

Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by the Interim Head of Planning

Variation of condition 1 permission 13/00615/IPL (Residential development (in principle) to extend the time period for the commencement of development at Land 60 Metres East Of 9 Loyal Road, Alyth

Ref. No: 16/01418/FLL
Ward No: N2 - Strathmore

Summary

This report recommends approval of an application made under section 42 of the Planning Act to vary a standard time limit condition which was imposed on a planning in principle consent for a residential development in Alyth, as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an area of ground, roughly triangular in shape which is located at the northern end of Alyth, with the 'tip' of the triangle facing south. The majority of the site is currently used as a grassed paddock, with a small wedge of land to the east of the site covered in mature trees. Mature trees also align the sites northern boundary. The 0.8 ha site is relatively flat on its western section, with the eastern section gently sloping down toward a small burn which runs along the site's northern boundary. The burn is flanked by mature trees on both sides. Along the other boundaries are the rear gardens of existing residential properties.
- 2 The site is accessed by a narrow existing field access from Loyal Road to the west, whilst a second vehicular access is achievable via the end of an existing road known as Airlie View, which abuts a section of the southern boundary of the site. A planning in principle consent for a residential development was approved in 2013 (13/00615/IPL), which suggested an indicative number of 20 units and which proposed the principal vehicular access into the site via Airlie View.
- 3 This planning application seeks to vary condition 1 of that permission which was attached to the original planning consent through a planning application made under Section 42 of the Planning Act. The original condition which was imposed on the extant planning consent read as:-

Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) *the expiration of 3 years from the date of the grant of the planning permission in principle,*
- (ii) *the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or*
- (iii) *the expiration of 6 months from the date on which an appeal against such refusal was dismissed.*

- 4 The applicant has indicated that they wish the above condition to be amended to allow for a further 3 years for the submission of the required matters specified.
- 5 Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 42 of the Act stipulates that in this type of application “the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted”. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other conditions / advisory notice on the decision notice remains.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN).
- 7 Of specific relevance to this planning application are,

Scottish Planning Policy 2014

- 8 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.
- 9 Of relevance to this application are,
 - Paragraphs 109 - 134, Enabling Delivery of New Homes

Planning Advice Note 67 (Housing Quality)

- 10 Designing Places, published November 2001, sets out the Scottish Government's aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how Designing Places should be applied to new housing.

Circular 4/1998 - The use of conditions in planning permissions

- 11 This circular states that conditions can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The guidance establishes that conditions should meet the following six tests, requiring that they be: necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.
- 12 The Circular also deals with the 'Renewal of permissions before expiry of time limits in para. 52. This states that developers who delay the start of development are likely to want their permission renewed, as the time-limit for implementation approaches. Under part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 applications for such renewals may be made simply, referring to the existing planning permission, although the Planning Authority have power subsequently to require further information, if needed. As a general rule, such applications should be refused only where:
 - a. there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);
 - b. there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
 - c. the application is premature because the permission still has a reasonable time to run.

Circular 3/2013 – Development Management Procedures

- 13 This circular provides advice on dealing with Section 42 applications in 'Annex I: Applications for Planning Permission under Section 42 of the Act'. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission will therefore exist for the development proposed with different (or no) conditions attached. To this end, previous planning permission therefore remains unaltered by, and is not varied by, this decision on the section 42 application.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 15 The vision set out in the TAYPlan states that

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Policy 1- Location Priorities

- 16 Focuses the majority of development in the region’s principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2- Shaping Better Quality Places

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

Perth and Kinross Local Development Plan 2014

- 18 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 Within the LDP the site lies within the settlement of Alyth where the following policies are applicable,

Policy PM1A – Placemaking

- 20 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

- 21 All proposals should meet all eight of the placemaking criteria which are:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
 - (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
 - (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
 - (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
 - (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

Policy PM1C – Placemaking

- 22 For larger developments (more than 200 houses or 10 ha) the main aim is to create a sustainable neighbourhood with its own sense of identity. Neighbourhoods should seek to meet the key needs of the residents or businesses within or adjacent to the neighbourhood, i.e. local shopping, recreation, recycling etc. In most cases this will best be achieved by the development of a Masterplan.

Policy PM2 - Design Statements

- 23 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

- 24 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 TA1B - Transport Standards and Accessibility Requirements

- 25 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 RD1 – Residential Areas

- 26 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

Policy RD4: Affordable Housing

- 27 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

Policy CF1A: Open Space Retention and Provision (Existing Areas)

- 28 The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes.

