

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/400)

PROPOSAL: Overall site masterplan and detailed Approval of Matters Specified in Conditions for Phase 1 comprising the erection of a care/nursing home, 20 dwellinghouses and 8 garages, erection of 3 Class 4 business units, an energy centre, pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a Sustainable Urban Drainage system (SUDS) pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Matters specified in conditions 16/01595/IPM).

LOCATION: Land North of Pitcrocknie Farmhouse (Glenisla Golf Course), Alyth.

Ref. No: [18/01214/AMM](#)

Ward No: 2 - Strathmore

Summary

This report recommends approval of an overall site masterplan and detailed approval of Matters Specified in Conditions (AMSC) for Phase 1 of the development, incorporating a care home, 20 dwellings and 3 business units, to the east of Alyth, on the grounds that the proposal is consistent with the Development Plan and the In Principle consent.

BACKGROUND AND PROPOSAL

- 1 The application site relates to 51 hectares of part the former Glenisla golf course 750 metres east of the village of Alyth. South and adjacent to the site is Alyth Burn which is a tributary to the River Tay. Immediately north is the B952 that runs into Alyth village and the B954 road bisect the site. . South of the site is Alyth golf course and it now incorporates 9 holes of the Glenisla golf course. At the south eastern corner of the application site is the former Glenisla Golf Clubhouse and car parking area. The clubhouse is currently being used as a café.
- 2 Mature trees also align the site's northern boundary and there are trees planted throughout the site as part of the development of the golf course. Bunkers and greens are still evident from its most recent use but are now overgrown. In the north western corner there is the Pitcrocknie Stone, a Scheduled Monument.
- 3 The site is currently accessed by a narrow existing field access from the B952 road to the north and the existing access to the clubhouse off the B954 road.
- 4 The site has In Principle Planning permission which was granted in 2010 ([09/01345/IPM](#)) and again in 2016 ([16/01595/IPM](#)). Directive 1 and Condition 1 of the 16/01595/IPM application requires, as part of the first application for Approval of Matters Specified in Condition, the submission of a masterplan for the entire

site along with a first development phase. A masterplan has been submitted for the entire site, indicating broad residential, business and hotel land uses and their phased delivery. A key element of this masterplan is the applicant no longer proposes to develop the 18 hectares of farmland that lies to the east of the B954 which separates this land from the Phases 1-9 that are proposed to be developed. This area was originally identified for a further 6 golf holes under planning permission 09/01345/IPM. As part of this application, detailed plans have been submitted for Phase 1 and consists of the following:

- A 60 bed care home with a particular emphasis on dementia care
- Mix of 20 dwellinghouses (including 8 associated garages)
- 3 business units (Class 4)
- Energy Centre
- 2 Entrance/Storage buildings
- De-culverting and realignment of Back Burn
- Pumping station
- Temporary Bridge over Back Burn

Environmental Impact Assessment (EIA)

- 5 The In Principle applications (09/01345/IPM and 16/01595/IPM) were screened for an 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 has been re-screened, having regard to the more detailed proposals, and it has been found that no further EIA Report is required for Phase 1. The applicant has, however, submitted a suite of up-to-date supporting assessments, which addresses environmental information needed in respect of flood risk, drainage, transport, ecology, noise, air quality and contaminated land.

NATIONAL POLICY AND GUIDANCE

- 6 The SPP is a statement of Scottish Government policy on land use planning. 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
- 7 The following Scottish Government Planning Advice Notes (PAN) 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

- 8 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

- 9 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

- 10 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

- 11 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

- 12 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:
- 13 *"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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. **Policy 2: Shaping Better Quality Places**

- 15 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 6: Developer Contributions

- 16 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

- 17 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. 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; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Perth and Kinross Local Development Plan 2014

- 18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 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.”
- 20 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

- 23 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 24 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 25 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

- 26 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. 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

- 27 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 TA1A - Transport Standards and Accessibility Requirements

- 28 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 29 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.

