

Perth and Kinross Council
Planning & Development Management Committee – 4 July 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/230)

PROPOSAL: Formation of access road, turning head, soakaway, installation of LPG tanks and associated works

LOCATION: Land 110 Metres South East of Beaufield, Balado

Ref. No: 18/00540/FLL
Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the formation of an access road, turning head, soakaway, installation of LPG tanks and associated works on land south east of Beaufield, Balado. The proposals relate to a site with extant planning permission for the construction of 8 dwellinghouses (16/00996/FLL). The proposals solely relate to the formation of the road and the associated infrastructure.
- 2 Planning permission for the overall development of 8 dwellinghouses was approved by the Development Management Committee at a meeting on 14 September 2016 (16/00996/FLL) and the consent was issued on 27 September 2017 following conclusion of a section 75 legal agreement for the deferred payment of developer contributions.
- 3 An further application (17/00295/FLL for the access road, LPG tanks and associated works was refused by the Development Management Committee on 2 August 2017. The reasons for refusal related solely to the potential impact of the development on a private water supply which provides local homes with potable water. The current application is a re-submission of that proposal for the access road, LPG tanks and associated works and seeks to address the reasons for refusal.

NATIONAL POLICY AND GUIDANCE

- 4 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.

Scottish Planning Policy 2014

- 5 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.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 7 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

Designing Streets 2010

- 8 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

- 9 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

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 11 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:
- 12 *“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.”*

Perth and Kinross Local Development Plan 2014

- 13 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary

Policy PM1A - Placemaking

- 15 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

- 16 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 17 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

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy EP3B - Water, Environment and Drainage

- 19 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 EP7A - Drainage within the Loch Leven Catchment

- 20 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

- 21 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment

- 22 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy TA1A - Transport Standards and Accessibility Requirements

- 23 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 24 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 25 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 26 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 27 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

SITE HISTORY

- 28 13/01379/FLL Erection of 8no dwellings with associated access road, parking bays, turning areas and drainage arrangements. Application refused at the Development Management Committee on 14 October 2015. An appeal to the DPEA (PPA-340-2099) was dismissed on 23 March 2016.
- 29 16/00996/FLL Erection of 8no dwellings and associated works. Application approved at the Development Management Committee on 14 September 2016. Decision Notice issued on 27 September 2017 following conclusion of a section 75 legal agreement.
- 30 17/00295/FLL Formation of access road, turning head, soakaway, installation of LPG tanks and associated works. Application refused by Development Management Committee on 2 August 2017.

CONSULTATIONS

EXTERNAL

31 Scottish Environment Protection Agency

Previously objected on grounds of lack of information on potential impacts to potable (drinking and cooking) water supplied by a local private water supply. This application has addressed SEPA's concerns and SEPA does not object. The applicant would require a CAR Licence from SEPA.

32 Kinross Community Council (KCC)

- Contrary to proposed Local Development Plan2 (LDP2). Application site is outwith the settlement boundary in the LDP2 which KCC considers to now be a material consideration.
- Contrary to policy EP3B of Local Development Plan 2014. Risk of contamination of private water supply due to proximity of private water supply to foul soakaway.
- Waste management – road will not be adoptable and no realistic provision has been made for the removal of refuse from the site.
- Traffic and road safety – increase in traffic on a road that has no pavement and no lighting.

INTERNAL

Environmental Health - Contaminated Land

- 33 No objection. A search of historical maps held by this Service has not shown any previous contaminative uses of the site.

Environmental Health (Private Water)

- 34 No objection subject to condition with regard to private water supply.

Transport Planning

- 35 No objection.

Flooding and Structures

- 36 No Objection. Notes that unless the road is adopted the maintenance of surface water drainage will be the responsibility of residents, not the Council. Further information is required on the suitability of the soakaways.