Policy NE1: Environment and Conservation Policies

- 29 Development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that: (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Policy NE3: Biodiversity

- 30 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species. The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development. Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.

Policy EP3C - Water, Environment and Drainage

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

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (April 2016)

- 32 This document sets out the Council's policy in relation to Developer Contributions in relation to Primary Education, A9 Junction Improvement and Transport Infrastructure, as well as Affordable Housing provision.

SITE HISTORY

- 33 A planning in principle application for a residential development on the site was approved by the Development Management Committee in 2013. This planning application essentially seeks the continuation of that permission to allow for extra time for the detailed, specified matters to be progressed.

EXTERNAL CONSULTATIONS

- 34 None undertaken.

INTERNAL COUNCIL CONSULTATIONS

- 35 **Transport Planning** have commented on the proposal and raised no objection in terms of access arrangements or traffic movements.
- 36 **Flooding and Structures** have commented on the proposal and raised no objection in terms of flooding matters.

REPRESENTATIONS

- 37 Eight letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are,

- Contrary to the Development Plan
- Contrary to the LDP 2014
- Adverse impact on existing visual amenity
- Adverse impact on existing residential amenity
- Drainage Implications
- Flooding issues
- Traffic / Access Issues
- Adverse impact on existing wildlife
- Tree loss
- Loss of an existing historic bridge
- No requirement for more housing in the local area

These issues are addressed in the appraisal section of the report.

ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Undertaken. The proposal is <u>not</u> considered to be an EIA development.
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not submitted.
Report on Impact or Potential Impact	Background information submitted by the applicant.

APPRAISAL

- 39 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 40 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Local Development Plan 2014.
- 41 To this end, the determining issue as to whether or not the time period should be extended is ultimately a question of whether or not the policy framework of the Council has materially changed enough for the Council to consider a different recommendation. For reasons stated below, whilst the Council has now adopted its new Local Development Plan, I nevertheless do not consider there to be a material change in Council policy since the determination of the 2013 application took place and the overall themes, aims and aspirations of Council policy have not altered. To this end, I therefore ultimately recommend that this application is approved.

Policy

- 42 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Alyth where *Policy RD1* is directly applicable to new infill opportunities. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 43 *Policy PM1A* is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas, whilst *Policy CF1A* looks to protect areas which have been identified within the LDP Sports Pitches, Parks and Open Space, and recognised the value that these areas of land have to the community for either recreational or amenity purposes.
- 44 For reasons stated below, I consider the proposal to be consistent with the aforementioned policies.

Land Use

- 45 In terms of land use issues, the site has been identified within the LDP settlement boundary of Alyth. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. To this end, I consider the key test of the acceptability (or otherwise) of this proposal in land use terms to be whether or not a residential development on this site would have an adverse impact on the character, density or amenity of the area.

- 46 In terms of the impact on the character of the area, as was the case in 2013, as the site is surrounded by existing housing on two of its three sides is clear that the general character of the surrounding area is a residential one. A suitably designed residential development on this site, reflecting the surrounding house types, layout and densities, would in my view, be perfectly in keeping with the existing, surrounding character of the area and would not in my opinion have an adverse impact on the general character of the surrounding area.
- 47 However, I note that within the representations concerns have been raised regarding impact that the proposal will have on the visual amenity value associated with the openness of the site, which is considered by some objectors to be a key characteristic of the local area, and that its removal would be to the detriment to the general amenity of the area. Although I appreciate the concerns of the local residents, the site is within private ownership and is not operating as a functional area of open space for community use, or even one which is available for unrestricted public use.
- 48 Whilst the historic openness and 'green' appearance of the site undoubtedly has a degree of visual amenity value for the neighbouring residents who overlook it, the lack of functional recreational purposes makes it extremely difficult to make a valid argument for its retention as a private area of open space, particularly as the land in question has not been identified within the Local Development Plan (or its predecessor) as an area of open space which should be retained and / or protected. The current Local Development Plan does explicitly identify areas of both private and public open space within settlements which have a high amenity value and that should be protected, however this site is not one of them.
- 49 In terms of the impact on the density and residential amenity, as this is a planning in principle application no numbers or layout are to be approved as part of this development. Nevertheless, I remain satisfied that a suitably designed development can be achieved which would be in keeping with the existing surrounding building pattern and density, whilst not adversely affecting the residential amenity presently enjoyed by neighbouring residents

Loss of Agricultural Land

- 50 The site is currently used for rough grazing and has previously been occupied by horses. The land in question is not prime agricultural land and to this end, and bearing in mind its physical size, its potential permanent loss does not comprise the functionality of agricultural operations in the local area.