Policy CF1B - Open Space Retention and Provision

- 30 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

- 31 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 HE1A - Scheduled Monuments and Non Designated Archaeology

- 32 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 33 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy NE1B - National Designations

- 34 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

- 35 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 36 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 37 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

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 39 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 40 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

- 41 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 EP3A - Water, Environment and Drainage

- 42 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 43 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

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

Policy EP3D - Water, Environment and Drainage

- 45 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

- 46 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.

Policy EP11 - Air Quality Management Areas

- 47 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 48 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 49 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.
- 50 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.
- 51 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.

OTHER POLICIES

52 The following supplementary guidance and documents are of particular importance in the assessment of this application

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

SITE HISTORY

53 The relevant planning history is:

04/00862/OUT Proposed development of residential plots (in outline). Application refused under delegated powers May 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 contrary to officers recommendation by Full Council June 2010.

13/00660/FLL Erection of 18 dwellinghouses with garages. Application withdrawn by applicant October 2013.

13/01114/IPM Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved by Development Management Committee July 2013.

14/00282/AMM Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused by Development Management Committee December 2014.

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 by Development Management Committee December 2016.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

54 No objection but a number of conditions requested.

Scottish Natural Heritage (SNH)

55 No objection.

Scottish Water

- 56 No objection.

Historic Environment Scotland (HES)

- 57 No objection following additional information and alteration of layout and masterplan to protect the adjacent Pitcrocknie Scheduled Monument.

Sportscotland

- 58 No objection to the loss of 9 holes of Glenisla golf course.

Alyth Community Council

- 59 No response received.

Perth & Kinross Heritage Trust

- 60 No objection but recommends conditions.

INTERNAL

Transport Planning

- 61 No objection following confirmation that off -site works on the B954 road and the core path improvement on Losset Road linking site to Alyth village and bus service provision are provided.

Environmental Health

- 62 No objection but recommends a conditions regarding noise is included with any permission.

Land Quality (Contaminated Land)

- 63 No objection as no record of contamination in area.

Developer Contributions

- 64 No objection. Section 75 legal agreement required for affordable housing contribution.

Structures and Flooding

- 65 No objection following submission of additional information.

Waste Services

- 66 No objection.

Community Greenspace

- 67 No response received.

REPRESENTATIONS

68 One letter of representation was received objecting to the proposal and one letter of support was received from Alyth Golf Club. The reasons for the objection are as follows:

- Scale of proposal
- Inappropriate location
- Adverse impact on Alyth and its facilities
- Increased traffic and congestion
- Lack of parking

69 These matters are considered in the appraisal below.

ADDITIONAL STATEMENTS

70

Environment Statement	Not required
Screening Opinion	Undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Noise Assessment, Transport Assessment, Ecological Assessment, Landscape Appraisal, Geotechnical Survey, Drainage Impact Assessment, Flood Risk Assessment, Construction Method Statement, Tree Survey, Air Quality Report, Socio- Economic Report, Planning Statement, Supporting Information on healthcare

APPRAISAL

Policy Appraisal

71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other

material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

Principle

- 72 The principle of development at this location has been established through the In Principle approval of planning permission (09/01345/IPM) in 2010 and in 2016 through 16/01595/IPM for development of a mixed use facility including residential, business, nursing home and hotel. An indicative density of 216 dwellings was identified at the In Principle stage. Development within Phase 1 seeks approval for a care home, 3 business units and 20 dwellinghouses and is consistent with the In Principle permission for the site. Within the wider masterplan proposed, while the scale of development is not defined, the land uses are considered consistent with the In Principle permission.

