

Perth and Kinross Council
Development Management Committee – 14 September 2016
Report of Handling by Development Quality Manager

Report recommending updated conditions for the Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park to the North West of Perth.

Ref. No: 15/01109/FLM
Ward No: 5 – Strathtay

Summary

The Development Management Committee resolved to approve this application in June 2016 subject to conditional control and the conclusion of a legal agreement.

Following the outcome of the June Committee the planning conditions associated with the Bertha Park phase 1 application have been reviewed by Springfield Properties Ltd and the Council's Road Infrastructure Manager who is promoting the A9/A85 junction improvement scheme.

Revision to the proposed conditions have been sought which would allow the removal of the economic mineral resource (required to be removed by policy ER3A) for use in the A9/A85 junction improvement scheme before negative suspensive conditions associated with the wider housing scheme are signed off. This would assist the programming and delivery of the road improvement scheme that has consent under application 15/00036/FLL approved by the Development Management Committee in March 2015.

As the legal agreement is still to be concluded and the decision notice yet to be released the Committee are invited to substitute the conditions set out below instead of the earlier conditions as set out in the earlier report of handling in Appendix 1.

BACKGROUND AND DESCRIPTION

- 1 In June 2016 the Development Management Committee resolved to approve the Bertha Park phase 1 application for the central phase of the Bertha Park Site (phase 1) subject to conditional control and the satisfactory conclusion of a legal agreement. It comprises circa 1061 houses and employment land encompassing various uses including community, retail, health services, food & drink, office, etc. As well as an area of phase 2 which will allow the extraction of economically viable minerals to ensure they are not sterilised. See Appendix 1.
- 2 Ongoing discussions and drafting of the legal agreement is taking place but it is still pending conclusion which means the decision notice for the Bertha Park Phase 1 application 15/01109/FLM is still to be released.

- 3 Following the outcome of the June Committee the planning conditions associated with the Bertha Park phase 1 application have been reviewed by Springfield Properties Ltd (agent for the development) and the Council's Road Infrastructure Manager who is promoting the A9/A85 junction improvement scheme. They have noted that revised conditional control on the Bertha Park Scheme could allow the removal of the economic mineral resource (required to be removed by policy ER3A) for use in the A9/A85 junction improvement scheme before negative suspensive conditions associated with the wider housing scheme are signed off. This would assist the programming and delivery of the road improvement scheme that has consent under application 15/00036/FLL approved by the Development Management Committee in March 2015.
- 4 As the decision notice has yet to be released for 15/01109/FLM there is scope to revise the conditions at this stage which would alleviate the need for an application to review under section 42 of the Planning Act.

PROPOSED REVISIONS TO THE CONDITIONS

- 5 To allow the discharge of conditions in a phased manner and differentiate between the removal of the economic mineral resource and the wider site it is suggested that the following paragraph could be inserted into negative suspensive conditions to allow for the necessary control and early extraction of the mineral resource:-
- 6 Apart from the extraction of the economic mineral resource or:
- 7 New conditions added (A) to differentiate between the removal of the mineral resource and the wider housing scheme.
- 8 For revised wording of the conditions see heading 'A Conditions and Reasons for Recommendation' with revisions in bold.

OPTIONS FOR THE COMMITTEE

Maintain The Current Set Of Conditions

- 9 The Committee has previously resolved to approve the application subject to of conditions and the conclusion of a legal agreement. The committee can maintain the conditions agreed under the earlier report of handling see Appendix 1. However a consequence of this would mean that the discharge of negative suspensive conditions could not be phased and all negative suspensive conditions relating to the whole development approved under application 15/01109/FLM would need to be dealt with. This would likely take longer to gather the necessary information for the whole site.

Substitute The Conditions As Set Out In This Report

- 10 If the committee agree to revise and substitute the conditions in line with the revised wording contained within this report then it will enable negative suspensive conditions to be dealt with in a phased manner. There would be added benefits as this would enable negative suspensive conditions associated with the mineral extraction to be dealt with in advance of the negative suspensive conditions for the wider Bertha Park Phase 1 site. This will allow for the early extraction of the mineral resource and assist with the programming of the construction A9/A85 junction improvement scheme.

