential development envisaged in Site MU8 forward.
- 81 While noise is considered in more detail below, the potential impact of noise from the neighbouring Branston site has been the main issue under consideration to ensure there will be no adverse noise impact on the new residential properties which could result in noise complaints regarding Branston activities. Following concerns raised by Environmental Health regarding the Noise Impact Assessment (NIA) for the Branston proposal and impact on this development, a revised NIA was submitted and it recommended several mitigation measures by both Branston and Hadden Homes.
- 82 The site must ensure the residential amenity can be maintained for the proposed dwellinghouses along the eastern mutual boundary. The applicant has amended the house type from two-storey dwellinghouses to single storey dwellinghouses and an acoustic bund with acoustic fencing will be required along almost the full length of this western boundary. It is anticipated that this will remove noise issues for the proposed dwellinghouses in this location adjacent to Branston's site at the boundary. This will not hinder the delivery of

the employment element of MU8 and this proposal can be determined in advance of the proposed employment expansion.

Noise

- 83 As advised, the NIA submitted in support of the planning application for the expansion of the adjacent Branston site examined in detail the impact its proposal could have on the proposed residential development immediately to the east. As already mentioned, the NIA recommended that the two-storey dwellinghouses along the mutual boundary should be reduced in height to single storey because it was the first storey rear bedrooms that could have been adversely impacted upon by noise from Branston's proposed cold storage facility.
- 84 Consequently, the applicant revised their house type along the mutual boundary and the proposal now includes 7 bungalows rather than 10 dwellinghouses. An acoustic bund 2 metres high along with a 1 metre high acoustic fence is also proposed along this boundary to mitigate noise for these properties. This can be secured by condition (Condition 22). Furthermore, permitted development rights are proposed to be restricted through a planning condition for Plots 1-7 to remove the ability for upper floor extensions, dormer windows and roof lights of these bungalows. This will ensure that should there be any increase in living or bedroom accommodation on the upper floors this would not be exposed to unacceptable amenity conditions (Condition 24). It is also proposed that the bunding on this boundary will be planted on either side to ensure its visual impact will be softened.
- 85 As a result of the proximity of the rail line, a Noise Impact Assessment (NIA) was also submitted in support of the application alongside the NIA by Branston. Both NIA have been reviewed by Environmental Health. Whilst there was no objection there was concern regarding the noise impact of the rail line at night time in particular for the closest dwellinghouses (plots 8-18). Environmental Health recommend the glazing of habitable rooms on the north-facing facades of Plots 8 -18 will need to have a minimum sound reduction index of 35 dB, R_w+C_{tr} . Condition 23 will help ensure a satisfactory residential amenity can be achieved.

Residential Amenity

- 86 Concerns have been expressed within representations regarding the impact on existing residential amenity (noise, light, privacy). There is one property immediately adjacent to the eastern boundary of the proposed site, Southfield, and the other nearest dwellings are between 25 and 28 metres away, across Newburgh Road. It is considered that there is an acceptable landscape buffer with boundary planting included which will help alleviate the concerns regarding residential amenity, lighting, privacy and overlooking in particular. I am satisfied that all relevant considerations regarding amenity and health have been satisfactorily addressed.

