

Perth and Kinross Council  
Planning and Placemaking Committee – 6 July 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/160)

<b>PROPOSAL:</b>	Erection of 78 dwellinghouses, formation of SUDS pond, landscaping and associated works
<b>LOCATION:</b>	Land 90 metres east of 16 Hebridean Gardens, Kincardine Road, Crieff

Ref. No: [21/02284/FLM](#)  
Ward No: P6- Strathearn

### Summary

This report recommends **approval** of the application for a development comprising the erection of 78 dwellinghouses, formation of SUDS pond, landscaping and associated works on land 90 Metres East of 16 Hebridean Gardens, Kincardine Road, Crieff.

The development is considered to continue 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 Planning permission is sought for a residential development comprising 78 dwellinghouses and associated works, to include roads, drainage and landscaping. The site is located within the Crieff Settlement Boundary as defined in LDP2. The site was originally allocated as part of a wider housing development within the now superseded, Strathearn Area Local Plan 2001. The original allocation was to be delivered in three phases, with phases one and two having been completed for some time. Planning permission was also granted in April 2007 for phase three, which included the application site as well as an area to the north-west. That proposal was for 115 dwellinghouses of which 29 were to be affordable. However, only the affordable homes part of the permission on the area to the north-west (Craig Rossie View) was implemented at that time. A further application for 20 homes was approved in 2011 for the area to the south of Craig Rossie View and has since been completed, but the remainder of the site has remained undeveloped. As the previous permission (ref: 06/02451/FUL) was implemented in part, it remains extant in perpetuity.
- 2 The site extends to approximately 3.8ha and is situated to the south-east of Crieff, within the settlement boundary. To the north, south and west are established residential areas, with the parts to the south and west forming part of the previously Kincardine Road designated housing site. The Kincardine

Walk Core Path bounds the site to the north. The Alligan Burn runs along the eastern boundary with open agricultural land beyond which is located outwith the settlement boundary. The site itself slopes gradually downhill from the north-east corner to the south-west with an approximate 7m level change across its full extent. Some earthworks were undertaken as part of the previous approval. However, the site is currently vacant and is fenced off to prevent access.

- 3 The current proposal draws on the previous layout with vehicular access points having been established from Hebridean Gardens to the south-west and Reid Place to the north-west. The road layout will connect the two accesses providing a single arterial street through the development with shared-surface tertiary streets branching from it. The majority of the houses have been orientated to face a road or the areas of open space.
- 4 The areas along the east and south boundaries of the site will be landscaped and will incorporate a footpath link from Skye Crescent at the south-west corner to the Core Path to the north. The footpath will also link into tertiary streets within the development. An area of green open space, including a play area, will be provided centrally within the site. Open space will also be provided at the south-east corner of the site and will include a SUDS pond and further landscaping.
- 5 All of the 78 houses proposed are to be for private sale, with the affordable element having already been delivered at Craig Rossie View. The dwellings comprise a mix of detached, semi-detached and terraced homes. The unit numbers and tenure mix includes:
  - 10 x two-bedroom terraced dwellinghouses;
  - 25 x three-bedroom terraced/semi-detached/detached dwellinghouses;
  - 34 x four-bedroom detached dwellinghouses; and
  - 9 x five-bedroom detached dwellinghouses.
- 6 All the houses are two storeys in height and will be provided with private garden space. The properties will be finished with smooth white render with a grey coloured facing brick base course and grey weatherboard. The roof coverings will be grey concrete tiles.

#### **Environmental Impact Assessment (EIA)**

- 7 An EIA screening has been undertaken in relation to the proposal. The screening exercise concluded concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects.

#### **Pre-Application Consultation**

- 8 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it proposes a residential development of 50 or more dwellings. Therefore, the applicant was required to undertake formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report has been submitted in support of the application.

- 9 The PAC Report advises that, in line with Covid-19 Regulations, traditional public engagement was replaced by the production of a project webpage and an online event was held between 18:30 and 20:00 on 29 July 2021. There were seven individuals who registered to participate in the online event. This was followed by the applicant issuing a written update to those who had made contact as well as Ward Councillors, local MP, local MSP and Crieff Community Council. The update was issued on 18 and 22 November 2021.

## **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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)**

- 12 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.

