

Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/217)

PROPOSAL: Erection of 75 dwellinghouses and associated works (changes to house type/layout on plots 0024 - 0091 of permission 15/01109/FLM)

LOCATION: Land at Bertha Park, Perth

Ref. No: [20/01180/FLM](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval of this application for 75 dwellinghouses and associated works at Bertha Park. The site forms part of the allocated site Mu345 – Bertha Park, within the Perth and Kinross Local Development Plan 2 (2019) which is identified for mixed use development.

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.

All subject to conclusion of a legal agreement or other mechanism which appropriately controls developer contributions in the context of the wider Bertha Park development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Bertha Park, identified as site MU345 LDP (2) in LDP2, is located to the north-west of Perth. The application site itself relates to a 1.72 Ha parcel within Bertha Park. A 95 Ha site, including the extents of the current application, saw detailed planning permission approved in December 2016 for 1,061 dwellings (Ref: 15/01109/FLM). Within that 2016 approval the current proposals relate to the area accommodating 'plots 0024-0091', referred to as part of the 'East Village' character area. It is noted that construction of Phase 1 of the 2016 permission is ongoing, with over 150 housing units now completed and occupied, alongside commercial units and Bertha Park High School to the south.
- 2 The proposal now seeks to increase number of approved dwellings within the site from 68 (flats and dwelling houses) to 75 (all dwelling houses). Importantly, the mix of dwelling types would differ from that of the approved scheme, with the 5 blocks of flats (each containing 4 units – a total of 20 units) deleted along with the 17 detached dwelling houses. The remainder of the approved mix comprising terraced (7) and semi-detached (24) properties.

- 3 The unit numbers and tenure mix now proposed (private rental sector), includes:

- 22 x 2-bedroom terraced dwellinghouses
- 49 x 3-bedroom semi/terraced dwellinghouses
- 4 x 4-bedroom semi/terraced dwellinghouses

Infrastructure proposed:

- Pocket park (circa 550sqm)
- Local Streets (4.1m wide)
- Footpath/cycleway (3m wide)

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 An EIA screening exercise (20/01367/SCRN) was carried out related to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not prepared, with the extant permission identifying what was of environmental significance (or not) and addressed via a suite of mitigations. An overview of the relevant matters is contained in the submitted planning statement.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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

- 7 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.

- 8 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
 - 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

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 11 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.

National Roads Development Guide 2014

- 12 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

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

TAYPlan Strategic Development Plan 2016-2036

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

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

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 16 The Perth and Kinross LDP 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Archaeology
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated Land and Unstable Land
- Policy 60: Transport and Accessibility Requirements

LDP 2019 Allocation – Site Reference MU345

- 17 The overall MU345 allocation is some 178 ha, allowing for circa 3000 dwellings and in excess of 25 ha of employment land and community facilities. The stated Site-Specific Developer Requirements are set out in the Planning Permission in Principle (PPP), clarifying that future development proposals therein require to align with: the approved planning permissions, masterplan and S75 obligations. In addition, proposals should not result in adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation (SAC).

SITE HISTORY

- 18 [14/00001/PAN](#): A Proposal of Application Notice (PoAN) relating to a proposed housing development was considered sufficient on 10 February 2014.
- 19 14/01767/SCOP: A Scoping Opinion relating to a proposed housing development saw the scope of the Environmental Statement agreed via a Scoping Report issued on 24 November 2014.
- 20 [15/01109/FLM](#): Saw detailed planning permission issued for erection of residential units, commercial units (Use Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works. There is an associated S75 legal agreement.
- 21 [15/01112/IPM](#): Planning Permission in Principle was also issued on 12 December 2016 for a residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle). Again, there is an associated S75 legal agreement.
- 22 [18/01800/IPM](#): An application to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM was approved on 25 September 2019, following the registration of the associated modified S75 (see below).
- 23 19/00918/MPO: This application saw a modification of the S75 associated with permission 15/01112/IPM approved on 30 July 2019.
- 24 [19/00552/FLM](#): An application to modify condition 11 (sustainable construction) of planning permission 15/01109/FLM was approved on 4 July 2019).
- 25 19/02026/SCRN: A Screening Opinion, related to the erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM) advised that no EIA Report was required on 31 March 2020 (EIA not required).
- 26 [19/01900/FLM](#): An application for the erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM) was withdrawn on 30 June 2020.

- 27 20/01367/SCRN: A second Screening Opinion, relating to the erection of 75 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM advised that no EIA Report was required on 30 October 2020.

