

Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
(Report No. 22/164)

PROPOSAL:	Erection of 10 dwellinghouses, 6 garages and associated works (approval of matters specified in conditions of 18/01855/IPL)
LOCATION:	Land to the west of Innerdownie, Crook of Devon

Ref. No: [21/02133/AML](#)
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 This application relates to an overgrown paddock (0.9 hectares) located on the northern edge of Crook of Devon, within the settlement boundary. It is bound to the northeast by an access road which also forms the Millennium core path; to the southeast by a number of residential properties; to the southwest lies the River Devon lade and to the northwest is the Nine Acres Scout Camp.
- 2 The renewal of the in principle permission associated with the application is also being considered at this committee.
- 3 A previous application for a detailed scheme to develop the site for 10 dwellinghouses was refused at committee in 2019. An appeal to the Department of Planning and Environmental Appeals was subsequently dismissed. The reporter's decision noted that they did not consider the proposal to be an overdevelopment but considered that a previously included street frontage, the overall uniformity in the scale and design of the dwellinghouses and the size and position of the driveways would not respect the character of the village or the surrounding countryside. The applicant in this new submission is seeking to address the reasons for dismissal within the reporter's decision.
- 4 This application is for the erection of 10 dwellinghouses, 6 with detached garages comprising of 7 house types. The vehicular access will be taken from a single point to the north forming a contained grouping screened by enhanced boundaries on the edge of the village.

National Policy and Guidance

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

National Planning Framework 2014

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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)

- 7 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.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant

communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 11 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 12 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

Perth and Kinross Local Development Plan 2

- 15 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.
- 16 The principal relevant policies are, in summary;
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 17: Residential Areas

- Policy 20: Affordable Housing
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 17 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance March 2020

- 18 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Site History

- 19 [15/01110/IPL](#) was Approved On 15 October 2015 for Residential development (in principle)
- 20 [18/01855/IPL](#) was Approved On 14 December 2018 for Renewal of permission 15/01110/IPL (residential development (in principle))
- 21 [19/00700/AML](#) application was Withdrawn On 10 September 2019 for Erection of 10 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)
- 22 [19/01673/AML](#) was Refused On 23 June 2020 for Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)

CONSULTATIONS

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

External

- 24 **Scottish Water** - No objection. Connections for public water and foul would need to be secured by application.
- 25 **Fossway And District Community Council** – object to proposal raising concerns regarding drainage connections, no affordable housing, traffic increase, road safety, overdevelopment, no Flood Risk Assessment.

Internal

- 26 **Transport Planning** – No objection. Conditions required for road widening, turning, track upgrade and construction traffic management plan.
- 27 **Structures And Flooding** – No objection, further drainage information required by condition.
- 28 **Biodiversity/Tree Officer** – No objection, survey findings to be conditioned.
- 29 **Development Contributions Officer**- Developer contributions outlined.
- 30 **Community Waste Advisor** – No response within time.

Representations

- 31 A total of 9 representations have been received in respect of the current application. The main issues raised within the representations are:
- Adverse effect on visual amenity
 - Flooding risk
 - Inappropriate housing density
 - Light pollution
 - Noise pollution
 - Out of character with the area
 - Over intensive development
 - Inappropriate housing density
 - Road safety concerns
 - Traffic congestion
 - Loss of open space
 - Flooding
 - Impact on squirrels
 - No low carbon technologies
- 32 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Supporting information submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted – Tree Survey, Otter Survey

APPRAISAL

- 34 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 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 considerations of the Council's other approved policies and supplementary guidance.

Principle

- 35 The site is located within the settlement boundary of Crook of Devon where Policy 17 Residential Areas applies. This policy supports infill development at a density which represents the most efficient use of the site whilst respecting its environs.
- 36 The site benefits from an in principle approval (18/01855/IPL) for residential development. The proposal now seeks detailed permission for 10 dwellinghouses. The principle of residential development on the site is therefore established and the detailed proposal is considered in the following sections of the report.

Design and Layout

- 37 The site is accessed from a single point at the northeast corner. The layout comprises of 10 detached dwellings set within generous plots. The plans detail 7 different house types comprising of 1 1/2 and 2 storeys with a mix of integral and detached garages.
- 38 The dwelling types vary but follow the same design detailing and material finishes. The site, in response to the reporters' comments, no longer provides a frontage to the access lane so the development will be to an extent contained/screened from view. All properties have slate clad roofs, with

differing mixes of stone/ off white render/ larch cladding to walls. This reflects and complements the wide range of existing finishes in the area.