- 13 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
- Maintaining a 5-year Effective Land Supply: paragraphs 123 - 125
- A Low Carbon Place: paragraphs 152 – 154
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 - 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 271

## **Planning Advice Notes**

14 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
- PAN 77 Designing Safer Places
- PAN 84 Reducing Carbon Emissions in New Development

## **Creating Places 2013**

15 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**

16 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**

17 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**

18 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**

19 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:

20 *"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.”*

21 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 4 – Homes

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

22 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.

23 The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

#### **[Placemaking Supplementary Guidance \(March 2020\)](#)**

24 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.

## [Flood Risk and Flood Risk Assessment Supplementary Guidance \(March 2021\)](#)

- 25 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

### **SITE HISTORY OF RELEVANCE**

- 26 [06/01911/FUL](#) Full Planning Permission application was Withdrawn On 1 September 2006 for Residential development comprising of 29 units.
- 27 [06/02451/FUL](#) Full Planning Permission was Approved On 23 April 2007 for Erection of 115 dwellinghouses (inclusive of 29 housing association units), formation of access road, footpaths and associated works (Phase 3).
- 28 [10/00015/PAN](#) On 24 September 2010 for Residential development.
- 29 [10/02014/FLL](#) Full Planning Permission was approved on 31 August 2011 for a Residential development consisting of 20 multiplex units and associated landscaping and infrastructure.
- 30 [21/01092/SCRN](#) On 27 September 2021 for Screening Opinion.
- 31 [21/00012/PAN](#) On 1 July 2021 for Residential development, landscaping, suds and associated work.

### **CONSULTATIONS**

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

#### **External**

- 33 **Crieff Community Council:** No comments received.
- 34 **Scottish Environment Protection Agency:** No objection.
- 35 **Scottish Water:** No objection. A review has confirmed that there is currently sufficient capacity at Turret Water Treatment Works and Crieff Waste Water Treatment works to service the development.

#### **Internal**

- 36 **Biodiversity/Tree Officer:** No objection, subject to conditions on biodiversity enhancement, protected species and landscaping.
- 37 **Community Greenspace:** No objection received.
- 38 **Community Waste Advisor - Environment Service:** No objections. Swept path diagram demonstrates ability for refuse vehicles to service the site.

- 39 **Development Contributions Officer:** No contributions required.
- 40 **Environmental Health (Contaminated Land):** No objection, subject to a pre-commencement condition requiring the submission of a Preliminary Risk Assessment (Phase 1 Desk Study) to be undertaken.
- 41 **Environmental Health (Noise/Odour):** No objection. The change in light duty vehicle traffic flow on local roads due to the development is below the criteria to undertake a full air quality assessment.
- 42 **Planning And Housing Strategy:** No objection received.
- 43 **Structures And Flooding:** No objection, subject to a pre-commencement condition requiring agreement of the SUDS details.
- 44 **Transport Planning:** No objections, subject to a pre-commencement condition requiring the submission and agreement of a Construction Traffic Management Scheme.

#### REPRESENTATIONS

- 45 No letters of representation have been received in respect of the current application.

#### ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Arboricultural Report</li> <li>• Flood Risk Assessment</li> <li>• Preliminary Ecological Appraisal</li> <li>• Site Investigation Report</li> <li>• Transport Statement</li> <li>• Voluntary Action Remediation Statement</li> </ul>

#### APPRAISAL

- 46 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**

- 47 The application site is not specifically allocated for housing development within LDP2 but is located within the defined Crieff settlement boundary. However, the principle of residential development on the site is already established by planning permission (ref: 06/02451/FUL). The partial implementation of that permission ensures that the ability to develop the site remains extant in perpetuity. This is a significant material consideration in the determination of this application. The principle of the development continues to be acceptable, subject to compliance with other relevant LDP2 policies.

