

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/72)

PROPOSAL:	S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM
LOCATION:	Land to the west of Charlotte Gate development, Glasgow Road, Perth

Ref. No: [21/00197/IPM](#)

Ward No: P10 - Perth City South

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located to the western edge of Perth. Planning Permission in Principle (PPP) was granted in August 2013 for mixed use development, incorporating housing and employment land (Class 4), on land to the west of Cherrybank Gardens (Ref: 12/01692/IPM). The approved masterplan included two phases of business land and four phases of residential development. Planning approvals have been granted for 234 dwellings in total for the 4 residential phases and Phase 4 is nearing completion with all dwellings occupied (15/00809/AMM and 17/00204/AMM).
- 2 The employment sites historically formed part of an allocation in the 2014 Perth and Kinross Local Development Plan (LDP) for both residential and employment use (MU1). This site now forms part of Perth and Kinross Local Development Plan 2019 (LDP2) allocations E340 and E2 for core employment uses.
- 3 Condition 3 of 12/01692/IPM states that:

Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the planning authority. The construction programme shall accord with the phases outlined below.

- (i) *phase 1 of the business land development must be fully serviced by the occupation of the first residential dwelling associated with phase 3.*
- (ii) *phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4.*
- (iii) *the road link required by condition 2(ii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site before the occupation of 50% of the residential dwellings associated with phase 4.*
- (iv) *the 4.0 metre bund required by condition 2(iii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site and landscaped before the start of construction of residential dwellings associated with phase 3.*

Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the planning authority.

- 4 In terms of Condition 3(i), the Phase 1 business land, at the eastern part of the PPP site near the hotel, was fully serviced by November 2017. As highlighted above, Condition 3(ii) requires the Phase 2 business land to be fully serviced before the occupation of 50% of the residential dwellings within residential Phase 4.
- 5 In January 2021, full planning permission was approved by the Planning and Development Management Committee for 49 houses on the land identified in the PPP as the Phase 2 business land (ref. 20/00505/FLL). The applicant is therefore seeking to delete Condition 3(ii) of 12/01692/IPM as it is no longer needed and cannot be met by virtue of the recent planning permission for 49 dwellings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening related to the 'PPP' permission 12/01692/IPM. It is not proportionate to fully repeat this process, with the proposal following the overall environmental parameters previously considered. Thus, having considered the proposal's characteristics, location and likely significant environmental effects, the Planning Authority has adopted an opinion that the proposal is not EIA development.

PRE APPLICATION CONSULTATION

- 7 Due to the size of the application site this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, Pre-Application Consultation (PAC) is no longer needed for Section 42 applications. Accordingly, there is not a requirement for the applicants to carry out a PAC.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and

planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 10 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.
- 11 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 92 -108

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 13 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

- 14 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.”

- 15 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

- 16 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. The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 7A: Employment and Mixed Used Areas
- Policy 23: Delivery of Development Sites

LDP2 Allocation

E340 Broxden 4.5ha employment uses (core)

Site-Specific Developer Requirements

- The servicing of this employment land must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4 of the in-principle planning permission.
- Provision of landscape framework: retain and reinforce planting on southern boundary, creation of a linear landscaped park along the westernmost watercourse incorporating a viewing point and neighbourhood park and landscaping on the north boundary to create a ‘green corridor’ along the Glasgow Road.
- Green Travel Plan.
- Access from new signal controlled junction on the A93 Glasgow Road.
- A robust landscape framework maximising the potential to enhance biodiversity, protection of habitats, and retention and enhancement of woodland screening.
- Updated Flood Risk Assessment

E2 Broxden 4ha employment uses (core)

Site-Specific Developer Requirements

- Flood Risk Assessment and Drainage Impact Assessment required which will define the open space which will be protected in perpetuity for flood risk reasons.

- Flood Risk Assessment must demonstrate that development does not increase the risk of flooding elsewhere particularly downstream on the Craigie Burn.
- Open space to also provide a green wedge into the city and links to the Green Belt.
- Cycle paths, core paths and rights of way incorporated into Masterplan and designed to improve active transport links to Perth.
- Enhancement of biodiversity and habitats

SITE HISTORY

- 17 [11/00010/PAN](#): A Proposal of Application Notice (PAN) related to a 'Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure' saw the approach to be taken in relation to pre-application consultation with the local community set out in a decision letter issued by PKC on 12 October 2011.
- 18 [12/01692/IPM](#): Planning Permission in Principle (PPP) was approved on 29 August 2013 for a 'Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure'.
- 19 [15/00809/AMM](#): A Matters Specified in Conditions (MSC) application, associated to 12/01692/IPM was approved on 13 May 2016 allowing the Erection of 164 dwellinghouses and associated works (Phases 1-3).
- 20 [17/00204/AMM](#): A second MSC application associated to 12/01692/IPM was approved on 4 January 2018 for the Erection of 70 dwellinghouses (Phase 4).
- 21 [19/02129/FLL](#): Planning permission was approved on 25 May 2020 for land engineering (land raise) operations (in part retrospect) of LDP2 site E340.
- 22 [20/00505/FLL](#): Planning permission was granted on 14 January 2021 for the development of 49 dwellings on part of LDP2 site E340 (Phase 5).