- 39 The 2015 in principle application included an indicative layout plan showing 9 detached dwellinghouses and a large surface water drainage attenuation pond/feature. That layout was not approved. Neither of the previous decisions restricted the number of dwellings and LDP2 does not set a capacity range. It should also be noted that the reporter's decision on the previous detailed application considered that the density of development reflected the character of this part of the village. A supporting plot analysis shows the plots range from 485 – 1030sq metres, with garden areas of 285 – 756sq metres. The sizes proposed in this instance are considered acceptable as they exceed the standards of the Placemaking Supplementary Guidance, and are not out of context with existing house plots in the area. Overall the site layout proposed is considered low density.
- 40 It is considered that the layout is not overdevelopment and reflects the general character and layout of the surrounding built form. The design and scale of development proposed is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

Residential Amenity

- 41 The site is bound to the south and east by residential areas and dwelling positions along these boundaries have maintained a minimum of 9m set back from the site boundary, where upper floor facing windows are proposed.
- 42 Plot 4 has ground floor windows on the southeast elevation which serve a sitting room. These windows are within 6 metres of a neighbouring boundary and neighbouring dwelling sits a further 22m away. It is considered that the boundary planting proposed, and the intervening distance would mitigate any potential impact. In addition, Plot 3 has no windows on the south elevation and all windows on the east facing elevation are in excess of 11 metres from the boundary which is adequate to mitigate the impact in line with the placemaking supplementary guidance.
- 43 In relation to loss of daylight and overshadowing of existing dwellings these lie to the particularly to the south and east, which will mean any shadow cast by the development contained within the application site and not impact on existing dwellings.
- 44 The site layout has been configured so that all dwellings have adequate garden sizes in excess of the Placemaking Guidance which sets out minimum garden sizes of 80sq metres for 3+ bedroom properties).
- 45 Taking the aforementioned into account, the proposed development is considered compliant with the Council's Placemaking Guide and LDP2 Policy 1A,1B and 17 in relation to residential amenity.

Roads and Access

- 46 Access to the site will be taken from the existing track to the north, which also forms part of the core path network. Road improvements are required and the track is to be resurfaced. The new road layout will fork within the site providing a turning head along with a landscaped seating area. Swept path analysis submitted shows how a refuse vehicle can turn at the new road junction. The dwellings all have ample parking and turning areas.
- 47 Transport Planning note that this proposal has removed a previously agreed passing place between the proposed site and the existing adopted public road (within application (19/01673/AML), however this proposal relocates the site access closer to the public road at the expense of the previously agreed passing place. As such Transport Planning recommend a condition for limited road widening between the site access and the adopted public road to ensure suitable free flowing traffic and to improve pedestrian facilities and safety.
- 48 Representations all raise concerns regarding traffic problems in the area. The proposals are likely to generate vehicle movements in the range of 6-8 two way movements during the peak AM/PM hours. This is considered a low level of traffic generation and is not considered likely to cause significant traffic issues or detrimental impact to the road network. The Road Safety team have been consulted and offered no objection or comment, and no reported accidents have been recorded in the vicinity of the proposals
- 49 A Construction Traffic Management Statement will be required by condition, to ensure that construction traffic movement impacts are managed. Conditions are also recommended in relation to passing places, vehicle turning and the road finish (Conditions 2, 3, 4 and 5).

Core Path

- 50 The Millennium Core Path (FSWY/109) is located to the north and a section will be upgraded to access the development. As the vehicular trip generation is considered to be low, there would be no significant detrimental impact on the core path or the wider core path network. Condition 11 can ensure that access is maintained throughout construction.

Drainage and Flooding

- 51 The River Devon mill lade is located to the southwest of the site . The Flood Team confirm that there is no need to review the Flood Risk Assessment previously submitted as there is a significant level difference, and the opposite bank is much lower so overtopping will occur away from the site.
- 52 In relation to drainage there is known to be a high-water table in the Crook of Devon/Drum area. The Flood Team confirm that they will require further information which clearly sets out the drainage design for the site and demonstrates its suitability. The site is adjacent to the River Devon, so an alternative drainage solution is available should soakaways not be demonstrated as effective.

- 53 The Flood Team are content that this information can be provided by way of a pre-commencement condition. (Condition 12)
- 54 It is proposed to connect to the public drainage system, although representations indicate that there is presently limited capacity at the Wastewater Treatment Works. In this regard Scottish Water have been consulted and raise no objection but cannot confirm capacity therefore a connection will require to be secured. Should a connection not be available then the applicant would need to discuss options with Scottish Water or reapply for planning permission to install a private waste water drainage system to serve the development.
- 55 The proposals are considered to satisfy the objectives of LDP2 Policy 52 New Development and Flooding and Policy 53 Water Environment and Drainage.

Waste Collection

- 56 The site has been laid out with the refuse collection point at the new road junction and a swept path analysis for refuse vehicles has been provided to show that a refuse lorry can turn, with refuse collection for the site adjacent to the site entrance.