Phasing and Delivery

- 73 An updated masterplan and phasing plan has been submitted in accordance with Directive 1(a) and Condition 1 of 16/01595/IPM. The masterplan shows 9 Phases to be delivered, with the proposed care home and first 20 dwellinghouses to be delivered in the north west corner of the site as part of the Phase 1. Also included in the first phase will be the development of the 3 business units within the current car parking area for the golf club house, located to the east of the area of the site being developed, adjacent to the B954. A haul/service road is proposed from this area, off the B954, to the proposed care home and dwellings. This will initially provide construction access for Phase 1 before becoming an adopted road that will be used by residents and visitors for Phases 7 to 9.
- 74 A temporary bridge will be required as part of the haul road over the de-culverted Back Burn that runs through the centre of the site. A more permanent bridge will be required in due course when Phases 7, 8 and 9 are delivered. The de-culverted burn is also proposed to be significantly realigned back towards its original course.
- 75 The proposed phasing shown within the masterplan shows a logical and sequential expansion of the site over time. The proposed care home and 20 dwellings in Phase 1 are located closest to existing residential properties and Alyth Village and are considered an appropriate starting point of the development. The proposed business units will be located close to the existing golf clubhouse and although divorced from the care home and housing, it is considered an acceptable location for the commercial development to be located. Condition 22 will ensure Phase 1 is delivered to an acceptable construction programme.
- 76 Overall, the proposed masterplan and phasing plan are considered to accord with the In Principle permission and the Council's Placemaking Policy PM1 as the siting respects the existing character of the area and will improve links to Alyth village.

Design and Layout

- 77 Condition 2 of 16/01595/IPM requires the detailed design of each phase to be submitted for approval.

- 78 Taking each element in turn, the proposed care home is considered to be an attractive single storey building with a double height entrance containing a lantern feature and is located close to both the proposed entrance point off the B952 and the Losset Road core path that links with Alyth village. Extensive use of glazing along with timber, rendered walls and metal roof materials are proposed which is an attractive palette that creates a modern up to date care home with specialist facilities for dementia care.
- 79 The proposed 20 dwellings and 8 associated garages have been designed to provide a mix of house types to suit a variety of markets from first-time buyers to down-sizers and for those with a relative living in the adjacent care home. There will be 4 x 2 storey dwellings (2 x 3 bedroom and 2 x 4 bedroom); 8 x 2 bedroom detached bungalows and 8 x 2 bedroom semi-detached bungalows. The materials for each dwelling are rendered walls with timber cladding near the front doors and grey/black concrete roof tiles. The design and materials for each house type is considered to be acceptable.
- 80 The layout is also considered to be acceptable with a good internal road loop that will link back onto the main spine road through the site that will eventually link to Phase 7, 8 and 9. The 3 dwellings located closest to the entrance point all front onto the main internal road and have car parking provision located at the gable ends. This will create an active street frontage, providing an acceptable visual impact on entrance to the site ensuring that cars will not dominate the view when you enter the development.
- 81 The proposed business units will be clad in timber and metal sheet roofing that contains numerous rooflights. Simple entrance canopies are also proposed. Overall the business units are an attractive, simple design that is considered to be acceptable in a rural location.
- 82 It is proposed for the northern entrance point to the site off the B952 road to feature a stone entrance wall. Just behind the stone wall, two small entrance buildings are proposed that will be used to store maintenance equipment for the site. The entrance buildings will have rendered walls and metal roofs and will provide the appearance of small entrance lodges.
- 83 The proposed energy centre will be a single store rectangular building located near the proposed entrance within the boundary woodland along the northern perimeter of site. The walls will be clad in timber and the roof will be seeded to help blend with the woodland. The energy centre will provide heat and power to the care home and the proposed dwellings. Initially it will be a gas provider but over time as more phases are built out it is expected to become a biomass provider. The proposal complies with the Council's placemaking policies, providing a coherent structure of streets, buildings and open space that considers the surrounding landscape character and amenity of the area.

Residential Amenity

- 84 In terms of the potential direct impact on existing residential amenity, such as overlooking or loss of privacy, I am satisfied that the proposed development will

not compromise existing residential amenity in the area in particular the property known as Sidlaw View or from within the development itself. The care home and housing will be well screened by existing and proposed planting. It is in line with the Council's standards in terms of separation distances, depth of rear gardens etcetera. The commercial properties will be more visible off the B954 road but none have an impact on any residential properties.