Design, Scale and Layout

- 87 The proposed development utilises the existing landscape and topography to shape the layout of the site. The proposal takes account of the site's importance as a gateway into Abernethy. The design of the site has been guided by existing field boundaries, planting, watercourses and natural features. Generally, the proposed layout takes cognisance of Designing Streets, Creating Places and the National Roads Development Guide and incorporates appropriate natural surveillance of open space and the main pedestrian routes.
- 88 The proposal consists of single and two-storey detached, semi-detached and terraced dwellinghouses providing a wide mixture of house types for the current market. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and adheres to Designing Streets and National Roads Development Guide objectives.
- 89 The massing and scale of the proposed dwellinghouses can be accommodated within the site without having an adverse impact on the amenity of nearby properties and works within the parameters of the landscape framework. The proposed density of development of dwellings is considered to be acceptable for this site within the proposed layout. All dwellinghouses will benefit from acceptable garden sizes and none of the properties will adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of privacy, overlooking or overshadowing.
- 90 In terms of house design and finish, the elevations and external finishes are considered to be simple but attractive and appropriate within the character of Abernethy. The proposal complies with LDP Policy PM1A – Placemaking as it is considered it will positively add to the quality of the surrounding built and natural environment, whilst respecting the character and amenity of the place.
- 91 The proposal is considered appropriate in terms of design, scale and form and the development is considered to satisfy the policy objectives of Designing, Designing Streets, Creating Places and Council Placemaking Policy. It is considered that the proposed density of development represents an efficient use of the site whilst still respecting the surrounding area and environment.

Landscape and Visual

- 92 As a result of its gateway location, there is a Site Specific Developer Requirement within the MU8 allocation to develop a gateway improvement to the settlement from the east, to ensure the built form and layout strengthens the character of the settlement and creates an attractive eastern village boundary. The landscape quality of this site is a potential key, valuable asset as it currently offers a highly visible gateway when arriving into Abernethy from Fife to the east.
- 93 The proposed orientation of the 3 dwellinghouses at the south-east corner of the site facing in an eastwards direction goes some way to addressing the

gateway location along with the inclusion of detailed landscaping and tree-planting proposals along the southern boundary and partially along the eastern boundary. The provision of housing close to and facing onto the A913 as an active frontage replicates the development form elsewhere in the village and makes a positive visual contribution to the site to create a strong entrance gateway.

- 94 The proposal is considered to comply with the MU8 Site Specific Developer Requirements, placemaking policies PM1A and PM1B contained within the LDP.

Roads and Access

- 95 As advised, one vehicle access from the A913 is proposed to serve the site. The site plan provides a road loop serving all the properties and includes a rear parking area for 15 dwellings. Visitor parking is provided adjacent to the proposed SUDS pond and there is a footpath network within the site that connects up with the public footpath on the A913. The access and the proposed development layout was subject to significant assessment by Transport Planning during the pre-application and application stages.
- 96 Transport Planning are satisfied that the proposal provides acceptable vehicle access onto the A913, the parking provision meets the National Roads Development Guide and footpath provision for pedestrians and cyclists. No concern has been expressed by the Council's Public Transport Unit. Overall the proposal complies with LDP Policy TA1 - Transport Standards and Accessibility Requirements as it will be well served by all modes of transport (in particular walking, cycling and public transport), provides safe access to the wider area and appropriate levels of car parking provision. This is subject to conditions to secure roads and footpath specifications (Condition 2 and 3 respectively); control over Construction Traffic Management Scheme (CTMS) (Condition 6); and a Residential Travel Plan (RTP) being in place for future residents to encourage sustainable means of travel (Condition 7).

Drainage and Flooding

Drainage

- 97 In terms of drainage SEPA have commented that the proposals for SUDs appear to be well thought out and offer a good level of treatment. SEPA do advise that it is the Council's responsibility to confirm if the proposed SUDs scheme is in accordance with the new SUDs manual and shows how the methodology proposed will attain required SUDs treatment. The Council's Structures and Flooding team have offered no objection to the proposed drainage arrangements. The applicant has confirmed that Scottish Water will maintain the SUDS pond once complete. Subject to planning conditions to secure the final SUDS (Condition 9) and any necessary temporary facility (Condition 10), the proposal is considered to be acceptable.

