

Perth and Kinross Council  
Planning & Development Management Committee – 13 April 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/73)

<b>PROPOSAL:</b>	S42 Application to modify condition 4 (hours of operation for construction) of permission 18/01890/FLM
<b>LOCATION:</b>	Land at Wester Tomaknock, Crieff

Ref. No: [21/02270/FLM](#)  
Ward No: P6- Strathearn

### 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. The planning application site extends to an area of 8.72 hectares (ha) of agricultural land on the eastern edge of Crieff. The site is undulating, sloping from north to the lower levels in the south. There is a clear central elevated knoll where the original farmhouse and farm buildings existed until recently, with the inert building materials still in situ. A small rural building (known as Tomaknock) sits immediately to the east of the site, with the residential area of Richie Place to the west. To the north the land rises steeply, forming 'Callum's Hill'. Two minor watercourses cut across the site as two minor valleys, from north west and north east down to the southern boundary, culverting under the C410 Dollerie road.
2. The site benefits from planning permission for 102 dwelling units, consistent with the original Local Development Plan (LDP) allocation (H57) for residential uses for 100-120 dwellings across an overall site area of 10.2ha. As set out, the site does not occupy the entire 10.2ha allocation with 1.5ha omitted from the original detailed planning submission 16/02217/FLM due to different land ownership.
3. Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for planning permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a section 42 application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
4. The primary purpose of this Section 42 (S42) application seeks a revision to the requirements of Condition 4 of the extant planning permission

18/01890/FLM (which was itself was an amendment to an earlier permission 16/02217/FLM). The proposed revision seeks to remove “Bank Holidays” from the restriction to construction work.

5. The original wording of Condition 4 states:

*“Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays”.*

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

6. Assessment of the proposed changes for this condition is set out below.

### **Pre-Application Consultation**

7. The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 16/02217/FLM and there is no further PAC needed procedurally in relation to this Section 42 application.

### **NATIONAL POLICY AND GUIDANCE**

8. 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**

9. 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. This is a statutory document and material consideration in any planning application. It 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.

### **The Scottish Planning Policy 2014 (SSP)**

10. The Scottish Planning Policy (SPP) 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.

11. 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**

12. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN1/2011 Planning and Noise
- PAN 40 Development Management

### **Creating Places 2013**

13. 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.

### **DEVELOPMENT PLAN**

14. 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**

15. 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:

16. *“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.”*

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

### **Policy 1: Locational Priorities**

18. This policy seeks to focus the majority of development in the region’s principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of additional development.

#### **Policy 4: Homes**

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

#### **Perth and Kinross Local Development Plan 2**

20. The Local Development Plan 2 (2019) (LDP2) 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.
21. The principal relevant policy is, in summary;

#### **Policy 56: Noise Pollution**

22. There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

#### **LDP2 Housing Land Allocation H57**

23. The application site falls partly within the identified residential site allocation for 114-121 residential units on a site extending to 10.2ha with associated site specific developer requirements.

#### **SITE HISTORY**

24. [09/00677/OUT](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Application Withdrawn.
25. [09/01850/FLL](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Approved under delegated powers 13 January 2012.
26. [14/01975/PN](#) Demolition of a dwellinghouse. Approved under delegated powers on 4 December 2014.
27. [16/00003/PAN](#) Residential development at LDP site H57. Content of PAN approved on 18 March 2016.
28. [16/02217/FLM](#) Erection of 102 dwellinghouses, landscaping and associated works. Approved by Planning and Development Management Committee August 17 (Decision Issued on 17 August 2018).
29. [17/00956/SCRN](#) Erection of 102 dwellinghouses, landscaping and associated works. Negative screening opinion adopted October 2017.

30. [18/01890/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 24 (road layout and timescale for submission of an application) of planning permission 16/02217/FLM. Approved by Planning and Development Management Committee 18 December 2018.
31. [19/01087/SCRN](#) Infill of existing quarry. Response provided on 15 July 2019.
32. [19/01207/FLL](#) Infill and restoration of disused quarry. Application Withdrawn.
33. [20/00067/FLL](#) Erection of 12 dwellinghouses (change of house type for plots 1-6 and 13-18) Approved under delegated powers on 1 February 2022.
34. [20/01566/FLL](#) Erection of a dwellinghouse (change of house type - plot 54) Approved under delegated powers on 1 February 2022
35. [20/01595/SCRN](#) To use spoil from the adjacent development to infill and re-shape the existing historical quarry. Response provided on 11 November 2020
36. [20/01883/FLL](#) Infill and restoration of disused quarry. Approved under delegated powers on 25 January 2021

### CONSULTATIONS

37. As part of the planning application process the following bodies were consulted:

#### Internal

#### Environmental Health (Noise Odour)

38. No objection to the removal of "Bank Holidays" from the condition.

#### Transport Planning

39. No response received.

### REPRESENTATIONS

40. No representations have been received.

### ADDITIONAL STATEMENTS

41	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations AA Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

42. Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
43. Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
  - (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
  - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
44. The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. 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 national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

### **Principle**

45. The principle of the development subject of the application has been previously established through the approval of the extant planning permission (18/01890/FLM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. It is noted that since the original planning permission approval there has been a change to the Development Plan through TAYplan 2016 and LDP2 in 2019. The changes within the Development Plan are, however, not significant in relation to the proposed changes in this S42 application. The amendment of Condition 4 to allow construction work on bank holidays is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are anticipated.
46. The applicant proposes a modification to Condition 4 to allow for construction work on bank holidays as local holidays and national bank holidays do not always correlate resulting in trades taking, in some cases, unpaid leave. To further justify this modification, the applicant has stated that the site is not fully encapsulated within a residential area and it will allow continuity of work on

the site, and for the trades people involved, as well as continued site progress.

