

Perth and Kinross Council
Development Management Committee – 19 October 2016
Report of Handling by Interim Head of Planning

Erection of 12 dwellinghouses, garages and associated works at Marlefield Grove,
Tibbermore

Ref. No: 16/01318/FLL
Ward No: N9 - 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 which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The site is located in a rural location at Tibbermore around 3.5 kilometres to the west of Perth with an access through Marlefield Grove to the C410 public road. The site sits to the rear of Marlefield Grove, an existing housing estate comprising detached single storey dwellinghouses. There is a mature hedge along the southern boundary with the existing development and a less substantial field boundary along the northern edge of the site, where it borders farmland. A mature hedge is to the eastern boundary with a post and wire fence to the west. There are open views to the north and west to the surrounding countryside. The site is relatively level and grassed and is part of the historic battlefield of Tippermuir.
- 2 The application is in full and is for 12 detached dwellinghouses in a mix of three styles. A previous application (15/01007/FLL) was refused by the Development Management Committee at its meeting on 14 October 2015 for the following reasons:
 - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1A as the density of the proposed development does not respect the character and amenity of the place. The proposal constitutes overdevelopment of the site.
 - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1B(c) as the density of the proposed development will not complement its surroundings in terms of appearance and height. The proposal constitutes overdevelopment of the site.
 - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, and Designing Streets: A Policy Statement for Scotland, 2010 in that the proposed single internal access road is not compatible with the amenity of the area.
- 3 An appeal against the refusal decision was upheld by a Reporter from the DPEA in March 2016. This new application has been revised to address the concerns of the Reporter and the Development Management Committee.

NATIONAL POLICY AND GUIDANCE

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

Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.
- 6 Of relevance to this application are:
- Paragraphs 74 – 84: Promoting Rural Development
 - Paragraphs 135 – 151: Valuing the Historic Environment
 - Paragraphs 193 - 218: Valuing the Natural Environment

Designing Streets – Scottish Government

- 7 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Policy 3: Managing TAYplan's Assets

- 11 This recognises the importance of cultural and natural heritage and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

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

Policy PM1A - Placemaking

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

Policy PM2 - Design Statements

- 15 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

- 16 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 RD1 - Residential Areas

- 17 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy EP3B - Water, Environment and Drainage

- 18 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

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

Policy HE5 - Protection, Promotion and Interpretation

- 20 Battlefields included on the Inventory of Historic Battlefields will be protected.

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

- 21 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 NE5 - Green Belt

- 22 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

OTHER POLICIES

Developer Contributions August 2014

- 23 Section 4 of this guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

Transport Infrastructure Developer Contributions Supplementary Guidance August 2014

- 24 The Transport Infrastructure Developer Contributions Supplementary Guidance is about facilitating development. It sets out the basis on which Perth and Kinross Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and support the growth of Perth and Kinross. The statutory Supplementary Guidance was adopted in October 2014.

Affordable Housing Supplementary Guidance August 2014

- 25 The Affordable Housing Guide has been produced to give advice and information to all those with an interest in affordable housing, and was adopted as statutory Supplementary Guidance in October 2014.

SITE HISTORY

- 26 97/00978/FUL Erection of a 1.8m timber fence. Application refused by Development Control Committee in December 1997
- 27 05/01933/FUL Erection of 3 dwellinghouses and garages. Application permitted by Development Control Committee in May 2006
- 28 11/00781/FLL Erection of 3 No. dwellinghouses and garages (Renewal of 05/01933/FUL). Application permitted under delegated powers in July 2011.
- 29 12/01510/FLL Erection of a dwellinghouse and detached garage 28 September 2012. Application Withdrawn
- 30 15/01007/FLL Erection of 12 dwellinghouses Land At Marlefield Grove Tibbermore - refused by Development Management Committee in October 2015

CONSULTATIONS

External

- 31 **Scottish Water** – Scottish Water previously did not object but noted that a connection to Scottish Water infrastructure cannot be guaranteed until the appropriate application and technical details are received. As the proposal is for more than 10 units a Development Impact Assessment will need to be submitted.
- 32 **Historic Environment Scotland (HES)** – Previously commented that the proposals do not raise issues of national significance and therefore HES would not object. .
- 33 **Perth And Kinross Heritage Trust** - In respect to the historic environment and the planning process, as outlined by Scottish Planning Policy paragraphs 135-151, the proposed development does not raise issues for the historic environment. No archaeological mitigation is required.

Internal

- 34 **Transport Planning** – No objections to this application subject to conditions being attached including the development being compliant with Roads Standards and the provision of appropriate pedestrian access.

- 35 **Education and Children's Services** - This development falls within the Methven Primary School catchment area. Education & Children's Services currently have no capacity concerns in this catchment area.
- 36 **Contributions Officer** -. No developer contribution is required with regard to primary education provision. A contribution is required with regard to Affordable Housing: £79,500 (3 x £26,500) and Transport Infrastructure: £31,941 (9 x £3,549), £5,325 (3 x £1,775). Total developer contributions of £116,766 is therefore required.
- 37 **Community Waste Advisor - Environment Service** - No objection but proposals will require waste and recycling facilities to Council standards.
- 38 **Biodiversity Officer** – No objection subject to conditions.