CONSULTATIONS

- 23 None undertaken. It is however highlighted that consultee feedback from both the Council's Economic Development and Strategy and Policy teams were received for the recent application for 49 dwellings on the Phase 2 business land site (20/00505/FLL). Both responses confirmed that they were content with the loss of Phase 2 - Employment Land as it was proven to be an unviable site for commercial/employment purposes.

REPRESENTATIONS

- 24 A total of 3 representations have been received in respect of the current application. The issues raised within representations are however related to the planning approval for 49 dwellings on part of the same site (20/00505/FLL) and not about the deletion of the condition being considered here. They are therefore not considered material to the assessment of this S42 application as no development is proposed.

ADDITIONAL STATEMENTS

25	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	Planning Statement Submitted

APPRAISAL

- 26 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 consideration of the Council's other approved policies and supplementary guidance.

Principle

- 27 Since the approval of the 12/01692/IPM application in August 2013, there has been a number of Development Plan changes with the adoption of Perth and Kinross LDP in 2014 and the adoption of LDP2 in 2019. Within LDP2 there are two areas of land of the PPP site allocated (E340 and E2) for core employment uses of classes 4, 5 and 6.
- 28 LDP2 site E340 benefits from detailed planning permission but as advised, this permission is now for residential development and construction of the 49 dwellinghouses has recently commenced. This residential approval and development determined through permission 20/00505/FLL now means that the allocation for employment use on LDP2 site E340 and the requirement of Condition 3(ii) within permission 12/01692/IPM are nullified. Although the application does not fully comply with the relevant provisions of the Development Plan, the material consideration of the 20/00505/FLL permission now outweighs the position of the Development Plan and justifies a departure.
- 29 Notwithstanding the Development Plan changes, and residential development on E340, the principle of employment development at E2 (Phase 1 – Employment Land) remains and continues to be maintained under its allocation in LDP2. The proposed modification Condition 3(ii) of 12/01269/IPM does not adversely impact the Phase 1 – Employment Land at the E2 allocation will not be compromised and does not prevent a planning application coming forward for Class 4, 5 and 6 uses.

Condition 3(ii)

30 Condition 3 (ii) of 12/01692/IPM requires that:

(ii) phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4.

31 Following the PPP (12/01692/IPM), detailed planning approvals for Phases 1-4 have been granted (15/00809/AMM, 17/00204/AMM). Phases 1 to 3 have been completed and all dwellings have been occupied, whilst Phase 4 is nearing completion.

32 In January 2021, planning permission was granted for 49 houses (ref. 20/00505/FLL) for what is now known as Phase 5 of the residential development. This Phase 5 residential development is on land identified as the Phase 2 business land. This means that condition 3(ii) is no longer deliverable or indeed enforceable. The deletion of Condition 3(ii) does not raise any planning issues as it is now undeliverable as employment land. LDP2 site E340 will need to be deallocated in LDP3 as the sites use for employment uses has been superseded.

Design and Layout

33 The proposed modification to Condition 3(ii) will have no impact on the approved and under construction development as no physical changes are being proposed.

Landscape and Visual Amenity

34 The proposed modification to Condition 3(ii) will have no impact on the landscape or visual amenity as no physical changes are being proposed.

Residential Amenity

35 The proposed modification to Condition 3(ii) will have no impact on the residential amenity of the inhabited and under construction dwellings adjacent to the site as no physical changes are being proposed.

Roads and Access

36 The proposed modification to Condition 3(ii) will have no impact on the road network.

Drainage and Flooding

37 The proposed modification to Condition 3(ii) will have no impact on the drainage infrastructure or pose a flood risk as no development is proposed.

Conservation Considerations

- 38 The proposed modification of Condition 3(ii) will not have an impact on nearby listed buildings on B9112 Road as no development is proposed.

Natural Heritage and Biodiversity

- 39 The proposed modification of Condition 3(ii) 1 will not have an impact on local biodiversity.

Developer Contributions

- 40 No contributions are required by this S42 application.