Trees

- 51 Although the majority of the site is grassed, there are a number of trees which align the burn to the north which are within the site's boundaries, as well as a small section of trees on the area to the east of Airlie View. It is expected that the applicant will seek to remove some of the mature trees in both these sections; however I see no reason why the majority of the trees cannot be retained. Whilst I acknowledge that the trees are not prime examples of specimen trees, collectively, they nevertheless have a visual amenity value which should be retained and incorporated into a detailed scheme. It would be expected that a tree survey would accompany any detailed planning application.

Impact on Residential Amenity

- 52 In terms of the potential direct impact on existing residential amenity i.e. overlooking or loss of privacy, I am satisfied that an appropriately designed development can be accommodated on this site which will not compromise existing residential amenity and which would be in line with the Councils standards in terms of separation distances, depth of rear gardens etc.

Impact on Visual Amenity

- 53 As stated previously, the development will have an impact on the visual amenity of the area as it will result in the removal of an existing area of open space. However, subject to a suitability designed detailed submission (which includes the retention of the majority of the existing trees), I am confident that the development can be visually compatible with the existing surrounding area.

Drainage

- 54 Within the representations concerns have been raised regarding the proposed drainage of the site, and the implications that the development will have on existing private drainage systems which are located within the site. The site lies within a publicly sewered area and to this end foul drainage will be connected to the public system. The disposal of surface water arising from the development will be a suitable sustainable urban drainage system (SUDS), which will be assessed in detail with any detailed planning application. With regard to the existing private drainage and water infrastructure which may be located on the site, a standard condition which aims to safeguard and provide the continued operation (or replacement) of existing septic tanks/soakaways and water supplies will be attached to this permission.

Impact on Existing Bridge

- 55 Within the representations concerns regarding the potential removal of an old WW2 bridge have been raised. A small bridge is located within the site at the eastern end of the site, and although it may have some local relevance is not specifically protected in any way. As this structure has the potential to influence the sites potential to flood, its retention (or otherwise) will be fully considered as part of a detailed submission.

Flooding

- 56 The site is adjacent to a small watercourse, which is locally known as the 'Back Burn'. Whilst this watercourse is not identified by SEPA on their flood risk maps, it is the view of the Council that this watercourse does have the potential to affect the northern part of the site with flood waters. However, as the implications of any potential flooding is only likely to affect only a small section of the site (if any), my colleagues in Flooding and Structures are content that this matter can be addressed further at the detailed planning application stage, and I agree with this approach. In terms of surface water run-off, although it is unlikely that the development of the site will affect neighbouring properties due to the natural topography of the site, ensuring that any surface water is satisfactory dealt will be fully considered as part of any detailed submission.

Housing Need

- 57 Within the representations, comments have been made in respect of the number of houses being proposed within the Alyth area, through the various consented developments or proposed sites and / or allocations in the current Local Development Plan. Although this site has not been allocated specifically for housing in either the adopted Local Plan or the proposed Local Development Plan, settlement boundaries are typically drawn in such a way as to allow for additional development opportunities to come forward if they are appropriate, and this position is explicitly stated in the text of the adopted Local Development Plan. The question of whether or not there is a particular market need for new housing in an area is ultimately a question for the developer involved to consider fully prior to starting a detailed building programme. However, I do not consider the perceived slow movement on some other housing sites (which has been suggested in the representations) to be a valid reason for rejecting this proposal.