### **Design and Layout**

- 48 This application seeks to change the detail of the residential development from the previous permission, including: reduced dwellinghouse numbers, revised house types, a more coherent road layout, relocation of the open space and playpark, inclusion of a SUDs basin and minor plot design changes.
- 49 The layout seeks to provide a logical movement pattern, particularly for non-motorised users with emphasis on creating permeability through the site. Connections are made to the core path to the north while also taking cognisance of desire lines through the site, particularly to Strathearn Community Campus to the south-west.
- 50 The proposed landscaping of the eastern and southern boundary will form an appropriate transitional area between the development and the open farmland to the east. The green corridor will also play an important role in forming a green connection through the site which will allow for a continuation of the landscape character of the site edge.
- 51 A strategy of boundary treatments has been proposed which provides good definition between public and private spaces and creates a legible environment which connects the new housing to the existing street network. An area of open space with a play park will be provided in the centre of the development creating a focal point for residents to socialise and play. A desire line through the open space will be formalised via a path encouraging pedestrian activity within the space. The play park will
- 52 A total of 78 houses are proposed, which equates to a density of 21 units per hectare. The majority of the houses have been orientated to face a road or areas of open space, where they can provide passive surveillance. The proposal provides a suitable mix of 2-5 bedroom units, addressing the needs of a range of households. All the dwellinghouses will be two storeys in height and will have their own private garden space. Overall, the scale and density of the development is commensurate with the previous phases of the development and the prevailing townscape in this part of Crieff.

- 53 The proposed palette of materials, including white render, grey brick and weatherboard and grey concrete roof tiles is appropriate in this location and is considered acceptable. The final specification of materials will require to be determined via a condition (condition 2).
- 54 Overall, it is considered that the design and layout of the development contribute positively to the quality of the surrounding built and natural environment and represents an improvement on the extant permission.

## **Residential Amenity**

### Daylight, Overshadowing and Privacy

- 55 The development will connect to the previous phases of development to the west, with the closest new properties being predominantly laid out in a back-to-back arrangement with those on Hebridean Gardens. At this point the site layout is broadly similar to the previous permission and there is not considered to be any undue impact on the amenity of the existing properties. Window to window distances are all in excess of 18m to maintain privacy, and the scale of the properties will ensure that there is no unacceptable impact on daylight or overshadowing.
- 56 Similarly, the remainder of the new properties will be adequately spaced out to ensure privacy and to prevent any impact on amenity in terms of loss of daylight or overshadowing.

### Air Quality

- 57 The main potential long-term impact on air quality resulting from the development will be from vehicular trips. The applicant has provided a Transport Statement and Traffic Generation Tables which assess the impact of these trips. Environmental Health has confirmed that the change in light duty vehicle traffic flow is below the criteria requiring a full Air Quality Assessment to be undertaken. Any impact on air quality as a result of the development is considered to be negligible.
- 58 Overall, the proposal complies with Policy 57 'Air Quality'.

## **Roads and Access**

- 59 The two vehicular accesses to the site have been established through the extant permission. The proposed layout seeks to connect the two accesses creating a more permeable site than the previously proposed cul-de-sacs. Although the layout will now form a road through the development, the site's location and the road layout itself will not encourage through traffic to utilise it as a shortcut. The use of shared surfaces within the development will reduce vehicle speeds and create a more pleasant environment for cyclists and pedestrians.

- 60 All the detached and semi-detached properties will have driveways, with parking for the terraces and visitors largely provided in two parking courts and on street. The majority of the driveways extend along the properties' gables to allow vehicles to be parked away from the road in line with Designing Streets principles, trying to reduce the visual impact of parked cars within the street scene.
- 61 Footpath connections are provided through the site with links to Kincardine Walk Core Path and a landscaped perimeter path along the eastern and southern boundaries will provide access to Strathearn Community Campus.
- 62 A Transport Statement (TS) has been provided in support of the proposal. The TS highlights that the site has good access to pedestrian routes and bus services. Local bus services are available from Strathearn Community Campus with regular services to Perth, Glasgow and Edinburgh available from Crieff centre. Transport Planning has raised no objections subject to a condition requiring a Construction Traffic Management Scheme (condition 8).
- 63 The proposal complies with Policy 60 'Transport Standards and Accessibility Requirements'

