

Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
(Report No. 22/161)

PROPOSAL:	Approval of matters specified in conditions of permission 16/01348/IPM (erection of 45 dwellinghouses, 3 garages and associated infrastructure (revised design))
LOCATION:	Land 150 metres south west of Dobbies Garden Centre, East Huntingtower, Perth

Ref. No: [22/00142/AMM](#)
Ward No: P5- Strathtay

Summary

This report recommends approval of the application which proposes a substitution of house types and a minor design layout change, relative to phase 5 of planning permission in principle 16/01348/IPM for residential development at this location. The proposal is considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site, which extends to approximately 1.95 hectares, is located to the south of the A85 Trunk Road and to the west of the A9 Trunk Road as it bypasses Perth's western periphery. It is currently accessed from the A85 shared with existing businesses (Dobbies Garden Centre, The Glover Arms Pub and Restaurant & Travelodge Hotel) which would also serve as the access for this proposed development.
- 2 This development forms part of the wider in principle residential development (16/01348/IPM) for this site and the associated subsequent applications for the approval of matters specified by conditions, namely 18/00412/AMM and 18/01038/AMM for the erection 208 houses, 30 flats, 11 garages, roads infrastructure, Sustainable Urban Drainage System (SUDS) pond, play area, open space, landscaping and associated works. Development for this wider site has been delivered in 5 phases, with phases 1 - 3 already completed and phase 4 partially complete.
- 3 This application seeks a substitution of house types and a very minor change to the layout for phase 5 of planning permission 18/01038/FLM. No change is proposed to the road layout or number of houses within this phase. The house types (referred to as Blair, Drummond, Douglas, Geddes, Fraser, Maxwell, Wallace, Dunlop, Baxter and Andrew) have either been used elsewhere within the wider development or are very similar in character and appearance to those

existing types. The designs proposed continue to align with the design statement and previously approved details. The very minor revisions to the internal layout reflect the need for small curtilage boundary adjustments.

Pre-Application Consultation

- 4 The development proposed is an approval of matters specified by conditions in accordance with Planning Permission 16/01348/IPM. Consequently, under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the application is considered a 'Major' development. However, in this case formal pre-application consultation with the local community is not considered to be required owing to the minor revisions sought to matters previously approved, and as community consultation has been undertaken in respect of the wider residential development for this location. The application as proposed does not seek to change the number of dwellings or significantly alter the design and layout for Phase 5. As such, the development remains in accordance with any previous decisions and further consultation would not add benefit to the planning process in this case. Matters raised through previous consultation remain applicable and have been addressed through this report.

Environmental Impact Assessment (EIA)

- 5 An Environmental Statement (ES) was submitted as part of the in principle application (16/01348/IPM) and it was found that an EIA was not required.
- 6 The previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up-to-date supporting assessments for Phases 1-4, which assess flood risk, drainage, transport, ecology, noise, air quality and contaminated land. This information addressed the environmental information needed for the proposal and does not alter the position in respect of the EIA, which is not required at this AMSC stage.

NATIONAL POLICY AND GUIDANCE

- 7 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

- 8 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)

- 9 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.

10 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
- Affordable Housing: paragraphs 126 – 131
- 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 - 291

Planning Advice Notes

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

13 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.

National Roads Development Guide 2014

- 14 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

- 15 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

- 16 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.”

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

- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2

- 18 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.

- 19 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 4: Perth City Transport and Active Travel
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology

- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

20 Other Policies

- Supplementary Guidance – Developer Contributions & Affordable Housing (adopted 2020)
- Supplementary Guidance – Flood Risk and Flood Risk Assessments (adopted 2021)
- Supplementary Guidance – Landscape (adopted 2020)
- Supplementary Guidance – Placemaking (adopted 2020)
- Supplementary Guidance – Renewable and Low Carbon Energy (draft)
- Planning Guidance – Planning & Biodiversity

Perth and Kinross Local Transport Strategy

- 21 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

SITE HISTORY

- 22 **00/01747/OUT:** Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.
- 21 **08/01513/IPM:** In Principle Permission sought for a mixed use development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).
- 22 **09/02126/FLM:** Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013
- 23 **12/00392/FLL:** Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013.

