

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/401)

PROPOSAL: Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 24 (road layout and timescale for undertaking) of planning permission 16/02217/FLM.

LOCATION: Land at Wester Tomaknock, Crieff.

Ref. No: [18/01890/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 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 group (known as Tomaknock) sits immediately to the east of the site, with the established late 20th century residential area of Ritchie 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 10.2 ha. As set out, this site does not occupy the entire 10.2 ha allocation, with 1.5 ha omitted from the original detailed planning submission, 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 current application seeks to amend the wording specifics of suspensive condition 24 of the extant permission, pertaining to the requirement to provide an access up to the boundary of the eastern part of the remaining undeveloped site.

- 5 The original wording of the condition stated:

Notwithstanding the layout and site plans recommended for approval, the road layout proposed up to plot 43 and stopping short of the eastern boundary of the site is not approved. A scheme that identifies a vehicular access being provided up to the boundary to connect the application site with the remainder of site H57 as allocated within the Perth and Kinross Local Plan 2014 shall be submitted for written approval of the Planning Authority within 3 months of the consent hereby approved. The approved scheme shall thereafter be constructed in full in conjunction with, and no later than, 3 months of the formation of the eastern public access, bounding plots 49 and 50, being formed.

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 2014.

- 6 The applicants have submitted an updated layout detail for the vehicular access being provided up to the boundary which has been supported, part fulfilling the terms of condition 24. As part of the updated plan submission, the applicant set out that construction of the access in full would not be feasible within 3 months of the formation of the eastern public access bounding plots 49 and 50 due to the modest scale of their operation and associated scale of economy of realistically getting to that stage. The applicants have now therefore requested for the condition to be reworded to give them up to 3 years to deliver the access up to the boundary rather than the 3 months in the current permission.

PRE-APPLICATION CONSULTATION

- 7 The Pre-Application Consultation (PAC) requirements have been fulfilled in association for 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. 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

- 10 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.
- 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:
- PAN 40 Development Management
 - PAN 75 Planning for Transport

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 2014.

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:
- 15 *“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.”*
- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

Policy 1: Locational Priorities

- 17 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 the additional development.

Policy 4: Homes

- 18 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 2014

- 19 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.
- 20 The principal relevant policies are, in summary:

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 22 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 (TA) is required.

Housing Land Allocation H57

- 23 Identified residential site allocation for 100-120 residential units on a site extending to 10.2 Ha with associated site specific developer requirements.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 24 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 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 25 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The 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, later this year. 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.
- 26 The Proposed LDP2 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. It 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. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

[09/00677/OUT](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Application withdrawn.

[09/01850/FLL](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Approved under delegated powers 13 January 2012.

[14/01975/PN](#) Demolition of a dwellinghouse. Approved under delegated powers 4 December 2014.

[16/00003/PAN](#) Residential development at LDP site H57. Content of PAN approved March 2016.

[16/02217/FLM](#) Erection of 102 dwellinghouses, landscaping and associated works. Approved by Planning and Development Management Committee August 17 (Decision Issued 17 August 2018).

[17/00956/SCRN](#) Erection of 102 dwellinghouses, landscaping and associated works. Negative screening opinion adopted October 2017.

CONSULTATIONS

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

External

Transport Scotland

- 28 No objection, comments consistent with that of original application 16/02217/FLM.

Perth and Kinross Heritage Trust

- 29 No archaeological implications.

Muthill and Tullibardine Community Council

- 30 No comments received.

East Strathearn Community Council

- 31 No comments received.

Crieff Community Council

- 32 No comments received.

Scottish Water

- 33 No objection, consistent with response for extant permission.

Scottish Environment Protection Agency

- 34 No objection, initially requesting consultation at the time the road design is finalised in order to ensure no land raising or erection of solid boundaries within the 0.5% AP floodplain. Further consultation confirmed they are satisfied with the terms of condition 13 being re-applied.

Internal

Structures and Flooding

- 35 No objection.

Community Waste Advisor - Environment Service

- 36 No comments received.

Development Negotiations Officer

- 37 No implications with no associated change to extant permission.

Transport Planning

- 38 No objection.

Environmental Health (Contaminated Land)

- 39 No comments received.

