

Perth and Kinross Council
Planning & Development Management Committee – 24 October 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/337)

PROPOSAL: Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) - Phase 3

LOCATION: Land south of 8 The Beeches, Aberfeldy.

Ref. No: 18/01002/AMM

Ward No: P4- Highland

Summary

This report recommends approval of the third phase of a residential development of 11 dwellinghouses at land south of 8 The Beeches, Aberfeldy, Perthshire. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and forms the southern end of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan (LDP) for residential use (H37) and benefits from an In Principle planning permission ([16/00478/IPM](#)) since July 2016 for residential development.
- 2 The wider H37 site identified in the LDP lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. The application site forms the southern end of the LDP site and is adjacent to both Phase 1 and 2 of 24 affordable dwellinghouses and 8 open market dwellinghouses respectively which are currently under construction.
- 3 The western and southern boundaries of the application site are contained by agricultural land. Immediately east are Phases 1 and 2 and an area of open field undeveloped that has planning permission for residential use. A farm access road dissects the LDP site from the north-east corner traversing the site south-west to access Duntuim Farm. An additional supplementary farm access road and junction has been constructed to the west of the LDP site.
- 4 This proposal is the third phase and involves the development of 11 dwellinghouses of bungalow and 1½ storey appearance and two will have a garage located at the gable end of the associated dwelling. The following mix is proposed:
 - 3 x 3 bedroom dwellinghouses (single storey)
 - 4 x 3 bedroom dwellinghouses (1 ½ storey)

- 4 x 4 bedroom dwellinghouses (1 ½ storey)
- 5 The units are designed with horizontal weatherboard cladding and white render. A variety of pastel colours as per Phases 1 and 2 are proposed for the cladding. The roofs are proposed to be plain grey concrete tiles the same as currently being used on the first two phases.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 A screening request ([15/01735/SCRN](#)) was submitted in October 2015 and found that an EIA was not required for the site.

PRE-APPLICATION CONSULTATION

- 7 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

11 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- 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

12 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 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Streets 2010

13 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

14 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.

National Roads Development Guide 2014

- 15 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

- 16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 17 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.”

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

Policy 1: Locational Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Aberfeldy is identified as a Tier 3 Settlement with the potential to make a modest contribution to the region’s economy, and will accommodate a smaller share of the additional development.

Policy 2: Shaping Better Quality Places

- 20 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 22 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 23 Seeks to protect and enhance green and blue networks by ensuring that:
- development does not lead to the fragmentation of existing green networks.
 - development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself.
 - the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

Policy 9: Managing TAYplans Assets

- 24 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for residential development. The principal relevant policies are in summary:

PM1A: Placemaking

- 27 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

- 28 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 29 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 – Residential areas

- 30 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 31 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy HE2 - Listed Buildings

- 32 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy CF1B - Open Space Retention and Provision

- 33 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 34 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy NE3 - Biodiversity

- 35 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 36 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 37 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 38 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 39 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 40 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP3D - Water, Environment and Drainage

- 41 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 42 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

TA1B- Transport Standards

- 43 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

OTHER POLICIES

- 44 The following supplementary guidance and documents are of particular importance in the assessment of this application
- 45 Developer Contributions Supplementary Guidance including Affordable Housing April 2016
- 46 Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 47 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 48 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which

the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 49 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- [14/01554/FLL](#) Formation of an access road. Approved under delegated powers October 2014
- [15/01735/SCRN](#) Screening Request for EIA. No EIA required - Decision issued December 2015
- [15/00022/PAN](#) Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.
- [16/00478/IPM](#) Residential development (in principle) approved by Development Management Committee 13th July 2016.
- [16/01592/FLL](#) Formation of vehicle access road. Approved under delegated powers February 2017.
- [16/01761/AMM](#) Erection of 24 affordable dwellinghouses (Phase 1). Approved by Development Management Committee March 2017 and is currently under construction.
- [17/01201/AMM](#) Erection of 8 dwellinghouses (Phase 2). Approved by Planning and Development Management Committee September 2017 and is currently under construction.
- [18/00523/FLL](#) Erection of 4 dwellinghouses (revised design). Application Approved under delegated powers May 2018.

CONSULTATIONS

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

EXTERNAL

Scottish Environment Protection Agency

52 No objection.

Scottish Natural Heritage

53 No objection.

Scottish Water

54 No objection.

Historic Environment Scotland

55 No objection.

Transport Scotland

56 No objection.

R S P B

57 No response received.

Perth and Kinross Heritage Trust

58 No objection.

Aberfeldy Community Council

59 No response received.

INTERNAL

Transport Planning

60 No objection.

Development Negotiations Officer

61 Primary school financial contributions required (11 x £6,460 = £71,060).

Community Waste

62 No objection.

Environmental Health (Contaminated Land)

63 No objection

Structures and Flooding

64 No objection.

Community Greenspace

65 No objection.

Strategy and Policy

66 No objection.

Biodiversity

67 No objection.

REPRESENTATIONS

68 None received.

ADDITIONAL STATEMENTS

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| Environment Statement | IPM Screened - Not Required |
| Screening Opinion | Submitted at IPM stage |
| Environmental Impact Assessment | Not Required |
| Appropriate Assessment | Not Required |
| Design Statement / Design and Access Statement | Submitted |
| Reports on Impact or Potential Impact | Construction and Environmental Management Plan |

APPRAISAL

70 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016

Principle

- 71 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Phase 1 of 20 affordable dwellinghouses and 4 affordable flats and Phase 2 of 8 dwellinghouses are currently under construction immediately east of the application site. Therefore the principle of residential development has been established.