CONSULTATIONS

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

External

- 29 **Luncarty, Redgorton and Moneydie Community Council** – No comments made.
- 30 **NHS/HSCP** – No comments made.
- 31 **Perth and Kinross Heritage Trust** – No objection. Confirm no archaeological mitigation required.
- 32 **Scottish Environment Protection Agency** – No objection. Advise that this position is based on the background information submitted with the application and the previous planning permission relating to the site.
- 33 **Scottish Water** – No objection.

Internal

- 34 **Strategy and Policy (LDP Team)** – No objection. Note the reduction in numbers and improvements made from the previous submission (Ref: 19/01900/FLM), such that the proposals satisfy placemaking policy objectives.
- 35 **Development Negotiations Officer** – No objection, confirm contribution requirements are identified and secured through the extant S75 obligations where applicable.
- 36 **Transport Planning** – No objection. Advise that the standards achieved are consistent with the general layout parameters of the extant permission.
- 37 **Environmental Health (Contaminated Land)** – No objection. Note that this is an early phase of the wider Bertha Park development and that site investigations have been carried out and no concerns were identified in relation to ground contamination.
- 38 **Environmental Health (Noise Odour)** – No objection. Advise that the proposals would not have any significant impact on air quality or noise from that associated to permission 15/0110/FLM.
- 39 **Community Waste Advisor** – No comments. However, Transport Planning have accepted the swept path analysis for refuse vehicles.

40 **Biodiversity/Tree Officer** – No objection. Request bat roost and bird nest provision is secured via condition.

41 **Community Greenspace** – No comments.

REPRESENTATIONS

42 None.

ADDITIONAL STATEMENTS

43	Screening Opinion	Undertaken (ref. 20/01367/SCRN)
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	None submitted. Sufficient information previously provided (in support of application 15/01109/FLM)

APPRAISAL

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

45 As is clear, the principle of residential development on this site has already been approved and continues to be acceptable in terms of Development Plan strategy. This application seeks to change the detail of the residential development proposed, including: increased dwelling numbers, revised house types, and plot layout changes. The general road layout and open space configuration remains similar to the extant permission, only it is now to serve more dwellings and sees amendments to car parking locations and arrangements.

46 The existing approval is for 68 dwellings across the site, whereas 75 dwellings are now proposed, and unlike the 2016 approval no flatted or detached dwellings are proposed.

47 An earlier application (19/01900/FLM) for 82 dwellings was withdrawn, following various concerns, such as insufficient garden ground, as required by the Council's Placemaking Supplementary Guidance (a minimum of 60m² for a 1-2

bedroomed houses and 80m² for 3+ bedrooms and a minimum garden depth of 9m). To explore the concerns and identify options a placemaking workshop took place with the applicants prior to this revised application. Following submission an internal workshop was also undertaken, with further improvements identified and sought during the application processing, resulting in the current layout now presented.

- 48 The final and amended proposals provide a high proportion of parking within off-street courtyards, which significantly helps improve the visual amenity of the streetscape. The northern street corner sees the most on-street parking; however, structural planting has been secured to mitigate the streetscape impacts of this arrangement.
- 49 Whilst the principle of residential development is already established, detailed consideration of the submission requires further review of:
- the density and mix;
 - private amenity space provision;
 - open space, including landscaping and boundary treatment;
 - car parking provision; and
 - general layout in placemaking terms.

Design and Layout

- 50 The layout previously proposed in application 19/01900/FLM saw streets heavily dominated by car parking, rather than more discreet provision within courts – as was the arrangement in the 2016 permission. There was also a dilution of some of the landscaping across the site. These issues, through negotiation, have seen the current proposals evolve to a design which includes: a reduction from 83 to 75 units, which provides: adequate garden ground, increased courtyard parking, and improved landscaping. As such the proposals are now considered satisfactory in design and layout grounds, fulfilling the amenity and placemaking standards as required of LDP2 policy, as supported by Supplementary Guidance.
- 51 The 75 dwellings within 1.72 Ha equates to an average density of 44 dwellings per Ha. This is a relatively high density, if considered in isolation at an ‘edge of settlement location’, but is similar to the density previously approved – although that included flatted properties. In the wider context the location is just off the ‘core area’, near a local commercial block and the High School, with the original ‘pocket park’ retained within the site layout; providing dedicated local public open space and opportunities for people to congregate for amenity purposes. Taking this all together the density is considered appropriate.
- 52 There are a number of terraced properties and these can often provide and form an appropriate urban context; particularly through the opportunity and ability to provide strong, attractive street frontages and a higher net density. In this sense, terraced rows and the way they are set out is considered appropriate at this location. These proposed house types are modest in form, with frontages narrower than 6 metres and are acknowledged to limit scope for special needs housing occupation. It is however accepted that the proposed

tenure is for the low-cost private rental market and that there is adequate scope to accommodate properties more suited to special needs across the wider Bertha Park site. As such, it is not felt appropriate to consider these proposals in isolation, but within that wider context of Bertha Park.