Visual Amenity

- 85 The proposed development will not have an impact on visitors/members of Glenisla Golf Course as the loss of 9 currently unused holes occurred in 2016. The remaining 9 holes are being maintained by neighbouring Alyth Golf Club. This predominantly rural area of Perthshire, will see varying degrees of impact to neighbouring residential receptors and adjacent road and core path users (both vehicular and pedestrian). A Landscape Appraisal was submitted by the applicant and has been reviewed in the context of the detailed Phase 1 proposals and general principle of the masterplan.
- 86 The setting of the Alyth golf clubhouse and course will not be significantly impacted by the proposals. The retention of the 9-hole course at Glenisla between the B954 road, Alyth Burn, and beyond provides a substantial separation buffer to the proposed development.
- 87 Users of the section of the Core Path (ALTH/100 and ALTH/4) which runs through the southern section of the site from Losset Road to Alyth Burn will see a moderate change in visual character due to the creation of built form and infrastructure to the north. Other sections of the Core Path will not see walkers significantly visually impacted due to distance, orientation, and intervening landscape screening.
- 88 In terms of residential properties on the B952 Meethill Rd (Stoneybrae and Sidlaw View), both residences sit at the junction of Losset Road and Meethill Road near development. Stoneybrae is afforded screening by the trees which line Losset Road. Sidlaw View is screened in part by the semi-mature woodland planting of the golf course. This residence sits in a prominent position which affords long-distance views over Strathmore to the range of Sidlaw Hills in the south. Careful siting of the single storey care home will not greatly impact these views. Impacts will be further mitigated/reduced by additional tree planting.
- 89 Residences in Eastern Alyth (Springbank Road) facing towards development are separated by approximately 230 metres of intervening arable field and the dense semi-mature woodland buffer of Glenisla golf course. This landscape screen prevents direct views to the proposed development.

Traffic and Transport

- 90 In compliance with Condition 6 of 16/01595/IPM, an updated Transport Assessment has been submitted in support of Phase 1 of the application. This has been reviewed by Transport Planning. Two entrance points are proposed within the masterplan and within Phase 1. One will be via the B952 road to the north and the second is adjacent to the proposed business units and existing car park (ultimately on to the B954). The latter access and road will also provide a temporary haul/service road for construction traffic for the development of the care

home and dwellings within Phase 1 and future phases. The main entrance to the care home and the 20 dwellings will be via the B952 to the north and will involve the felling of some boundary woodland. Neither entrance point nor the haul road raised any concerns for Transport Planning.

Losset Road Core Path

- 91 Immediately west of the site is Losset Road, which is a core path (ALTH/100 and ALTH/4) linking directly into Alyth Village. With the B952 (Meethill Road) not wide enough to accommodate a footpath to Alyth, Transport Planning considered it was imperative that there must be a safe pedestrian/cyclist connection with the village for future residents. The IPM decision notice requires further assessment of transport impacts and anticipates requisite transport improvements to facilitate the development, however, such improvements, such as core path improvement and bus service provision, are not specifically stated. . The applicant, however, recognises the importance of such provisions and confirmed that they are willing to upgrade the core path and that they have the necessary servitude rights to carry out the works to meet the requirements of Transport Planning. Whilst a further condition cannot be requested as part of any approval for this application, because it was envisaged if not specified at the IPM stage, it is considered reasonable to secure such improvement via a Section 75 legal agreement, which is already required to secure affordable housing contributions.

Bus Service

- 92 As advised, the In Principle approval anticipated a requirement for the site to be served by a bus service. Following a meeting with the Council's Public Transport Unit, agreement has been reached on the type of bus service required for Phase 1 of the development. Following a meeting with the Council's Public Transport Unit, the applicant has again indicated that such provision is acceptable to them. As further Phases come forward a change in the type of bus provision will be required and this can be assessed at each phase. As with the core path improvements stated above the Section 75 legal agreement can secure such provision.

Impact on Existing Bridge on B954

- 93 Concern by Transport Planning was expressed regarding the small and narrow bridge on the B954 road to the south east of the site in terms of construction traffic and in particular HGVs. Although outwith the redline boundary, the development will generate direct impacts on the bridge necessitating mitigation measures. Improvements to the bridge and road, including passing places suitable for HGVs, have been agreed by Transport Planning and such works can be covered and delivered under the Road Scotland Act.