- 24 **13/01795/MPO:** Modification of planning obligation associated with 09/02126/FLM. Application approved by Development Management Committee November 2013.
- 25 **[16/00002/PAN](#)** Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.
- 26 **[16/00004/PAN](#)** Proposal of Application Notice for residential development. Content of PAN approved June 2016.
- 27 **[16/00695/FLL](#)** Renewal of 12/00392/FLL for erection of petrol filling station. Application withdrawn April 2018.
- 28 **[16/00696/FLM](#)** Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. Application withdrawn April 2018.
- 29 **[16/01348/IPM](#)** In Principle application for residential development. Application approved by Development Management Committee January 2018 following the conclusion of a Section 75 legal agreement.
- 30 **[18/00412/AMM](#)** Residential development of 43 dwellings and formation of SUDs pond (Phase 1). Application approved by Planning and Development Management Committee July 2018. Development commenced on site September 2018.
- 31 **[18/01038/AMM](#)** Erection of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, Sustainable Urban Drainage System (SUDS) pond, play area, open space, landscaping and associated works (Matters Specified in Conditions 16/01348/IPM) (Phases 2-5). Development Approved on 18 December 2018.

CONSULTATIONS

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

External

- 33 **Transport Scotland:** No Objections or further comments.
- 34 **Scottish Water:** No Objections or further comment.
- 35 **Perth And Kinross Heritage Trust:** No Objections or further comments.

Internal

- 36 **Conservation Team:** No Objections or further comments.

- 37 **Environmental Health (Contaminated Land):** No Objections or further comments.
- 38 **Environmental Health (Noise Odour):** No objections, subject to conditions pertaining to noise mitigation to protect future residents from road traffic noise. Conditions 13 - 15 re recommended.
- 39 **Community Waste Advisor - Environment Service:** No objection.
- 40 **Structures And Flooding:** No objections. Further clarification has been sought as to whether the revised layout will have any implications in terms of previously proposed SUDS drainage and in terms high flow event capacity. However, these matters have been addressed through conditions 7 and 8.

REPRESENTATIONS

- 41 None Received.

ADDITIONAL STATEMENTS

42

Screening Opinion	IPM Screened - Not Required
Environmental Impact Assessment (EIA): Environmental Report	IPM Provided - Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	IPM provided - Not Required

APPRAISAL

- 43 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

- 44 The principle of residential development has been established through the approval of planning permission for residential use (16/01348/IPM) with an indicative density of 270 dwellings being identified. Development of Phases 1 – 4, comprising a cumulative total to 236 units, is nearing completion. This application relates to Phase 5, comprising the erection of 45 dwellinghouses, 3 garages and associated infrastructure. There are no concerns with the

principle of this scale of development; however, its appropriateness is assessed in the detailed matters below.

Phase Planning

- 45 Conditions 3 and 4a) of the parent permission (16/01348/IPM) required a detailed phasing plan to be submitted and agreed as part of any future AMSC application. A phase plan has previously been submitted and agreed, with this application relating to phase 5. Phases 2-5 as approved by 18/01038/AMM, sought to provide 171 open market dwellings and 70 affordable units. A Section 75 Legal agreement was formalised as part of the parent permission to cover any financial contributions associated with affordable housing and transport contributions. The applicant has also confirmed a Registered Social Landlord (RSL) has been identified for the maintenance and management of the affordable units once constructed. This application aligns the existing Section 75 agreement and approved phasing plan and will ensure the proposal complies with the LDP2 and Placemaking Supplementary Guidance. There is no requirement to modify the existing s75.

