

Perth and Kinross Council  
Planning & Development Management Committee – 9 March 2021  
Report of Handling by Head of Planning & Development (Report No. 21/26)

**PROPOSAL:** S42 application to modify Condition 13 (water crossings) of planning permission 18/01214/AMM

**LOCATION:** Site of former Glenisla Golf Course, Alyth

Ref. No: [20/01540/AMM](#)

Ward No: P2 - Strathmore

### Summary

This report recommends approval of the application as the proposed modification is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site relates to part of the former Glenisla golf course, 750 metres east of the village of Alyth. South of the site is Alyth Burn and Alyth Golf Club, who now operate the 9 holes of the Glenisla Course. East is the B954 road and to the north is the B952 that runs into Alyth village. Mature trees align the site's northern boundary and in the north western corner there is the Pitcrocknie Stone, a Scheduled Monument. The Back Burn runs in close proximity to the eastern edge of the approved housing phases and connects with the Alyth Burn to the south.
- 2 The site has had detailed planning permission ([18/01214/AMM](#)) since April 2019 for a care home, 20 dwellings and 3 business units as part of Phase 1 of an overall masterplan to develop the former golf course ([16/01595/IPM](#)). Construction commenced in Summer 2019 and the business units are complete, the dwellinghouses are almost completed and the care home is projected to be completed by Autumn 2021.
- 3 The applicant is seeking to modify the requirements of Condition 13 regarding the timing and delivery of any temporary and permanent crossings over the Back Burn, so that it allows for the occupation of the dwellings. The current condition reads as follows:

*“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.*

*Reason - In order to take account of the flood risk from the adjacent watercourse”.*

- 4 Because the location and specification of the crossings would continue to accord with the approved plan, and not impact on the delivery of the approved housing and care home, the applicant has requested re-wording of Condition 13 is as follows:

*“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Details of all proposed crossings of the burn along with the timing of their provision shall be submitted to and approved in writing by Perth and Kinross Council prior to their implementation”.*

*Reason - In order to take account of the flood risk from the adjacent watercourse”.*

### **PRE-APPLICATION CONSULTATION**

- 5 The proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but Pre-Application Consultation (PAC) is not required for Section 42 applications.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 The PPP applications (09/01345/IPM and 16/01595/IPM) were both screened for EIA. It was found that EIA was required for the 09/01345/IPM application, but a new/updated EIA was not required for 16/01595/IPM. The site was rescreened, for the 18/01214/AMM application, having regard to the more detailed proposals. It was found that no further EIA procedure was required for Phase 1. As the site and surrounding circumstances have not altered in the past 2 years and recognising the changes sought, it was again determined that no further EIA procedure is required for this application

### **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.

#### **Scottish Planning Policy (Revised 2020)**

- 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: 24 – 35
  - Placemaking: 36 – 57
  - Valuing the Natural Environment: 193-218
  - Managing Flood Risk and Drainage: 254 – 268

### **Planning Advice Notes**

- 11 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 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 79 Water and Drainage

### **DEVELOPMENT PLAN**

- 12 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**

- 13 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.”*

- 14 There are no sections of the TAYplan 2016 of particular relevance in the assessment of this S42 application.

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

- 15 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for

the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

16 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 26: Scheduled Monuments and Archaeology
- Policy 38: Environment and Conservation
- Policy 41: Biodiversity
- Policy 53: Water Environment and Drainage
- Policy 60: Transport Standards and Accessibility Requirements

## **SITE HISTORY**

17 The following planning history is relevant:

04/00862/OUT Proposed development of residential plots (in outline).  
Application refused June 2004.

[09/01345/IPM](#) Improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units - 25% affordable plus mainstream housing (in principle). Application approved September 2010.

[13/01114/IPM](#) Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved September 2014.

[14/00282/AMM](#) Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused January 2015.

[16/01595/IPM](#) Variation of Condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel). Application approved February 2017.

[18/01214/AMM](#) Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM). Application approved April 2019.

[20/00020/AMM](#) S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM - Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1). Application approved June 2020.

[20/00511/AMM](#) Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping and associated works (Phase 3 and 4) (approval of matters specified in conditions of 16/01595/IPM). Currently under consideration.

## **CONSULTATIONS**

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

### **External**

- 19 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposed modification as there is still a requirement for all water-crossings, including temporary crossings over the Back Burn, to be designed to convey the 1:200 year peak flow, including climate change and a freeboard.

### **Internal**

- 20 **Structures and Flooding** – No objection to the proposed modification and advise the proposed structures will require technical approval (Informative 12).
- 21 **Transport Planning** – No objections to the proposal.

## **REPRESENTATIONS**

- 22 None received.

## **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Supporting Statement

## **APPRAISAL**

- 23 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, supplementary guidance and consultation responses.

### **Principle**

- 24 Since the approval of the 18/01214/AMM application in April 2019 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained under the extant permission as the approved site is currently under construction. The proposed modification Condition 13 (water crossings) must be assessed to ascertain if there is any adverse impact on the area or a risk that some elements of the development will not be completed. Such changes cannot undermine the required delivery of the masterplan, which was a key requirement in the PPP approvals.