Noise

- 94 The proposed energy centre has been assessed by Environmental Health in terms of noise as it is situated approximately 70 metres from the nearest existing residential property at Sidlaw View and 10 metres from the proposed care home. Following initial concern that noise from the operation of the facility could impact on nearby residential properties, additional information was requested on the likely sources of noise from any plant and equipment.

- 95 Following the submission of additional information Environmental Health understand that 2 gas boilers will be installed as part of the Phase 1 element rather than biomass boilers. Noise data for the operation of the gas boilers has been provided together with noise prediction calculations. Based on the predicted noise levels Environmental Health advise that noise mitigation measures could be incorporated into the design of the energy centre and they are satisfied that noise from the energy centre could be adequately controlled by attaching a condition to the planning consent to protect residential amenity (Condition 4).

Air Quality

- 96 Condition 11 of 16/01595/IPM states that each application for the approval of Matters Specified in Conditions will require an air quality report to inform the assessment.
- 97 An updated air quality report has been submitted and has been assessed by Environmental Health. The report states that once occupied there will be an increase in pollution concentrations associated with heating of buildings and the provisions of hot water; however, any increase as a result of these sources is likely to be small and that recommendations have been made for the installation of low emission boilers and energy water saving devices on all buildings.
- 98 No account of the likely air quality impacts of the energy centre has been assessed at this stage as no biomass boilers will be installed until Phase 4 of the development. The number and cumulative effect of both gas and biomass boilers will need to be assessed at each stage of the development and may impact on the overall number of boilers that can be installed and the design and location of the energy centre in relation to residential properties. This will therefore have to be carefully assessed within future phases of the development.
- 99 However, Phase 1 of the development will now only contain 2 gas fired boilers, Environmental Health are satisfied that the updated air quality assessment has covered all necessary sources of emissions to atmosphere within the report. Condition 3 will ensure no biomass boilers shall be installed for Phase 1.

Cultural Heritage

- 100 An initial objection was raised by Historic Environment Scotland (HES), in respect of the proximity of the proposed development, and its potential adverse impact on, Pitcrocknie Scheduled Monument which is located within Phase 1, south east of the care home and south west of the housing. Open space and a road are proposed in between the Scheduled Monument and the development. Following an on-site meeting between the applicant, the Council and HES, revised plans were submitted providing a greater level of open space detail around the Scheduled Monument.
- 101 HES consider that the revised proposal would significantly reduce the impact on the setting of the stone. This would allow numerous views from the stone to be retained and will allow the stone to be viewed from the south against the backdrop of the hills to the north and northeast.

- 102 Whilst the revised development proposal would still change the character of the monument's setting, and altering it from a rural setting to suburban, HES consider that the impact is not of national significance and do not object to the proposal whilst complying with Condition 10 of 16/01595/IPM.
- 103 To ensure the protection of the setting of the Scheduled Monument is maintained through all future phases of development HES recommend informatives to ensure appropriate distances are maintained (Informatives 11 and 12). This approach is considered appropriate to highlight the importance of designing mitigation in to future phases of development. They are as follows:
- 1) there would be no structures:-
- Within 46 metres of the stone to the east (Phase 2)
 - Within 62 metres of the stone to the south east (Phase 3)
 - Within 72 metres of the stone to the south (Phase 4)
- 2) structures within the 100m radius exclusion zone around the stone would only be single storey

Archaeology

- 104 Perth and Kinross Heritage Trust (PKHT) confirm that the proposed development site lies within an area that is considered to have archaeological potential because there is a high density of recorded sites within the surrounding landscape.
- 105 Whilst concern was expressed regarding the impact on the Scheduled Monument this has been dealt with and mitigated to HES's satisfaction.
- 106 Should this application be approved, PKHT recommend that the same archaeology condition of the In Principle permission, requiring programme of archaeological works, is imposed for Phase 1. A condition is recommended for this purpose included (Condition 6).
- 107 PKHT also recommends fencing of the Pitcrocknie Stone, including an appropriate buffer, during all construction works to ensure the monument is not accidentally damaged. Again, this is recommended and will be a repeat of an In Principle condition of (Condition 7).