CONCLUSION

- 11 The proposed phase 1 development was considered to comply with the over-riding thrust of the Development Plan if appropriate mitigation is secured by conditional control and legal agreement, see Appendix 1.
- 12 The proposed revised conditions recommended in this report would still secure the appropriate mitigation by conditional control but in a phased manner, thus the development would still comply with the over-riding thrust of the Development Plan. It is considered that substituting the revised conditions prior to the conclusion of the legal agreement and release of the decision notice associated with application 15/01109/FLM would present the preferred option as there would be added benefits associated with early extraction of minerals from Bertha Park and the programming of works associated with the A9/A85 junction improvement scheme.

RECOMMENDATION

- 13 It is recommended that Committee approve the revised conditions as set out below.

A 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 permission.

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

- 2 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

- 3 Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised.

- 4 Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

- 5 No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

- 6 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the planning authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

Reason: in the interests of public health and to prevent pollution.

- 7 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 construction 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 Planning Authority.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 8 Development shall not commence **apart from the extraction of the economic mineral resource** until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 9 Development shall not commence **apart from the extraction of the economic mineral resource** until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 10 Prior to commencement of any works **apart from the extraction of the economic mineral resource**, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 11 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 12 Prior to the commencement of the development **apart from the extraction of the economic mineral resource** details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.

Reason: To ensure the delivery of recreational facilities for the occupants of the development.

- 13 Prior to the commencement of development **apart from the extraction of the economic mineral resource** a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.

- 14 Prior to the commencement of the development **apart from the extraction of the economic mineral resource** details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:
- a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.
 - i) Details of areas for allotments.
 - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: to ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

15 Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:

- a) All existing paths, tracks & rights of way.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

16 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 17 No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 18 No development shall commence **apart from the extraction of the economic mineral resource** until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: - To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 19 No development shall commence **apart from the extraction of the economic mineral resource** until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: - To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 20 No development **associated with the extraction of the economic mineral resource shall take place until** a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: - To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 21 No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 22 Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 23 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

- 24 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.

- 25 Prior to the commencement of development **apart from the extraction of the economic mineral resource** a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural

Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 26 Prior to the commencement of the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for the extraction of the economic mineral resource. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 27 Two months prior to the commencement of the development, **apart from the extraction of the economic mineral resource** an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.

- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 28 Two months prior to the commencement of the extraction of the economic mineral resource, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the extraction of the economic mineral resource area, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to extraction of the economic mineral resource area. The ECOW shall undertake a watching brief throughout the extraction of the economic mineral resource area and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 29 No development shall take place **apart from the extraction of the economic mineral resource until** details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 30 No development associated with the extraction of the economic mineral resource shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 31 No development shall take place apart from the extraction of the economic mineral resource, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 32 No development associated with the extraction of the economic mineral resource shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.

- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 33 No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 34 No development shall commence **apart from the extraction of the economic mineral resource** until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

- 35 No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as

a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.

- 36 No development apart from the extraction of the economic mineral resource shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

- 37 No development associated with the extraction of the economic mineral resource shall take place until the developer has secured the implementation of a programme of archaeological works for the economic mineral resource extraction area in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

- 38 Prior to the commencement of the development apart from the extraction of the economic mineral resource, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

Reason: in the interests of the sustainable disposal of waste.

- 39 Prior to the commencement of development **apart from the extraction of the economic mineral resource**, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the planning authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.

Reason: To prevent disturbance from noise.

- 40 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason: To prevent disturbance from noise and odour.

- 41 All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 42 Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00

Reason: To prevent disturbance from noise.

- 43 Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 44 For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct

illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason: To prevent disturbance from lighting.

45 Prior to the commencement of development **apart from the extraction of the economic mineral resource**, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.

46 Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

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

47 Prior to the commencement of development **apart from the extraction of the economic mineral resource** a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

B JUSTIFICATION

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

C PROCEDURAL NOTES

16 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/01109/FLM. 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 will be ultimately recommended for refusal under delegated powers.

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.
- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.
- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
 - 6 The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
 - 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
 - 8 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
 - 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 - 10 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.
 - 11 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 12 Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.

- 13 Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.
- 14 Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
- 15 Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.
- 16 The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority. To comply with the Council's approved policy on affordable housing.

Background Papers: None associated with this updated report.
 Contact Officer: John Russell – Ext 75346
 Date: 24 August 2016

**NICK BRIAN
 DEVELOPMENT QUALITY MANAGER**

<p>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.</p>
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<p>All Council Services can offer a telephone translation facility.</p>