Flood Risk

- 98 SEPA and Structures and Flooding have examined the submitted Flood Risk Assessment (FRA) and have not objected to the proposed development on flood risk grounds.
- 99 A review of the SEPA Flood Map indicates that parts of the site lies within the 1 in 200-year flood extent and may be at medium to high risk of surface water flooding. There are two small watercourses which run south to north along the eastern and western site boundaries.
- 100 SEPA advised during the allocation of the site in the LDP that further assessment of flood risk from these watercourses would be required and investigation into opening up the culverts was recommended, provided there was no associated increase to flood risk. This recommendation was incorporated as a Site Specific Developer Requirement. The information provided within the FRA indicates that the culverts lie outwith the boundaries of the site and SEPA therefore acknowledge that no betterment to the structures can be undertaken within this development. Accordingly, it is accepted that it is not possible to address this specific allocation requirement.
- 101 Hydrological modelling has been undertaken as part of the FRA to determine the flows within the two small watercourses. The results of the modelling indicate that there is no predicted flooding during the 1 in 200-year flood, with and without and allowance for climate change.
- 102 The FRA makes recommendations to reduce flood risk to the site from overtopping from the culvert during a blockage scenario and also direct surface water runoff from higher ground to the south and east. These measures include: capturing water entering the site from the south and east in a cut-off channel and directing round the site to the low point in the north where there is a culvert under the railway. This culvert requires to be cleared and maintained as is currently blocked. Finished Floor Levels should be raised a minimum of 26.6m AOD. The proposed drainage layout shows these measures have been incorporated within the site design and a condition is recommended to ensure the delivery of this is secured (Condition 19).

Network Rail Infrastructure

- 103 Network Rail has no issues with the principle of the proposed development but has recommended a number of conditions to ensure their infrastructure is not adversely affected by the proposed development (Conditions 18 to 20).

Waste Services

- 104 No concerns have been expressed regarding waste collection on site, subject to securing a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities (Condition 17).

Natural Heritage and Biodiversity

- 105 The application was accompanied by an Ecological Appraisal which identifies any ecological constraints of the site. The Councils Biodiversity Officer confirmed that the current use (agricultural) of the site makes it low in biodiversity and any residential development has the potential to improve the site for biodiversity by attracting birds and insects into gardens as a result of planting and provision of food and shelter. The open space and SUDS pond should include native planting that will encourage wildlife (Condition 14).
- 106 This site could also be enhanced for wildlife by the inclusion of bat roost bricks and swift nest bricks into the new buildings. This can be controlled by way of condition (Condition 15). These provisions will address the Site Specific Developer Requirement for biodiversity enhancement.
- 107 There is only one tree on the site but the submitted Landscape Strategy proposes more planting throughout the site and in particular along the east and west boundaries. Proposed conditions will ensure the implementation of the landscape proposals and a further condition will ensure the protection of neighbouring trees just outwith the site (Conditions 20 and 21).

Developer Contributions

Affordable Housing

- 108 The Affordable Housing requirement for the proposal is 10 units (39 units x 0.25). The proposal includes 10 units to be delivered on site and therefore this requirement has been satisfied.

Primary Education

- 109 This proposal is within the catchment of Abernethy Primary School and the Council have invested significant funds in extending this school to accommodate future development in the area. A contribution towards this from open market homes will be required; however, it is not required from Affordable Housing units. The contributions will therefore be calculated on 29 units (39 – 10 units) and the total Primary Education contribution will be £187,340 (29 x £6,460). Other than the mitigation through developer contributions, no specific site phasing is considered necessary.

Transport Infrastructure

- 110 Based on the Council's Transport Infrastructure Developer Contributions Supplementary Guidance, the proposal will require a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area. The Open Market Housing Unit contribution is £76,531 (29 x £2,639).

- 111 Subject to securing these contributions via a Section 75 planning obligation, the requirements of Policy RD4 and PM3 are met.

Archaeology

- 112 PKHT confirms that the proposed development site lies within an area that is considered to have archaeological potential, because of its location on the edge of the medieval settlement of Abernethy. Further, prehistoric archaeological remains have been recovered to the east of the proposed development site, consisting of a short cist and a small cremation cemetery.
- 113 It is recommended that an archaeological evaluation consisting of a 6% trial trench investigation should take place to assess the presence /absence, character and significance of archaeological deposits on this site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits (Condition 8).