REPRESENTATIONS

- 39 There have been three letters of objection lodged which have raised the following issues:-
- Traffic and road safety
 - Drainage and flooding
 - Flooding and surface water drainage – will exacerbate existing problems
 - Lack of neighbour notification
- 40 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report. The comment with regard to neighbour notification has been addressed and clarified separately.

ADDITIONAL STATEMENTS

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Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not submitted
Reports on Impact or Potential Impact	Not Required

APPRAISAL

Policy Appraisal

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 43 The site is located within the settlement boundary for Tibbermore as identified in the LDP. Planning permission has previously been granted to develop an adjacent site to the west and south of the application site, and the LDP introduced a settlement boundary at Tibbermore under Policy RD1 to allow some further development. This policy generally encourages infill residential development at a density that represents the most efficient use of the site while respecting its environs. It is also supportive of proposals that will improve the character and environment of the area.

Economic Impact

- 44 The development of 12 new houses should have some positive economic impact. Although Tibbermore has none of the facilities that one would expect of even a small settlement, there are existing businesses in the vicinity that may benefit from additional residents in the area. There will also be some economic impact during the construction period.

Residential Amenity

- 45 There were objections to the previous application from neighbours concerned with the impact of the development on residential amenity in terms of overlooking. The Reporter also had concerns in this regard. In order to mitigate any potential overlooking of existing residential properties, the two storey properties on plots 12 – 15 have been replaced with single storey properties. The position of the houses within the plots has also been adjusted to create a less regular arrangement.
- 46 The Reporter commented with regard to the bathroom window on house type B, plot 11. It was suggested by the Reporter that a condition could be attached requiring this to be obscure glazed and I have recommended that such a condition be attached.
- 47 I am satisfied that the revised site layout does not cause any concern with matters of residential amenity.

Access

- 48 The proposed access is through Marlefield Grove (an adopted road) to the C410 public road. The Transport Planner does not object subject to a number of conditions including the provision of a pedestrian link from the C410 to the development site and a 1.8m wide footway west along the C410 from the proposed pedestrian access point to tie in with the existing footway. A bus pick up and drop off area along the south side of the C410 opposite the pedestrian access point is also required.

- 49 There are still concerns from residents with the increased volume of traffic that would use Marlefield Grove. However, it is noted that the design includes provision to create a second access to the west should previously approved development proposals on the adjacent site to the west be brought forward. This will hopefully also alleviate the Committee's original concerns about there being only one vehicular access into the development site.
- 50 It has also been suggested by an objector that during construction the site could be accessed using the field access. This is something that would be for the developer to consider and may depend on agreement being reached with any neighbouring land owner. It is not something that can be conditioned as part of this planning application.

Waste collection

- 51 The Council's Waste Advisor has commented on the proposals and requires provision to be made for bin collection and recycling. An Informative note will be added to any permission to ensure that the developer agrees waste collection provision with the Waste Advisor.

Drainage and Flooding

- 52 The site will be served by a private waste water treatment plant. There has been one objection to this application with regard to surface water disposal. The proposals in this regard have not changed since the previous application. Surface water is discharged via a driveway filter treatment together with the roadway culminating in storage attenuation in plots 8-9 before final discharge into the existing outfall northwards across the adjoining field before final discharge to a watercourse. The objector is concerned that the surface water will be discharged through a pipe into the neighbouring field leading to flooding of the adjacent farm land. The objector also suggests that the developer does not have permission to do this although this is more of a legal issue rather a planning matter. Following discussion with the agent I understand that the applicant has been in touch with the objector and that a legal agreement is in place for the development to connect to this existing pipe. The project engineers have also confirmed that the pipe diameter allows for more capacity than required from this development and that the SUDS scheme is designed to prevent excessive amounts of water being drained from the site. From the information supplied I do not consider that the field drainage issue is likely to be problematic and in any event, full drainage details will be required that meet Scottish Water and SEPA design criteria. It is recommended that a condition with regards SUDS provision is attached to any planning permission. An Informative note with regard to Scottish Water's requirements will also be attached to any permission.

Design/Layout

- 53 The proposal is for 12 detached dwellinghouses comprising a mix of single and two storey properties. The houses will be finished with a slate roof, timber windows and doors and rendered walls with stone base course. There is also some limited stone facing mainly on the single storey properties.