REPRESENTATIONS

- 37 The following points were raised in the representations received:
- Extent of neighbour notification
 - Status of existing consent (16/00996/FLL)
 - Contrary to Local Development Plan
 - Contrary to Local Development Plan2
 - Waste management and bin provision – issues with private road.
 - Residential amenity – disturbance and overlooking
 - Visual amenity
 - SUDS and flood risk
 - Requirement for mains drainage
 - Traffic and road safety – traffic increase, lack of pavements in village
 - Impact on trees
 - Impact on private water supply
- 38 The cost of maintenance of the private road was raised but this is not a material planning consideration. The other issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

39

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

APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 41 The site is located within the Balado settlement boundary as defined in the LDP and the site has extant consent for 8 dwellinghouses (16/00996/FLL). However, although LDP2 identifies the site as being outwith the settlement boundary,

nevertheless, the extant planning permission is a significant material consideration and carries greater weight at this stage than LDP2.

- 42 The site is within the Loch Leven Catchment area and as such must satisfy the requirements of the policy with regard to phosphorus mitigation.
- 43 Policy EP3B Water, Environment and Drainage seeks to ensure that any private drainage proposal does not have an adverse impact on the amenity of the area. There were previously concerns that the foul soakaway may impact on a private water supply. For reasons set out elsewhere in this report it is considered that the proposals would not impact on the private supply.

Procedure

- 44 A comment was received with regard to neighbour notification stating that 4 The Nurseries was missed from the notification and that the same neighbours should be notified as for 16/00996/FLL for the eight houses. I would note that the site boundary for this current application is smaller and 4 The Nurseries is outwith the neighbour notification buffer.
- 45 A comment has also been received as to what happens to permission 16/00996/FLL if this application is refused. In this case permission 16/00996/FLL, as an extant consent, could be implemented in its own right.

Design and Layout

- 46 The proposal is for the formation of an access road, turning head, soakaway, installation of LPG tanks and associated works. The access road proposed will measure 4.8 metres wide from the junction with the public road to the bend by the house, Villa Conde. It will then be 4.1 metres wide in front of the four existing houses. The section within the new development will be 4.8 metres wide. This is a change to the approved scheme (16/00996/FLL) for the eight houses which showed the whole length of road to be 5 metres wide.
- 47 The change has been proposed to address concerns of neighbours who had not wished to see any reduction in the extent of the existing grassed areas to the front of their properties. This re-designed road will be less disruptive to the existing householders than the original scheme and still ensure that the road is built to adoptable standards.
- 48 When this proposal was previously considered by The Development Management Committee there was a legal challenge in progress brought by householders against the applicant with regard to the servitude rights of access that exist over this land. Whilst such legal issues are generally outwith the remit of the planning system the ongoing legal dispute did place the implementation of the development under some doubt. However it should be noted that in this case the Sheriff ruled in favour of the applicant who has the right to construct the road and widen it, if required by the Council.

- 49 The current proposal also includes the installation of LPG tanks and the formation of a foul soakaway. The LPG tanks are situated in the north eastern part of the site to the east of a proposed turning head. The two proposed tanks will be buried with the area fenced off with a 1.2m timber fence. The foul soakaway is to the north west of the turning area.
- 50 The proposals do not significantly change what has previously been permitted under application 16/00996/FLL and area and impact are considered to be acceptable.

Landscape

- 51 The associated permission (16/00996/FLL) includes details of proposed landscaping in relation to the associated dwellinghouses. There will be no adverse impact on the proposed landscaping as part of this application. There has been some concern from neighbours that existing trees along the access road will be affected by the works. The related proposals include provision for tree protection measures around existing trees on the access road. A condition will be attached to this consent requiring tree protection measures to be in place prior to commencement of development (Condition 6).

Residential Amenity

- 52 Letters of representation highlight concern that the proposed road will impact on the amenity of existing householders due to additional traffic. I would note that this proposal is primarily for the access road and will result in no more additional traffic than would be generated by the previously approved permission 16/00996/FLL.
- 53 There are also concerns with disturbance and overlooking. It is accepted that there will be some disturbance to householders whilst building works are undertaken. However the proposal is for changes to the road and associated works and therefore there will not be any resultant overlooking issues.

Visual Amenity

- 54 There will be minimal change to the visual impact of the proposal given that the change primarily relates to a slight reduction in road width as opposed to that approved in the overall scheme.

Roads and Access

- 55 The Council's Transport Planner does not object to the proposals. There have been objections from neighbours with regard to the proposal for the road with regard to additional traffic, road safety, and inclusion of filter drains and service strips along the road.
- 56 As the proposals seek to minimise impact on existing properties by proposing to reduce the road width from the consented 4.8 metres to 4.1 metres over a short section in front of the existing properties then there will be minimal impact.