Economic Impact

- 114 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.
- 115 New residents could also fill job vacancies and support existing employers in the local area including potentially Branston. The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

LEGAL AGREEMENTS

- 116 A Section 75 Legal Agreement will require to be drafted in relation to securing the following. The Heads of Terms have been agreed by the applicant and the Councils Legal Services have been formally instructed to secure the following:
- On-site Affordable Housing provision
 - Commuted sum for primary school education provision
 - Commuted sum for transport infrastructure provision
 - Provision of acoustic bund and fencing along mutual boundary with Branston.

DIRECTION BY SCOTTISH MINISTERS

- 117 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

- 118 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 accords with the Development Plan.
- 119 The development of dwellinghouses on land that is allocated as Site MU8 in the LDP for mixed use including residential is considered to comply with the current Development Plan. It has been shown through the production of a detail Noise Impact Assessment that there will, subject to mitigation being secured, not be noise issues for the dwellings along the mutual western boundary or for the viability of the remaining portion of Site MU8 to be developed for employment land. All other matters have been assessed as being in compliance with Development Plan policy, again subject to some control through planning conditions.
- 120 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application subject to the following conditions

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 consent.

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

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

Reason: In the interest of pedestrian safety.

4. Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.

Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

5. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

6. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (CTMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

7. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing 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: In the interest of protecting archaeological interest within the site.

9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDs) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDs Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

10. 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 approved development 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 Council as Planning Authority.

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

11. The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

13. Where it is intended to create a wetland/SUDs area wildlife kerbs shall be installed adjacent to all road gullies within 500 metres of wetland/SUDS.

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

14. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.

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

15. Prior to the commencement of development hereby approved, details of the location and specification of the swift nest brick and bat roost bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift nest bricks and bat roost bricks shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. For clarification the development shall incorporate the swift nest bricks and bat roost bricks at eaves height in a minimum of 75% of all properties.

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

16. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

17. Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the planning authority and thereafter undertaken in accordance with the approved details to the satisfaction of the Council's Planning Authority.

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

18. No development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

19. No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority. Any Sustainable Urban Drainage Scheme should be designed with long term maintenance plans which meet the needs of the development. The use of the culvert under the railway for surface water drainage must be fully agreed with Network Rail. The development shall be carried out only in full accordance with such approved details.

Reasons: To protect the stability of the adjacent railway and the safety of the rail network.

20. No development shall take place on site until such time as a detailed scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Broad leaf deciduous species should not be planted adjacent to the railway boundary. All landscaping, including planting, seeding and hard landscaping shall be completed in accordance with the approved scheme.

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. To control the impact of leaf fall on the operational railway.

21. Any planting which, within a period of 5 years from the completion of the approved development, in the opinion of the 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.

22. Prior to occupation of the first dwellinghouse, the 2 metre high acoustic bund and 1 metre high fence shall be installed along the western boundary of the site as approved in drawing reference 17/02190/29.

Reason: In the interests of residential amenity and to ensure the viability of employment use on the remainder of Site MU8 allocated in the Perth and Kinross local Development plan 2014.

23. The glazing of habitable rooms on the north-facing facades of plots 8 -18 shall have a minimum sound reduction index of 35 dB, R_w+C_{tr} to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity preventing noise issues from the adjacent rail line.

24. No extensions or alterations, whether or not permitted by virtue of Schedule 1, Part 1, Class 1B, 1D and 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be constructed or erected on the rear elevations of Plots 1-7 (located on the western boundary).

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

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

Permission shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/02190/FLL.

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 having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
8. 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.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738

627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
12. 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.
13. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
14. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
15. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
16. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
17. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

18. There is a Section 75 legal obligation associated with this planning permission.
A copy is available to view on the Council's [Public Access portal](#).

Background Papers: 12 letters of representation
Contact Officer: Steve Callan 01738 475337
Date: 25 April 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

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