- 53 The proposed architectural style and material palate is also considered appropriate and consistent with nearby completed and approved development, including that of Bertha Park High School.

Residential Amenity

- 54 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. Analysis has found no concerns in relation to either, other than potential for noise associated with any mechanical ventilation and heat pump technology, which could be adequately controlled by condition (Condition 5).

Private Amenity Space

- 55 As mentioned above, it is considered important that all dwellings have adequate private garden ground and, in this respect, the proposed layout is consistent with the SG, indeed there is a healthy range of garden sizes, all exceeding the minimum standards and some up to or exceeding 130m².

Overlooking

- 56 The house designs and orientation would not result in overlooking to neighbouring properties, consistently maintaining a minimum 18 metre window-to-window separation at the rear.

Overshadowing, loss of sunlight and daylight.

- 57 A reasonable level of daylight and sunlight is also maintained for all properties and the extent of overshadowing between properties is considered acceptable.

Landscape and Visual Amenity

- 58 LDP2 Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy, and 42: Green Infrastructure, are all relevant considerations in relation to landscape and visual amenity.
- 59 Detailed landscape plans provided in support of the application specify: plant species, volumes and boundary treatment, and support of the wider approved landscape framework. The landscaping proposals also include some recommendations and species selected from the Council's open space guidance. Particularly, of the seven specimen trees identified, two are native to Scotland, with others adding landscape and amenity value. However, increasing native species provision is encouraged and is considered appropriate to pursue this further (Condition 7).

- 60 At the western edge of the application site, a wide path connects to a treed avenue between two 4-unit terraced blocks. A minor update of the layout was incorporated, identifying two parallel paths serving the dwellings, rationalising the individual paths to the 8 properties, which initially saw each cut across this area of public space. This revision is considered to improve the link to car parking areas and increases the green area, whilst also better distinguishing the area as being public space, rather than confusing it as private, an aim identified in the Councils 'Open Space Supplementary Guidance'.
- 61 Overall street planting, public open spaces and private garden grounds provide different functions and although complementary but not a replacement for one another. In this case the balance and allocation of the different open space elements and planting proposals proposed are considered satisfactory. Particularly the general allocation of public open space remains consistent with that of the extant permission, complying with LDP2 policy.

Roads and Access

- 62 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the number of parking spaces identified (169 – 2 per unit (150), plus 19 for visitors) is acceptable, with the general road layout consistent with that of the extant permission. There are therefore no implications regarding traffic and road safety resulting and thus the proposals are considered to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 63 The drainage proposals and flood risk remain consistent with that of planning permission 15/01109/FLM and is not considered to depart or materially change through this current proposal. It is recommended that any approval of the application should re-apply planning conditions relating to flooding and drainage elements, addressing LDP2 Policies 52 and 53.

Energy and Low Carbon Technology

- 64 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% energy requirements through renewable technologies. The supporting planning statement suggests the proposed development will continue to work towards achieving 'silver standard' building warrants. This does not however ensure that the 10% delivered through renewable energy technology as required by Policy 32 is secured. Control is therefore recommended through a suspensive condition (Condition 4).

Waste Collection

- 65 The waste collection arrangements have not been specified in the plans, such that it can be confirmed that suitable provision will be provided for required kerbside waste and recycling services. However, considering the layout remains similar to that of the extant permission, which was appropriate in that regard, this matter could be covered by an informative (10).

Natural Heritage and Biodiversity

- 66 LDP Policy 38A - Environment and Conservation: International Nature Conservation Sites, requires consideration of the possible impacts of development on internationally protected sites, which is further set out in LDP2 against designation MU345.
- 67 On that issue, it is generally considered that there will be no significant additional impact on the biodiversity as a result of the development, in comparison to extant permission 15/01109/FLM. A review of the updated, detailed landscaping proposals identifies generally appropriate species choice and improved connectivity, both within the site itself and along the perimeter.
- 68 In addition measures to enhance biodiversity through bat roosting and bird nesting, opportunities have been identified by the Council's Biodiversity Officer. Particularly, there are records of tree and house sparrows at the site (both a conservation concern) along with scope for swift and house martins. Conditions requiring that bat and bird accommodation be provided across 25% of the two storey properties is therefore recommended, in order to secure appropriate and proportionate biodiversity enhancement measures (Condition 9 and 10).