Design and Layout

- 72 This phase is to be developed for open market dwellings and the proposed mix of house types has been designed to appeal to a broad sector of the market. The proposed phase has utilised the existing landscape to shape the layout and tie it to the surrounding area and the 3D plans show an attractive and sensitively designed layout. The proposed mix of bungalow and 1½ storey is also considered to be acceptable to a wide range of purchasers.
- 73 The proposed house designs in terms of exterior finishes reflect the surrounding area. The design is considered quite simple but reasonably contemporary in appearance. Designs are site specific, of high quality that have considered the localised identity, outlook, landscape and solar orientation. Overall it is considered to be a well-designed and high standard proposal that will contribute to good placemaking in the area. The proposal accords with the Councils Placemaking policies namely PM1 as it will contribute positively to the quality of the surrounding built and natural environment whilst respecting the character and amenity of the place.

Transport and Access

- 75 The applicant is the same as for Phase 1 and 2 and is fully aware that construction traffic will not be using Duntaylor Avenue but via the new vehicular access road which will enter the wider site from the A827 Kenmore Road to the north. This access road will ultimately form the permanent main road within the site and connect with Duntaylor Avenue.
- 75 The site offers a good level of permeability and connectivity to the existing road network and adjacent residential area and is in line with the requirements of Designing Streets and the National Roads Development Guide.

Affordable Housing Provision

- 76 Phase 1 comprising of 20 affordable dwellinghouses and 4 affordable flats will provide the entire affordable housing requirement for the site and this development is currently under construction and will be managed by Hillcrest Housing. Consequently there is no requirement for this current Phase to provide any additional affordable housing.

Flood Risk and Drainage

- 77 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 78 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the previous approved application for Phase 1. These Reports took account of Phase 2 and 3. This current phase 3 proposal will simply connect into the approved drainage and SUDs basin. The drainage and SUDs have previously been assessed by SEPA and the Councils Structures and Flooding team and both have re-confirmed they have no objection as the approved SUDs accords with LDP Polices EP2 – New Development and Flooding and EP3 – Water, Environment and Drainage.

Biodiversity

- 79 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer had commented at that time that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.
- 80 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed building. The approved SUDS pond is designed to provide suitable habitats for amphibians and a wet meadow mix. A number of conditions are recommended as per Phases 1 and 2 to ensure no adverse impact on any biodiversity in the area and to ensure compliance with LDP Policy NE3 – Biodiversity as wildlife and wildlife habitats will be enhanced. (Conditions 8 to 12)

Construction Environmental Management Plan (CEMP)

- 81 A Construction Environmental Management Plan (CEMP) was submitted & approved for Phase 1 and 2 and this has been updated for Phase 3 and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise, dust etc. and

methods to reduce the risk of pollution events. The submitted CEMP is considered to be acceptable and must be adhered to during construction. (Condition 15)

Developer Contributions

- 82 The requirement for primary school financial contribution now applies because Phase 3 is for open market dwellinghouses. The required financial contribution of £71,060 (11 x £6,460) can either be paid up front or via a Section 75 legal agreement.

Cultural Heritage

- 83 The site is in close proximity to Dun Aluinn which is a Category C listed building.
- 84 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have both assessed the site's proximity to listed buildings and archaeology and there were no objections and no mitigation is requested.

Overlooking/Overshadowing

- 85 Following some positional changes to the proposed dwellinghouses, the scale, layout and orientation of the dwellings are such that there will not be any significant overlooking or overshadowing of neighbouring properties or of each other in particular. There will be no adverse impact on residential amenity in the area.

Air Quality and Noise

Air Quality

- 86 The application contains provision for wood burning stoves and associated flues. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 87 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer. Environmental Health have previously recommended a condition to deal with this issue for Phases 1 and 2 and this same condition will be applied to this consent also. (Condition 14)

Noise

- 88 As the proposed end use is housing it is not likely to generate excessive noise. However the construction of this phase of the entire site is expected to last a number of years. This could lead to limited disruption at adjacent residential properties if not properly managed.

- 89 This application is supported by an updated Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be to Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Councils recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

Economic Impact

- 90 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. Although only 11 dwellings, the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.
- 91 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Highland Perthshire.

LEGAL AGREEMENTS

- 92 Should the applicant not pay the primary education financial contribution required for this phase of the development up front, a Section 75 legal agreement will be required before the decision notice can be released.

DIRECTION BY SCOTTISH MINISTERS

- 93 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

- 94 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 95 The proposed development on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered to be of a high standard and appropriate to the

surrounding area. Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for their further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 3 to the satisfaction of the Council as Planning Authority..

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety.

- 6 Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an

updated 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) 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;
- d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- e) 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;
- f) details of information signs to inform other road users of construction traffic;
- g) arrangements to ensure that access for emergency service vehicles are not impeded;
- h) co-ordination with other major commercial users known to use roads affected by construction traffic;
- i) traffic arrangements in the immediate vicinity of temporary construction compounds;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason: In the interests of pedestrian and traffic safety.

- 7 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

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

- 8 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be

harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

- 9 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 10 Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

- 11 Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).

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

- 12 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

- 13 Prior to the commencement of development, 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.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 14 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

- 15 The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period 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.

B JUSTIFICATION

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

Primary school financial contribution of £71,060 (11 x £6,460) is required and can either be paid up front (within 28 days) or via a Section 75 legal agreement. Should the applicant not wish to pay the contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.

Any legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be recommended for refusal under delegated powers.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent 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 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 in terms of Section 56 of the Roads (Scotland) Act 1984 he 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.
- 6 The applicant is advised that in terms of Section 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.
- 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, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Background Papers: None
Contact Officer: Steve Callan - Ext 75337
Date: 11 October 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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