47. The condition was applied to the previous permission 18/01890/FLM, however, was not applied in full on the original permission 16/02217/FLM which omitted "bank holidays".
48. The original wording of Condition 4 of planning permission 16/02217/FLM states:
49. *The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.*
50. *Reason: In the interests of public health and to prevent noise pollution.*

### **Residential Amenity**

51. The applicant, GS Brown, is now seeking to be able to carry out construction operations between 0700hrs -1700hrs on bank holidays.
52. Policy 56 of LDP2 relates to noise generation and seeks to ensure that activities which generate noise do not impact detrimentally on nearby residential amenity. There are residential properties to the east, south and west of the application site, however in this case, no objections have been received to the proposal to increase the construction hours.
53. Environmental Health has also been consulted on the varied construction hours and whilst they initially objected to construction work on public holidays, have since removed their objection. The objection was based on this being a standard condition used to ensure that the residential amenity of existing residential properties is not adversely affected by noise and to ensure that existing dwellinghouses adjacent to construction sites have some respite from construction noise on bank holidays.
54. As noted above, the original planning permission 16/02217/FLM did not prevent construction work on bank holidays, however, through the Section 42 application 18/01890/FLM to amend Condition 24, inadvertently Condition 4 was varied to include no construction work on bank holidays.
55. In light of this and due to the restricted number of recognised bank holidays in Scotland it is not considered that the proposal to modify Condition 4 would have a significant detrimental impact on residential amenity.
56. Furthermore, the construction period will be temporary only and it is considered to be reasonable to allow construction to take place on bank holidays to allow the site to be completed as quickly as possible to limit the overall length of time when construction is taking place. On that basis the proposal to vary the condition is considered to be acceptable and to accord with the LDP2.

## **Roads and Access**

57. The proposed modification of Condition 4 does not have any direct or significant impact on the road network.

## **Developer Contributions**

58. There is no change to developer contributions through the amending of Condition 4 of planning permission 18/01890/FLM. The terms of the S75 legal agreement and associated contributions will not change.

## **Economic Impact**

59. The economic impact from this proposal is anticipated to be limited. Allowing construction on bank holidays will allow the site to be completed more quickly, limiting the overall length of time when construction is taking place.

## **LEGAL AGREEMENTS**

60. The current Section 75 legal agreement accounts for future planning applications including any Section 42 application. On that basis, no additional legal agreement is required in this instance as relevant matters continue to be appropriately covered by the original agreement associated with planning permission 16/02217/FLM.

## **DIRECTION BY SCOTTISH MINISTERS**

61. 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**

62. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the change of condition regarding construction work on bank holidays. Having taken account of the Local Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and, therefore, as a new standalone permission would be granted here, all other conditions from the existing permission are recommended to be re-attached.
63. Accordingly the proposal is recommended for approval subject to the following conditions.



## **A 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 occupation of any residential plot, 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 unless otherwise agreed in writing.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

4. Construction work shall be limited to Monday to Friday 07:00hrs to 19:00hrs and Saturday 08:00hrs to 13:00hrs with no noisy works out with these times or at any time on Sundays.

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

5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Council as Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Council as Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The subsequently approved play area(s) shall be designed, laid out and equipped in accordance with Perth & Kinross Council's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment 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 and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Council as Planning Authority for further written in consultation with the Council's Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

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

10. Prior to the commencement of development, 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 unless otherwise agreed in writing by 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.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

12. 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 Council as Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

13. There shall be no land raising or the erection of solid boundaries within the 0.5% annual probability (AP) floodplain as shown on drawing number 13019/21/001A forming part of planning permission 16/02217/FLM.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage System (SUDS) does not increase flood risk elsewhere.

14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. 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, commensurate with the associated stage of the development and prior to the completion of the development.

Reason: To ensure the provision of provide effective drainage for the site.

16. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

17. The conclusions and recommended action points within the supporting biodiversity surveys submitted and hereby approved (plan ref 16/02217/80 and 16/02217/88) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

18. 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 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).

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

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

20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

21. Prior to the commencement of development hereby approved, details of the location and specification of the bat brick(s) or bat nest box(s) 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 enhancing environmental quality and of biodiversity.

22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Council as Planning Authority, including full boundary treatment details (with elevations).

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

23. 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 to and agreed in writing by the Council as Planning Authority. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as 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 and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

24. The approved layout and site plans, which includes a site access detail up to the eastern boundary of the site shall be constructed up to the edge of the eastern boundary in full, in conjunction with and no later than 3 years of the formation of the eastern public access, (bounding plots 49 and 50) or the occupation of any of the plots 42, 43 or 44, whichever is earlier.

Reason: To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2019.

## **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. 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 the vicinity of the site of the development.

- Readily visible to the public.
  - Printed on durable material.
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 Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
  6. The applicant is advised that the detailed design of all sustainable urban drainage systems (SUDS) shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. i.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.

A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
  7. Application 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](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
  8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  9. No work shall be commenced until an application for building warrant has been submitted and approved.
  10. 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.

11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016 forming part of 16/02217/FLM planning permission documents). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.
12. 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 16/02217/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

Background Papers: None.  
Contact Officer: Gillian Peebles  
Date: 31 March 2022

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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