Developer Contributions

- 69 LDP2 Policy 5 - Infrastructure Contributions, requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 70 In this sense the Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing the site, providing the development proceeds in its current form and aligned with the information on the tenure delivery model and viability information. It is recommended that further assurances are secured from the applicant whether through a modification of the S75 or alternative mechanism to protect the Council's interests.

Affordable Housing

- 71 The planning statement submitted indicates that the fact that the proposals are to be operated as centrally managed private sector rental properties and that this should in itself be seen as an affordable housing option. However, this type of housing provision is not identified in the accepted definition of 'affordable housing'. On this issue the Service Manager: Planning and Housing Strategy advises that the encouragement of the volume market rented housing sector is a national priority but is under represented in Perth & Kinross. He further advises that this tenure is an essential element of the overall housing mix such that there is access within the overall market to a range of tenures. However, it has long been recognised that the viability of this tenure, given the relatively low local private rent levels within P&K, is marginal. In this regard, it is advised that viability information for this development has been provided and demonstrates that the development would not progress without a degree of flexibility in the

application of the Council's Developer Contributions and Affordable Housing Supplementary Guidance. The anticipated rental levels are likely to be marginally above that which would meet the Scottish Government's definition of affordable housing. On balance and in order to encourage delivery of this key and currently unrepresented sector with the P&K housing market, it is proposed not to require that the proposals meet with the definition within the LDP2 definition of 'affordable housing' in terms of Policy 20: Affordable Housing and the associated Supplementary Guidance. This application takes an innovative and flexible approach to address deliverability based on housing need. The development will be assessed as if it was delivering 75 affordable housing units and count towards the overall requirement for Bertha Park (Mu345). This is based on the information available in relation to this application, particularly that in relation to viability, and is not considered to set a general precedent as to how other market rental developments or housing more generally will be considered, in that they would also be subject to their own viability assessments and require to account for the wider context of all relevant material considerations. It is these considerations which will be clarified in the review of the S75 or other suitable mechanism.

Economic Impact

- 72 The impact to the local economy both during construction and occupation is anticipated to be moderate through additional available expenditure on local facilities and services.

Conditions

- 73 As the development comprises part of a larger strategic application site (15/01109/FLM), all relevant conditional matters therein are proposed to be reiterated and attached to any planning permission, along with any new conditional requirements.

Summary

- 74 The proposed layout, re-design and the associated increase in dwelling unit numbers from the previous permission is now considered satisfactory. The layout as submitted for the 75 dwelling units meets the Perth and Kinross Placemaking Supplementary Guidance minimum garden ground sizes for 2 and 3 plus bedroom dwelling houses. In comparing to the extant permission, which included five blocks of affordable flats, the overall density achieved across the site is similar. The terraced layout element proposed is also considered appropriate within the wider context of the approved Bertha Park development.

LEGAL AGREEMENTS

- 75 The proposal is considered acceptable subject to conclusion of either a modification of the extant legal agreement or other mechanism which appropriately controls developer contributions in the context of the wider Bertha Park development.

DIRECTION BY SCOTTISH MINISTERS

- 76 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

- 77 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 2016 and the majority of the adopted Local Development Plan 2 (2019). Account has been taken of material considerations and none have been found that would justify refusal of the application. On balance it is considered that the slight departure from Policy 20: Affordable Housing, can be justified in order to see delivery of this key and currently unrepresented sector with the P&K housing market and also having regard to the viability considerations of the proposed development. On this basis the application is recommended for approval, subject to conditions and the conclusion of a review of the S75 legal agreement or control through another suitable mechanism.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 The foul drainage shall be drained to a mains sewerage system.

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

- 3 Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

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

- 4 Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability and in accordance with Policy 32 of LDP (2).

- 5 In association with condition 5, noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 6 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason: In the interest of protecting environmental quality and existing residential amenity.

- 7 Prior to the commencement of the development hereby approved, further detail (to include optimum numbers of native species) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council

as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed no later than the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 8 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 9 Prior to the commencement of development hereby approved, details of the location and specification of bird nesting bricks or boxes (25% of all two storey-dwellings must include a bird nesting brick or box) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

- 10 Prior to the commencement of development hereby approved, details of the location and specification of the required bat brick(s) or bat nest box(s) (25% of two storey-dwellings to include a bat brick, tube or box) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

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

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 Applications for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant should be 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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 8 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01109/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
- 9 The applicant is advised to take note of Scottish Water response (dated 23 September).
- 10 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.

Background Papers: 0 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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