Natural Heritage

- 108 In compliance with the In Principle permission, an updated Ecological Assessment has been provided and has been reviewed by both SNH and the Council's Biodiversity Officer.
- 109 This proposal affects land to the north of the Alyth Burn, part of the River Tay Special Area of Conservation (SAC), and accessible to the Atlantic salmon and otter qualifying interests, and, potentially, the lamprey qualifying interests. SNH advise that, based on the comprehensive supporting information, and in particular the Construction Method Statement and the drainage strategy, they do not consider that this proposal will have a likely significant effect on any of the

protected features of the River Tay SAC. The submitted Construction Method Statement complies with Condition 12 of 16/01595/IPM.

- 110 The Council's Biodiversity Officer has raised concerns regarding the proposed road layout within the masterplan as it separates the two existing ponds and this could have an adverse impact on amphibians and waders. The ponds are outwith the area relative to the Phase 1 development and are not being approved here. This issue can be addressed at the detailed stages for Phase 5 and 7. Similarly, the masterplan identifies the areas for future development but the locations of the roads outwith Phase 1 are not fixed at this point and will be determined in subsequent applications for later phases.
- 111 Further conditions are recommended to protect and enhance the biodiversity value of the site (Conditions 14 to 18).

Impact on Trees

- 112 Although the majority of the site is grassed, there are a large number of mature trees which align the former fairways of the golf course. The supporting tree survey and landscape plan show there will be limited felling and additional planting along the western boundary to mitigate any visual impact from the nearest dwelling.

Structures and Flooding

- 113 A Flood Risk Assessment and Drainage Impact Assessment was submitted in support of the application as the Back Burn that runs through the centre of the site is proposed to be de-culverted and re-aligned. Detailed plans of the proposed de-culvert and realignment have been submitted as part of Phase 1. This has been reviewed by both SEPA and Structures and Flooding. Initially both consultees objected on the grounds of lack of information. However, following the submission of additional information in respect of flooding, watercourse engineering, surface water drainage, neither SEPA nor Structures and Flooding have significant issues with regards to the proposed de-culverting and realignment of the burn in terms of flood risk.
- 114 SEPA advise that the channel design may change and, if so, could affect the proposed development layout. As such they recommend that once the channel design is fully finalised, the developer will be required to ensure the proposed development will not be at risk of flooding or increase the risk of flooding elsewhere. These works and this detail will be delivered during Phase1 (Condition 11).
- 115 SEPA do stress that there is a real opportunity to improve the environmental and amenity value of the Back Burn by de-culverting and re-aligning the straightened watercourse. They are supportive of the general principles but do require additional information on the detailed design to ensure existing and proposed development and infrastructure are not placed at an increased risk of flooding through inappropriate design. On-going inspection and maintenance of the realignment should also be factored into the design (Condition 12).

- 116 SEPA do further advise that the proposed engineering to be potentially consentable under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

Loss of Golf Facilities

- 117 Sportscotland initially expressed concern regarding the reduction of golfing facilities in the area. Additional information submitted confirms that the remaining 9 holes are now being managed and maintained by the adjacent Alyth Golf Club, improving their offer for golfers of all ages and abilities by being able to provide both 9 hole and 18 hole facilities. For clarification the submitted masterplan confirms the area of land to the east of the B954 road, which was originally earmarked for a further 6 golf holes under planning permission 09/01345/IPM, will not be going ahead and will remain agricultural land.
- 118 Sportscotland has confirmed they have no issue with the reduction of the size of the golf course.

Developer Contributions

- 119 The affordable housing requirement for Phase 1 is 5 units. The applicant, through discussions with the Council, has looked to phase the delivery of the Affordable Housing requirement at later phases of the development. A review of the Affordable Housing demand in the area has identified that onsite provision could be supported but with the location and the limited initial scale of the development it is agreed that onsite provision would be better provided through later phases. To ensure the appropriate affordable requirement is secured a commuted sum payment will be secured in lieu of onsite provision for this first phase development. The commuted sum for the Strathmore & Glens Housing Market Area is £11,500 per unit.
- 120 In terms of other developer contributions, none are required. There are no primary school capacity issues in the area.