Natural Heritage and Biodiversity

- 57 The River Devon is located to the southwest and an updated survey has been completed to assess the site's suitability as a habitat for otters.
- 58 Field evidence of otter was identified within the River Devon and adjacent habitat during the survey. A suitable otter lay-up feature and spraints were identified along the canal banks adjacent to the southwest site boundary. A potential otter holt was also identified c. 240m south of site. The report outlines recommendations which should be undertaken ahead of development works commencing to establish use and appropriate mitigation and licensing requirements. The survey recommendations shall be conditioned (Condition 10). Biodiversity enhancements will also be secured through a landscaping plan condition (Condition 9).
- 59
- 60 In one letter of representation the impact on red squirrels was raised related to the potential for dreys within trees which lie out with the application site. It is not general practice to require ecological surveys on trees out with an application site however an informative can be added to advise the developer of the legal responsibilities in relation to protected species.
- 61 The proposed works are assessed as not being detrimental to biodiversity interests and therefore not conflicting with Policy 41 Biodiversity.

Trees

- 62 A tree survey was undertaken on the site in 2018. As the site has little tree cover and is relatively flat the findings of that survey can still inform this submission in relation to the root protection areas which may encroach the site.

It should be noted that the trees lie outside the site boundary so are not under the applicant's ownership or control. A tree constraint plan sets out required tree protection measures on the two affected boundaries and the tree protection measures can still be implemented. (Conditions 7 & 8)

- 63 The proposal is therefore considered to comply with Policy 40 Forestry Woodland and Trees.

Developer Contributions

Affordable Housing

- 64 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, be in the form of affordable housing. The affordable housing requirement is 2.5 units (10×0.25). The previous application was refused as no information had been submitted to justify why onsite affordable was not included. The reporter considered this point in detail along with the submission of information from a Registered Social Landlord which confirmed that due to the small scale of the development onsite affordable wouldn't be viable. In this case a commuted sum payment will be accepted in lieu of onsite provision. The location within the Kinross Housing Market Area sees a commuted sum applicable of £19,000 per unit. The contribution therefore totals £47,500 ($2.5 \times £19,000$).

Primary Education

- 65 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. The relevant catchment is Fossoway Primary School, where there is no capacity constraint.

Sustainability

- 66 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 67 The properties will need to meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing, and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 6).

Economic Impact

- 68 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 69 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 The affordable housing contribution is required which can be secured through an upfront payment or via a Section 75 Legal Agreement.

DIRECTION BY SCOTTISH MINISTERS

- 71 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

- 72 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

- 73 Accordingly the proposal is recommended for approval subject to the following

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 the development hereby approved, the formation of a scheme of road widening will be provided between the site access and the U 238 to a design & specification to the satisfaction of the Planning Authority and in consultation with the Roads Authority.

Reason - In the interests of pedestrian and traffic safety.

3. Prior to the development hereby approved being brought into use the turning facilities shown on the approved drawings shall be implemented to a design & specification to the satisfaction of the Planning Authority and in consultation

with the Roads Authority and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

4. Prior to the commencement of development a scheme for improving the surface of the private access serving the development shall be submitted for the approval of the Council as Planning Authority. The approved measures shall be implemented in full prior to the development being brought into use.

Reason - In the interests of pedestrian and traffic safety.

5. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - (i) details of information signs to inform other road users of construction traffic;
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - (n) monitoring, reporting and implementation arrangements;
 - (o) arrangements for dealing with non-compliance; and
 - (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interests of pedestrian and traffic safety.

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

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

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

7. The conclusions and recommended action points within the supporting Tree Survey Report by Blebo Tree Surgery dated 17 October 2018 submitted and hereby approved (plan ref:19) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

8. Prior to the commencement of any approved works, all trees and hedges within or adjacent to the site (other than those marked for felling on the approved plans) 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.

9. Prior to the commencement of the development hereby approved, a detailed landscaping, biodiversity enhancement and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted, integrated bat or bird boxes and hedgehog highways. The scheme as subsequently approved shall be carried out and completed within

the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

10. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved Otter Survey by Envirocentre dated 1 June 2022 (plan ref 29) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

11. 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 protecting environmental quality and of biodiversity.

12. The asserted right of way/core path (Millenium Core Path FSWY/109 which runs to the north east of the site) must not be obstructed during building works or on completion of the development. Prior to the commencement of development a programme of works to ensure that any damage done to the route and/or the associated signage during building works must be made good shall be submitted for the written agreement of the Council as Planning Authority. The programme of works as agreed shall be implemented in accordance with the timings identified in the document.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

13. 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.

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

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers

D INFORMATIVES

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

2. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later..
3. 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.
4. 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.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

6. 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. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within or outwith the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Background Papers: 9 representations
Contact Officer: Joanne Ferguson
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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