### **Condition 13**

- 25 As noted, the existing Condition 13 of 18/01214/AMM requires:

*“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.*

*Reason - In order to take account of the flood risk from the adjacent watercourse”.*

- 26 The final details of the Back Burn realignment design and works have been approved by SEPA and the Council’s Structures and Flooding team. This addresses the terms of Condition 11 and 12 of the 2018 permission.
- 27 All temporary crossings for the Back Burn are in accordance with the specification set out in current Condition 13, but the details of any permanent crossings still remain to be finalised. With the first house occupied before the end of 2020 and ongoing work on the Back Burn realignment, the applicant has advised that it is not possible to have all permanent crossings agreed and in place before first house occupation as required Condition 13.
- 28 The applicant has sought to address this matter and ensure the details of any permanent crossings continue to meet both SEPA’s and the Council’s requirements and standards. They therefore propose that the final sentence in Condition 13 stating that *“The crossings shall be implemented in full prior to the occupation of the first dwelling”* be deleted and replaced with the wording

underlined below. The rest of Condition 13 remains unaffected and is proposed now read:

*“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Details of all proposed crossings of the burn along with the timing of their provision shall be submitted to and approved in writing by Perth and Kinross Council prior to their implementation”.*

*Reason - In order to take account of the flood risk from the adjacent watercourse”.*

- 29 Both SEPA and the Council's Structures and Flooding team have reviewed the proposed amended condition and neither have raised any issue with it. SEPA, in particular have advised that with the amended wording, there is still a requirement for all water-crossings, including temporary crossings over the Back Burn, to be designed to convey the 1:200 year peak flow, including climate change and a freeboard.
- 30 The proposed amendment, with some additional wording for timing and the requirement to involve SEPA, still means there will be crossings in accordance with the design parameters at all stages of the development. The provision of crossings over the Back Burn have no direct linkage to the occupation of houses within Phase 1, which can still be accessed adequately. The amended condition wording ensures that the final design for all crossings will be made in full accordance with both SEPA's and Perth and Kinross Council's requirements and implemented at the appropriate stage of the development.
- 31 This allows the development of Phase 1 to progress, while ensuring control over the final design and delivery of any burn crossings is retained by the Council and SEPA. The proposed modification does not conflict with LDP2 and in particular Policy 53: Water Environment and Drainage.

### **Design and Layout**

- 32 The proposed modification to Condition 13 will have no impact on the approved and under construction development as no physical changes are being proposed.

### **Landscape**

- 33 The proposed modification to Condition 13 will have no impact on the local landscape as no physical changes are being proposed.

### **Visual Amenity**

- 34 The proposed modification to Condition 13 will have no impact on the visual amenity of the area as this will remain unaltered.

### **Roads and Access**

- 35 The Council's Transport Planning team have not raised any issue in relation traffic and road safety. The proposed modification to Condition 13 will have no impact on the road network.



### **Drainage and Flooding**

- 36 As previously confirmed neither SEPA nor the Council's Structures and Flooding team have raised any flood risk or drainage issues with the proposed modification to Condition 13.

### **Conservation Considerations**

- 37 The proposed modification of Condition 13 will not have any impact on the nearby Pitcrocknie Stone Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area but will require the condition from 18/01214/AMM to be replicated with this permission (Condition 6).

### **Natural Heritage and Biodiversity**

- 38 The proposed modification of Condition 13 will not have an impact on local biodiversity.

### **Developer Contributions**

- 39 No contributions are required by this S42 application.

### **Economic Impact**

- 40 The proposed modification will not have an impact on the local economy.

### **Other Matters**

- 41 The 2018 AMSC permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in Summer 2019. It is good practice, where approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered should remain. These conditions are set out in the recommendation section below.

### **LEGAL AGREEMENTS**

- 42 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, upgrading of Losset Road core path and bus service provision. It is future-proofed for S42 applications so will not require modification in light of this proposal.

### **DIRECTION BY SCOTTISH MINISTERS**

- 43 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**

- 44 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.
- 45 Accordingly the proposal is recommended for approval subject to the following Conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/01540/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/01540/07):
  - a) Erection of a 60-bed care home;
  - b) Erection of 20 dwellinghouses (including 8 associated garages);
  - c) Erection of 3 business units (Class 4);
  - d) Erection of an Energy Centre;
  - e) Erection of 2 Entrance/Storage buildings;
  - f) De-culverting and realignment of Back Burn;
  - g) Erection of a Pumping station; and
  - h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/01540/12)

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

2. Prior to the approved development being completed or brought into use, 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 2019.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/01540/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The

methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

4. All plant and 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 property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/01540/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. The approved protective fencing (Drawing ref: 20/01540/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/01540/11) shall continue to 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.

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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.

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

11. The approved realignment design of the Back Burn (drawing ref: 20/001540/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. The approved topographic information (drawing ref: 20/01540/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/01540/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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).

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/01540/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

18. 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 Council as 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).

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/01540/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/01540/05) shall continue to include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - i) details of information signs to inform other road users of construction traffic;
  - j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - k) co-ordination with other significant developments known to use roads affected by construction traffic;
  - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
  - n) monitoring, reporting and implementation arrangements;
  - o) arrangements for dealing with non-compliance; and
  - p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/01540/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:
- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and

(ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:

- the timber kit fully erected on the foundations;
- all windows and doors fitted; and
- the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

## **B JUSTIFICATION**

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

## **C PROCEDURAL NOTES**

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

## **D INFORMATIVES**

1. 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.
2. 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.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. 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.

5. 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).
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. 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.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM 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](http://www.ros.gov.uk)).
12. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.



Background Papers: 18/01214/AMM Decision Notice and Section 75 Legal Agreement.

Contact Officer: Steve Callan – Ext 75337

Date: 25 February 2021

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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