Design and Layout

- 44 A masterplan including an indicative layout plan for the site was submitted as part of the parent permission. This set out the principal components of the proposed development. Phase 5 is in line with the masterplan for the site with only a very minor revision to some curtilage boundary positions being the subject of this application. There is no change to the number of units or road layout.
- 45 The development of Phase 5 (in alignment with phases 3 and 4) will see the provision of 45 two-storey open market housing, in a mix ranging from 2 to 4 bedroom in size. The proposed mix and layout are considered to be acceptable with good connections and permeability to other phases and the surrounding area. In terms of house design, the proposed dwellings are of a typical modern form with the use of white rendered walls and dark grey roof tiles. These designs are considered to provide a simple yet acceptable appearance and material palette. The massing and scale of the dwellings shown on the proposed layout plan can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or on each other.
- 46 The phased development of the whole wider residential development has necessitated that infrastructure such as SUDS and open space is provided within all of the proposed phases. The Council's Structures and Flooding team have confirmed the SUDS arrangements are acceptable, which is discussed in more detail below.
- 47 The proposal is considered to be in line with PAN 77 'Designing Safer Places' and LDP2 Polies 1A and 1B 'Placemaking' as well as the Supplementary Guidance on Placemaking . It is well laid out and broadly accords with the masterplan submitted as part of the parent approval.

Traffic and Transport

- 48 As the principle of this development has already been agreed and no changes are proposed to the road layout, internal path connections or number of units the development is considered to continue to accord with Policy 60B 'Transport Standards and Accessibility Requirements' of LDP2 and the Perth and Kinross LTS. Conditions are recommended to align this revised phase 5 with the previously agreed developments across Phases 1-4 including the provision of Construction Traffic Management Plan and the upgrade to bus stops at the site access road (Conditions 3-5 and 17).
- 48 Transport Scotland has raised no objections or concerns with respect of matters pertaining to access to or from the Trunk Road network. Financial contributions have previously been agreed with respect to this development.
- 49 In terms of active travel and a green travel plan to and from this development, again those matters have been previously agreed and will not be altered by this development.

Lighting

- 50 Impacts of street lighting on the Trunk Road network have previously been considered at the in principle planning stage. Phases 2-5 (18/01038/AMM) were confirmed to not have any impact on the A85 but development is proposed by Phase 2-5 adjacent to the A9. Consequently, a condition is recommended to ensure there was no light spillage onto the A9 in particular following the lighting installation. (condition 9).

Noise

- 51 Environmental Health commented on the residential development at the in principle application (16/01348/IPM) in terms of air quality and noise. At that stage the Planning Authority recommended that noise be reassessed at the approval of matters stage and appropriate mitigation suggested to protect future residents from road traffic noise.
- 52 As this application is for a revised design for different house types and for minor layout changes, Environmental Health does not believe a further noise impact assessment is required. However, previous comments relative to 18/01028/AMM and 18/01038/AMM pertaining to external amenity noise limits and internal night time noise level conditions remain relevant and should be included on any given permission (conditions 13-15).

Air Quality

- 53 As part of the parent permission a detailed Air Quality Assessment was submitted and reviewed by Environmental Health. Even with the predicted increase of particulates, the levels are well below the required standards. Nevertheless, to ensure there is no adverse impact from dust during the construction period and to afford appropriate mitigation, Conditions 2 and 16 are recommended.

Drainage and Flooding

- 54 Impacts relative to flooding and drainage were considered at the initial in principle stage with the overall design details now complete. The Council's Structures and Flooding Officer has reviewed the application and raised no objection. However, points of clarification are identified and these matters have been addressed by conditions requiring the submission of information relating to (conditions 7 and 8).

Biodiversity and Landscape

- 55 The development proposed seeks a very minor layout change and a substitution of house types. Accordingly, the proposal is unlikely to raise any significant biodiversity matters. However, conditions are recommended to ensure the development continues to align with the in principle development for the wider location, in particular construction methodology, landscaping, ecological monitoring and the protection of existing trees onsite. Conditions are recommended requiring the applicant to submit updated reports in respect of the above. (conditions 2, 10, 11 and 12).