Environmental Health (Noise Odour)

- 40 No objection to the principle of the time extension.

Community Greenspace

- 41 No comments.

Strategy and Policy

- 42 No comments.

REPRESENTATIONS

- 43 No representations have been received.

ADDITIONAL STATEMENTS

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

- 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 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.

Principle

- 45 The applicant now proposes an extension of time for the delivery of the access road up to 3 years due to the modest build out rates, subdued local market conditions and scale of the operation.
- 46 The condition was applied to the previous permission 16/02217/FLM as the applicant originally resisted a layout that stopped short of the boundary with the remainder of LDP site H57 providing the required detail in support of the application. This condition was therefore pursued in the interest of facilitating the delivery of the entire LDP allocation, seeking to avoid a ransom strip, bringing forward appropriate direct access into the remainder of the housing site allocation H57, ensuring that it is not landlocked for future development and therefore remaining effective housing land.
- 47 The required updated layout detail has, however, now been provided, part satisfying the terms of the original condition. At this time, and as previously set out, the applicant advised that the delivery of the access up to the eastern boundary of the site serving the remainder of the H57 allocation could not be practically achieved within the 3 months set out. They indicate that based on sales and local build out rates of their other sites, it was more realistically going to take up to 3 years. Their position has resulted in the current S42 application being submitted for consideration, with all other elements remaining consistent with the original permission.

- 48 The proposal does not directly depart from an established policy or standard as set out in the LDP. Whilst the Planning Authority seeks the access link to be delivered up to the boundary at the earliest opportunity, to ensure the remainder of the site can remain as effective land supply, it is not considered unreasonable with the associated understanding of build out rates and local market conditions for this to go beyond 3 months and up to a maximum of 3 years, which the applicant is currently seeking.
- 49 In looking to ensure the access continues to be sought to be delivered at the earliest opportunity, a further amendment to the condition wording is recommended, with the caveat of the access either being delivered within 3 years of the access formation or by the occupation of any of the 3 neighbouring residential plots (42, 43 or 44), whichever is the earlier. These properties are all directly served by the associated access. This is considered to meet the flexibility sought by the application but also ensures that the required access is not delayed unnecessarily.
- 50 The change sought by the applicant to allow for additional time to deliver the access has raised no objections and no concerns with consultees and would not materially affect the consented site.

Landscape

- 51 There is no significant physical change to that of the originally permitted layout, with no impact considered on landscape overall.

Residential Amenity

- 52 There will be no direct or indirect impact on the amenity of existing or future residents.

Visual Amenity

- 53 There will be no impact on the visual amenity of the approved development as a result of extending the timescale.

Roads and Access

- 54 Support for a longer lead in time does not directly concern matters regarding roads and access considerations. However it continues to be important that the road up to the boundary is pursued within a reasonable timescale to facilitate necessary access requirements into the wider site area, in the interests of retaining an effective land supply.

Drainage and Flooding

- 55 Whilst SEPA do not object to the application, they did initially request that they were additionally consulted on levels and situation concerning detailed roads matters within the 0.5% (Annual Probability) floodplain. It has been clarified with SEPA that this is already appropriately addressed with the re-application of condition 13 of planning permission 16/02127/FLM, which stipulates no land raising or the erection of solid boundaries within the 0.5% AP floodplain. In light of this, SEPA have now confirmed there is therefore no additional requirement for SEPA to be separately consulted on all detailed roads matters at a later stage.

Economic Impact

- 56 The economic impact from this proposal is anticipated to be limited. Crucially, it is desirable to bring forward this access at the earliest opportunity. The access could still be technically brought forward by improved market conditions and a quicker build out rate or in joint pursuance with the neighbouring land owner with agreement.

LEGAL AGREEMENTS

- 57 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

- 58 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

- 59 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 the timescale to deliver the road up to the eastern boundary of the site. 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.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 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 2014.

- 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 2014.

- 4 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.

- 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 2014.

- 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 2014.

- 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 2014.

- 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 2014.

- 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 2014.

- 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 2014.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 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 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8 The applicant is advised that the granting of planning consent 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).

Background Papers: None.

Contact Officer: Callum Petrie 01738 475353

Date: 6 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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