### **Drainage and Flooding**

- 64 Policy 52 'New Development and Flooding' advises that there will be a general presumption against proposals for development or land raising on a functional floodplain and in areas at medium to high risk of flooding from any source. The site is not within an identified flood risk area, however, a Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA identifies some limited flood risk to the site along the line of the Alligan Burn and from surface water and overland flows from the north and north-east of the site. The FRA makes a number of recommendations to mitigate the flood risk, which the developer has agreed to undertake.
- 65 The first recommendation is to provide a 6m wide buffer from the edge of the Alligan Burn to the development, including gardens. It is proposed to provide a footpath adjacent to the watercourse at this point for access and amenity purposes. However, this is considered a 'water compatible use' in SEPA's Land Use Vulnerability Guidance and is acceptable in this location.
- 66 Further recommendations are: to provide an overland flow pathway along the line of the culverted section of the Alligan Burn: the provision of a swale along the northern boundary: and careful design of levels to permit surface water to be managed within the site without increasing flood risk.
- 67 SEPA has been consulted and have no objections to the proposal. Structures and Flooding also has no objections to the proposal subject to a pre-commencement condition requiring the submission and agreement of SUDS details (condition 7). The proposal is considered to comply with Policy 52 'New Development and Flooding'.

## **Energy and Low Carbon Technology**

- 68 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. The houses will be built using a 'fabric first' approach and all the properties will have roof-mounted photo-voltaic cells. The applicant advises that this can deliver at least a 10% reduction in typical energy use. The proposal is in compliance with Policy 32.

## **Waste Collection**

- 69 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

## **Natural Heritage and Biodiversity**

- 70 LDP2 Policy 40 'Forestry, Woodland and Trees' states that there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 71 The development will require all the 227 trees within the site to be removed. A total of 31 of the trees are Category B, with all the others being Category C and U specimens with low amenity value. The location of the trees within the site is not compatible with the proposed layout, and the extant permission would allow their removal at any time.
- 72 The Biodiversity /Tree Officer has no objection to the tree loss providing a robust landscaping plan is submitted which adequately compensates for the loss of biodiversity and amenity. The draft site plan illustrates a high number of trees and hedgerows; however, it lacks detailed information and a condition will be necessary requiring the submission of a detailed planting plan indicating species, location and density. Condition 3 has therefore been recommended to secure this. Overall, the proposal is considered to comply with Policy 40.
- 73 A Preliminary Ecological Appraisal Report (PEAR) has also been submitted. The report lists a number of mitigation measures to prevent construction-related impacts to protected species and ecological enhancements. A Site Biodiversity Action Plan will be required by condition to confirm the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures mentioned in the PEAR (condition 4). Subject to the condition, the proposal complies with Policy 41 'Biodiversity'.

## **Contaminated Land**

- 74 A Site Investigation Report and a Voluntary Action Remediation Statement have been submitted in support of the application. These reports identify areas

of contamination and proposals for remedial works. Therefore, a condition is required to ensure that any contamination is suitably remediated (condition 6).

### **Developer Contributions**

- 75 No contributions are being sought, and as such, there is no requirement for a legal agreement.

### **Affordable Housing**

- 76 The proposal is for 78 dwellinghouses that will all be for private sale. The affordable housing provision for the wider site has already been delivered across the previous phases leaving no requirement for any further provision on this phase.

### **Economic Impact**

- 77 During the construction period, jobs will be created and sustained, supporting in-direct 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 also support existing local employment and services in the area with improved links to a dedicated area of recreation.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 78 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 79 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**

- 80 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.
- 81 Accordingly, the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

Approve the application.

## **Conditions and Reasons for Recommendation**

### **General**

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.

### **Finishes**

2. 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. 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

### **Landscaping and Biodiversity**

3. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as 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. 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.

4. Prior to the commencement of development hereby approved, a Site Biodiversity Action Plan confirming the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures recommended in supporting Preliminary Ecological Appraisal by David Dodds Associates Ltd dated August 2021 shall be submitted for the written agreement of the Council as Planning Authority. The submission should clearly show how enhancement measures have been incorporated into design schemes and architects' drawings to ensure they are realised. The

scheme as subsequently approved shall be carried out and completed to the satisfaction of the Council as Planning Authority.

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

5. The play area shall be implemented as part of the site development programme and completed in full prior to the occupation of the final dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of the amenity of the area and to ensure the satisfactory implementation of the play area.

### **Ground Contamination**

6. 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. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

7. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the 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.

### **Transport**

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further agreement of the Council as Planning

Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the 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.

## **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 required.

## 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 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. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
[https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood\\_Risk\\_Flood\\_Risk\\_Assessments\\_adopted\\_March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000)

8. 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.
  
9. 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. In accordance with 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.
  
10. No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: none  
Contact Officer: Alex Gudgeon  
Date: 23 June 2022

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
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You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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