Conservation Considerations

- 56 The principle of development has already been established for this wider location. As such no concerns have been raised by the Conservation Officer in review of this application.

District Heating

- 57 The applicant has previously submitted a District Heating Assessment and whilst this report states it would currently not be viable for the site, they are prepared to futureproof their site by leaving room next to the service strips for new pipelines. Conditional control will ensure this futureproofing can be delivered (Condition 6).

Developer Contributions

- 58 A Section 75 legal agreement has been secured for the 16/01348/IPM to ensure necessary infrastructure is delivered for the site and surrounding area. The S75 is future proofed for higher dwelling numbers as the financial contributions are based on house completions. It covers:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
- 59 This revised phase 5 proposal will continue to align with this existing agreement.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 60 A legal agreement has been secured for the 16/01348/IPM planning permission to secure infrastructure that will be impacted by the current proposal.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 61 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.
- 62 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

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 that the development is carried out in accordance with the plans approved.

2. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes for Phases 2-5 shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

Road and Traffic

3. No dwelling shall be occupied until the agreed level of financial contribution with Transport Scotland to address the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

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

4. In conjunction with Condition 2, and two months prior to the commencement of works, on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan (CTMP) 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) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

The CTMP as approved shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of vehicle and pedestrian safety.

5. Prior to the occupation of any dwellinghouse hereby approved, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

6. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

Flooding and Drainage

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 approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

8. Prior to commencement of development, full surface water drainage proposals to identify details proposed to mitigate plots at a level below the road shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Flood Authority. The details as approved shall be implemented in full, concurrent with development and completed prior to the occupation the relevant dwellinghouse to which the drainage measures relate.

Reason - To alleviate flood risk at affected properties.

External Lighting

9. 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 including the A9 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished

Biodiversity and Landscaping

10. 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 - In the interest of residential amenity; to ensure that the development integrates within the landscape and with the remaining phases of this residential development.

11. Prior to the commencement of development hereby approved, the applicant shall submit a Preliminary Ecological Appraisal Report for approval by the Council as Planning Authority, in consultation with the Council's Biodiversity Officer. Thereafter, any conclusions and recommendations from this report shall be fully adhered to, respected and undertaken as part of the construction phase of this development.

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

12. No Trees or Hedgerows within the development site shall be lopped, topped or removed without the prior written authority of the Council as Planning Authority. Prior to the commencement of development hereby approved the applicant shall submit a tree survey and construction plan confirming any tree protection measures or those trees / hedgerows to be removed. All trees/ hedgerows identified for retention shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Noise

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

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

14. Prior to the commencement of development hereby approved, the developer shall submit a glazing specification for all windows to bedrooms for the entire development, for the written approval of the planning authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the planning authority, prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

15. Prior to the commencement of development hereby approved, the developer shall submit a scheme including a plan of the affected properties for the proposed means of ventilation for all bedrooms that are required to be closed to achieve internal sound levels, as detailed below, for the written approval of the planning authority. This shall enable each bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. The sound insulation performance for the ventilation system shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved scheme of ventilation shall be installed to the satisfaction of the planning authority prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

Dust

- 16 Prior to the commencement of development the applicant shall submit to the Council as Planning Authority, an Air Quality Impact Assessment Report. This report shall confirm all dust management and or mitigation measures to be applied during construction activities. Thereafter, all mitigation measures agreed shall be followed at all times during construction.

Reason - In the interests of residential amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

1. 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.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 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 Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
7. There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought from the Scottish Environment Protection Agency (SEPA).
8. Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate that the layout will not adversely affect the resultant noise levels to external and internal amenity spaces.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. A felling licence may be required for the removal of the southern boundary woodland. Forestry Commission Scotland should be contacted for advice.

11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/01348/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

Background Papers: None letters of representation: None
Contact Officer: Jamie Torrance
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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