Economic Impact

- 121 The impact on the local economy from the uses proposed will be reasonably significant for the village of Alyth and surrounding area. Both the care home and business units will provide employment opportunities and the proposed dwellings will add to the available local expenditure and have a positive impact on local facilities.

LEGAL AGREEMENTS

- 122 A Section 75 legal agreement will be required in respect of the required affordable housing contribution for the 5 commuted sums for Phase 1. Furthermore, the agreement will also secure the delivery of an upgrade to the Losset Road Core Path (ALTH/100 and ALTH/4) and the provision of a bus service for residents, employees and visitors within the Phase 1 development.

DIRECTION BY SCOTTISH MINISTERS

- 123 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

- 124 The proposed masterplan details the general land uses and phasing of development over 9 phases but does not provide detailed consent for the layout of roads, buildings or open space at this stage. The masterplan is considered to be acceptable. Further detailed applications, for the Approval of Matters Specified in Conditions, will be required for each phase and will be assessed on their merits against the masterplan and integration with Phase 1.
- 125 In terms of Phase 1, for the care home, residential development and business units, this development it is in line with both the submitted masterplan and the In Principle permission. Phase 1 will also see key aspects of the development being brought forward at an early stage. The scale of development, the layout and design of Phase 1 raises no significant issues and will not adversely affect the visual, landscape or residential amenity of the area. The impact on the Pitcrochnie Scheduled Monument can be mitigated to an acceptable level.

RECOMMENDATION

Approve the planning application subject to the following conditions:-

- 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. For the avoidance of doubt, the masterplan (drawing ref: 18/01214/27) is hereby approved only 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: 18/01214/28):
- 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.

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

- 2 Prior to the development hereby approved 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 2014.

- 3 No biomass boilers shall be installed to the approved energy centre, 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 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing 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 Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM1575 Pitcrocknie Stone in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. 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 existing trees and hedgerows shown to be retained 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.

- 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 Prior to the commencement of development full details of the Back Burn realignment design shall be submitted to and approved in writing by the Council as Planning Authority in consultation with SEPA. Thereafter, the agreed design 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 Prior to the commencement of development topographic information should be submitted to and approved by the Council as Planning Authority in consultation with SEPA that clearly shows the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development. Thereafter, the agreed design 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. 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.

- 14 Prior to the commencement of development of Phase 1 a detailed planting scheme shall be submitted to and approved in writing by the Council as Planning

Authority. Thereafter the approved scheme 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 Prior to the commencement of development hereby approved, details of the location for the provision of a minimum of 1 bat brick or bat nest box and 1 Swift brick on each two-storey dwellinghouse shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s)/bat nest box(s) and Swift brick(s) 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 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 1 shall be submitted to and agreed in writing by the Council as Planning

Authority. Thereafter it 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 Prior to the commencement of the development of Phase 1 hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), a Construction Traffic Management Scheme (TMS) which shall include the following:

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

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

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

- 22 Prior to the commencement of development, a construction programme detailing the phasing and timing of delivery of the elements approved in Phase 1 shall be submitted to and approved in writing by the Planning Authority. The construction programme shall specifically provide for the following.

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling;
- (ii) the care home must be constructed and in operation prior to the occupation of the first residential dwelling.

Once approved, the construction programme and phasing will be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of 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

A Section 75 is required to deal with a financial contribution towards affordable housing; upgrade of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

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 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 developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 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 Environmental Protection Agency.
- 7 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 Environmental Protection Agency (SEPA).
- 8 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.
- 9 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.
- 10 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.
- 11 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).

- 12 For future development phases of the masterplan and In Principle approval, Nn 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.

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

Date: 6 December 2018

Anne Condcliffe
Interim Development Quality Manager

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