The proposal will not generate traffic beyond that which has already been consented as part of permission 16/0099f/FLL. There is no increase in the number of dwellings as part of this application. The road will be constructed to adoptable standards (condition 2 and informative note 5) which will ensure it is appropriately designed in terms of road safety.

Drainage and Flooding

- 57 This application includes provision of a shared private foul soakaway to the north of the site for the indirect discharge of sewage from eight new dwellinghouses to groundwater. A private water supply well for 3 properties at Middle Balado is located about 160m north-east from the proposed soakaway location.
- 58 SEPA had previously objected to the proposals due to potential impact on existing private water supplies. This issue has been resolved in this application with SEPA noting that the assessment shows that groundwater flow from this development is away from the Private Water Supply (PWS) and that this development will not impact on the PWS. The borehole logs also indicate that there is sufficient depth to groundwater to allow for the installation of a soakaway in this location.
- 59 In addition, SEPA considers the proposals for the mitigating property for phosphate mitigation to be acceptable (Condition 3)
- 60 The Council's private water team was also consulted and notes that the risk assessment accompanying the application indicates that there will be no impact from the development on the private water supply some 160m north east of the development site. SEPA has withdrawn their objection to the application as they assess that there will be no adverse impact on this private water supply. To maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance a condition and informative note is requested (Condition 11 and Informative Note 11).
- 61 A CAR Licence will be required for the proposals which will be included as a condition on any permission (Condition 4).

Sustainable Urban Drainage System (SUDS)

- 62 The proposals include surface water drainage. The Council's Flood Officer notes that as the site falls within the 1 in 200 SEPA surface water map further information on the suitability of the soakaways are needed to ensure they can cope with the current inundation of water including the increased development run-off. This issue has been considered in detail through conditions on the related permission (16/00996/FLL). A condition will be attached to this permission to ensure surface water drainage is acceptable and accords with the related permission (Conditions 8 and 9).

Waste Collection

- 63 The related application for the eight dwellings indicates that waste and recycling bins will be stored within the plot curtilages. There have been objections with regard to waste collection due to the existing householders not wishing to see the road adopted. If the road is not adopted bin collection is likely to be from the road end unless householders agree to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle (Informative Note 8).

Natural Heritage and Biodiversity

- 64 There will be no additional impact on biodiversity or natural heritage as a result of these proposals for changes to the design of the road and associated works. A condition to prevent animals being trapped in open excavations will be attached to accord with the related consent 16/00996/FLL (Condition 7). An informative note (7) will be attached with regard to the potential for nesting birds on the site.

Developer Contributions

- 65 Developer contributions have been applied to the associated planning permission for the eight houses (16/00996/FLL. A section 75 agreement has been entered into with regard payment of these. This application does not affect this section 75 agreement requiring payment of developer contributions.

Economic Impact

- 66 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS

- 67 No legal agreement is required in relation to this application.

DIRECTION BY SCOTTISH MINISTERS

- 68 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

- 69 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan and that insufficient weight can be given to the LDP2 at this stage.

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

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 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

- 3 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

(a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at Beaufield, Middle Balado and Gardener's Cottage, Turfhill has been installed.

(b) Following the installation of the foul drainage infrastructure at the remote property/properties, the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed unless otherwise agreed in writing with the Council as Planning Authority.

For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 4 Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7A, B & C: Drainage within the Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 5 All plant or 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

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

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

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

Reason - In 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).

- 8 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate

source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

- 9 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 10 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'. Details of the lighting system shall be submitted and agreed with the Council as Planning Authority prior to commencement of work.

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

- 11 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 development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure existing water and drainage infrastructures are not compromised.

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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant should note SEPA's regulatory requirements:

Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:

SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RX, Tel: 01738 627989

- 7 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

- 8 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.
- 9 Public Roads are maintained by the Council, Private Roads are the responsibility of usually the owner. There is still a right of public passage along a private road and it can be used by any individual.
- 10 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 11 The developer should take account of PKC Flooding and Flood Risk Guidance Document (June 2014)

Background Papers: 9 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 21 June 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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