Roads Issues

- 58 I note that within the representations, considerable concerns have been raised regarding the potential increase in traffic movements on the local roads that this development may generate and the suitability of the means of accessing the site via Airlie View. Whilst the development will inevitably increase the amount of vehicles on the local roads, the local road network is capable of accommodating any increases arising from a circa 20 home development without jeopardising road or pedestrian safety. With regards to the means of access to the site, the applicant has indicated that it is still their intention to have the vehicular access into the site via Arlie View, which is an existing adopted public road with associated footpath, and that this is likely to be the only vehicular access point. My colleagues in Transport Planning consider Airlie View as being suitable for accessing the site, and I have no reason to offer a different view on this matter. In terms of potential connectivity to the existing road/path network, the applicant would have the option of retaining an existing field access onto Loyal Royal to allow movement from the development site by either by foot or cycle, and to provide connectivity to the adjacent core paths and right of ways which run past the site to the west. In any event, the specific details of the means of access (vehicular and otherwise) will be fully considered at a detailed stage, however at this stage I'm confident that a development can be brought forward which will accord with the Council's own Road Standards, those of the National Roads Development Guide and the principles of Designing Streets, and which will not compromise road and pedestrian safety.
- 59 Within the letters of representations reference has been made to other sites which were put forward through the Local Development Plan process, and particularly the Main Issues Report associated with the current adopted Local Plan and which were considered to be unacceptable for various reasons, including (in part) due to the potential additional traffic movements they would generate through the centre of Alyth. The assessment of the suitability of these other sites was undertaken on the assumption that land already within the settlement boundary (such as the site subject of this planning application site) would result in developable windfall sites which would generate some localised, additional traffic movements. The specific allocation of further housing sites would add to those movements, which potentially would be to the detriment of road and pedestrian safety.

Lack of Design Statement

- 60 It is noted that a design statement has not been submitted in relation to this planning application. Whilst *Policy PM2* of the LDP encourages design statement to be submitted for residential sites over 5 dwellings or 0.5 ha, as this is a s42 planning application to amend a time limit condition (effectively seeking a renewal) on an extant planning in principle consent, I do not necessary consider this omission to cause any particular issue.

Impact on Wildlife

- 62 Within the representations some concerns have been raised regarding the potential impact that this proposal will have on the local wildlife. Although there are no known protected species within the site, or within the immediate area, as part of any detailed submission a detailed wildlife habitat survey of the site (including the surrounding trees) will be requested to ensure that no local wildlife is adversely affected by the proposal and mitigation measures (if required) are brought forward.

Impact on Core Paths/Right of Way

- 63 To the west of the site there are a number of core paths and also a right of way, which links to the Cateran Trail. A concern has previously been raised that an increase in traffic along Loyal Road would impact on these routes, however the development of this site will not physically impact on these routes and additional usage of the route generated by this development will most likely be non-vehicular as the main vehicular access is envisaged to be via Airlie Street.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 64 As the site clearly has the potential to be developed for more than 5 dwellings, a standard condition requiring compliance with the Council's policies on Affordable Housing will be attached to the permission.

Transport Infrastructure

- 65 The site lies outwith the catchment area for Transport Contributions, so no contributions in relation to Transport Infrastructure will be required.

Primary Education

- 66 As this is a planning in principle application, a condition requiring compliance with the Council's policies on Primary Education development contributions will be attached to the permission.

ECONOMIC IMPACT

- 67 The proposal will have little direct impact on the local economy, but it would have the potential to have an indirect, positive impact if the occupiers of the new homes choose to use existing facilities / shops in Alyth.

LEGAL AGREEMENTS

- 68 None required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 The principle of a residential development on this site aligns itself positively with the current Local Development Plan, and I consider there to be no reason why a detailed proposal cannot be advanced which takes into account the issues raised within the letters of representation relating to visual impact, residential amenity, access, ecology, drainage and flooding. Ultimately, at this stage in the process there are no material reasons which would justify refusing this planning application and therefore the planning application is recommended for approval.

RECOMMENDATION

A Approve the planning application subject to the following conditions,

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

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

- 2 All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Governments Designing Streets policy.

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

- 3 Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority

Reason - In order to protect existing visual amenity.

- 4 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016)

- 5 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016)

- 6 The numbers of dwellings and layout shown are not approved as part of this consent.

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

- 7 No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any detailed application shall be accompanied by a detailed tree survey carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Reason – In order to protect existing trees from unnecessary removals.

- 8 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In order to safeguard existing drainage / water infrastructure and supplies.

- 9 Further to Condition 1 above, a Flood Risk Assessment (FRA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The FRA shall consider flood risk from all sources and shall be developed in accordance with the relevant technical guidance published by the Scottish Environment Protection Agency (eg Technical Flood Risk Guidance for Stakeholders) and the Council's Flood Risk and Flood Risk Assessment Developer Guidance.

Reason – In order to ensure that the potential for flood risk is fully considered.

- 10 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

Reason – In order to ensure that protected species are adequately protected.

- 11 The asserted right of way/core paths to the west of the site 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 – In order to ensure that the adjacent core paths/right of way are protected during construction and on completion of the development.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan, but there are other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

Background Papers: 8 letters of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 27 December 2016

Nick Brian
Interim Head of Planning

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