- 54 There were previously concerns that the proposed design was out of keeping with the existing development and that consideration should be given to positioning the houses in a more random fashion so that they do not have such a regimented look.
- 55 The Committee refused the application citing placemaking policies PM1A and PM1B(c) as it considered that the proposed development did not respect the character and amenity of the place and that the proposal constitutes overdevelopment of the site. Furthermore they considered that the proposal was contrary to the LDP Policy PM1B(c) as the density of the proposed development would not complement its surroundings in terms of appearance and height. However the Reporter did not have such concerns and considered that the development style and materials was consistent with others in the locality. The Reporter concluded that the proposal would not be inconsistent with, or harmful to, the character of the locality in terms of appearance, height, scale, massing, materials, finishes or colours. As a consequence, there would be no conflict with policy PM1B(c) of the LDP, which seeks to ensure that new development complements its surroundings in these respects.
- 56 The Reporter further considered that the 12 dwellings proposed would give rise to a residential density higher than that of the existing Marlefield Grove development, but not to a significant extent. Plot sizes would not be significantly different from those in the Tibbermore settlement as a whole. In conclusion the Reporter stated that the proposed development would not conflict with the provisions of policy PM1A with regard to density, and would not result in an unacceptable overdevelopment of the site.
- 57 Since the Reporter's decision the layout has been revised and now has a more random appearance, which is more reflective of the existing housing in the area. The plot sizes are the same as previously submitted.

Landscaping and visual impact

- 58 The site is within a settlement boundary bordering the Green Belt. There is an existing mature hedge to the east of the site which would help to screen that side of the development. The northern boundary with the Green Belt is currently relatively open. The site plans show a post and wire fence and random tree planting within the plots. Whilst any development on this site is going to be relatively visible from the surrounding area this can be mitigated with appropriate landscaping. Further details of landscaping will be required by condition on any permission.

Biodiversity

- 59 The Biodiversity Officer notes that as the proposal involves the development of a greenfield site in a rural location there is a higher possibility that animals could occasionally be present in the site of the proposals. There is no requirement for a full ecological impact assessment of the site however conditions are recommended to limit the potential to harm wildlife.

Impact on cultural heritage

- 60 The proposed dwellinghouses are located within the site of the Battle of Tippermuir (01 September 1644). Historic Environment Scotland and the Perth and Kinross Heritage Trust have both been consulted but do not raise any concerns with regard to this.

DEVELOPER CONTRIBUTIONS

Primary Education

- 61 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Methven Primary School.
- 62 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contribution is required with regard to primary education provision.

Transport Infrastructure

- 63 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires 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. This site is within the full contribution area and will require a contribution of £3,549 per unit.

Affordable Housing

- 64 In line with Council's Affordable Housing Policy 25% of the total number of houses, above a threshold of 5 units, is to be in the form of affordable housing.
- 65 The affordable housing requirement for this development is therefore 3 units (12 x 0.25). A commuted sum payment will be accepted in lieu of on-site provision. The commuted sum for the Perth HMA is £26,500 per unit. In this case a commuted sum is appropriate.

Total Contributions

- 66 The following developer contributions are required should planning permission be approved.

Affordable Housing: £79,500 (3 x £26,500)

Education: £0

Transport Infrastructure: £31,941 (9 x £3,549)

£5,325 (3 x £1,775)

Total: £116,766

LEGAL AGREEMENTS

- 67 It is likely that a section 75 legal agreement will be required if the applicant chooses to defer payment of the required developer contributions.

DIRECTION BY SCOTTISH MINISTERS

- 68 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 69 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

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

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the further approval of the Council as Planning Authority. The scheme as approved shall be implemented prior to the completion or bringing into use of the development.

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further approval of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 4 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

- 5 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development unless otherwise agreed in writing with this Planning Authority and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

- 7 Prior to the occupation of the first house, 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 interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8 Prior to the occupation of the first house, a pedestrian link from the C410 to the development site shall be provided to the standards required by the Council as Roads Authority.

Reason - In the interests of road safety.

- 9 Prior to the occupation of the first house, a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the C410 from the proposed pedestrian access point west to tie in with the existing footway.

Reason - In the interests of road safety.

- 10 Prior to the occupation of the first house a 'Pick up and drop off' area for school children / bus passengers shall be provided on the south side of the C410 opposite the pedestrian access point to the site. The area shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

Reason - In the interests of road safety.

- 11 Prior to the occupation of the first house, a street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed with the Council as Planning Authority.

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

- 12 Prior to the occupation of the house on plot 11 the rear bathroom window shall be finished in obscure glazing.

Reason - In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

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

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

- 14 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should 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.

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

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

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 No work shall be commenced until an application for a building warrant has been submitted and approved.

- 5 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste. It is recommended that the developer contact the Community Waste Team to discuss waste requirements for this site.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant should be 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.
- 8 The developer is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets and is advised to note the contents of comments made on this planning application dated 30 September 2015. Scottish Water reference: 724991. If the developer requires any further assistance or information with regard to this planning application please contact Anne MacNeil on 0141 414 7660 or alternatively additional information is available on the Scottish Water website: www.scottishwater.co.uk
- 9 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Background Papers: 3 letters of representation.
Contact Officer: Persephone Beer – Ext 75354
Date: 29 September 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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