Economic Impact

- 41 The proposed modification of Condition 3(ii) will not have an impact on the local economy.

Other Matters

- 42 The PPP has a number of planning conditions or elements of conditions that are no longer relevant, as detailed applications have been approved over the past 8 years and construction is ongoing. It will still be necessary to update/revise the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be adhered to should remain. These conditions are set out in the recommendation section below.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 43 None required.

DIRECTION BY SCOTTISH MINISTERS

- 44 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

- 45 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of LDP2 and other material considerations, such as the ineffectiveness of the site for employment use and recent planning permission for 49 dwellings on part of E340. In this case, it is considered that there are sufficient material considerations present that justify setting Development Plan policy, in particular the Site E340 allocation in LDP.
- 46 This departure is not considered to be significant as the area of the employment land lost, when considered against the overall allocation within LDP2, is marginal within the context of the available employment land within the Perth Core Area. The principle of developing the site for housing is now

considered to be acceptable and construction is currently underway. The new land use is now regarded as being the most deliverable and optimum use of the land at this location.

- 47 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve

Conditions and Reasons for Recommendation

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle for the development of Phase 1 – Employment Land only (LDP2 Site E2) shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

- 2 No works in connection with the remaining development site Phase 1 – Employment Land (LDP2 Site E2) hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) an updated delivery plan for Phase 1 - Employment Land
- (ii) details of all cut and fill operations in the construction of remaining development Phase 1 – Employment Land;
- (iv) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development Phase 1 – Employment land, relative to existing ground levels and a fixed datum point;
- (v) the siting, design, height, and external materials of all buildings or structures;

- (vi) the details of all roads, footpaths, and cycleways within Phase 1 – Employment land;
- (vii) details of any screen walls/fencing to be provided;
- (viii) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
- (ix) details of all landscaping, planting, and screening associated with the development of Phase 1 – Employment land;
- (x) full details of the proposed means of disposal of foul and surface water from the development of Phase 1 – Employment land;

Reason – This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 3 Prior to the start of any work on the site of Phase 1 – Employment land (LDP2 Site E2), an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the Planning Authority.

Reason - In order to ensure the implementation and completion of the remaining business land component of the proposal.

- 4 Notwithstanding the details on the approved masterplan (Plan Ref: 12/01692/2) and prior to the commencement of any works in connection with Phase 1 – Employment Land (LDP2 Site E2) a development brief shall be provided for the area covered. The brief shall specify:

- (i) the height and appearance of all new structures;
- (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
- (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
- (iv) the lighting of all streets and footpaths
- (v) the layout of play areas and the equipment to be installed;
- (vi) maintenance of all open space and treed areas;
- (vii) Details of car charging points to be provided within the development.

Once approved, all development shall be carried out in accordance with the approved brief.

Reason – In order to give further consideration to those details which have still to be submitted.

- 5 A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for remaining Phase 1 – Employment Land (LDP2 Site E2) for the written approval of the Planning Authority, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of buildings. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason - To ensure adequate protection of the water environment from surface water run-off.

- 6 Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority, and thereafter complied with.

Reason - In the interests of public health and to prevent pollution.

- 7 Schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for the remaining Phase 1 – Employment Land (LDP2 Site E2). Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas, and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

- 8 No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall be occupied until provision has been made towards a path network connection with the adjoining park and ride facility and residential area. The details of this provision shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason - To secure and enhance existing public access.

- 9 No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall commence until provision has been made towards a road improvement scheme that mitigates the impact of the proposed development on the Trunk Road Network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.

Reason - To ensure that the development proposals will not have a significant detrimental impact on the operation of the trunk road network.

- 10 No part of Phase 1 – Employment Land (LDP2 Site E2), shall be occupied until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To promote sustainable travel modes.

- 11 Prior to the commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

Reason - In the interests of visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

- 12 Prior to the commencement of development Phase 1 – Employment Land (LDP2 Site E2) a detailed Site Waste Management Plan (SWMP), including specific measures to minimise the use of raw materials and methods to reduce, re-use or recycle waste material on site where appropriate, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved SWMP.

Reason - To minimise waste production and reduce reliance on landfill.

- 13 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a lighting scheme shall be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall be

implemented in accordance with the approved details as part of the works on site.

Reason - In the interests of the amenity of the area and to avoid excessive light pollution.

- 14 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason - To prevent disturbance from noise.

- 15 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a site-specific plan, detailing bin storage areas and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

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

- 16 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a scheme of mitigation to improve air quality shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the occupation of the development and all to the satisfaction of the Council as Planning Authority.

Reason - To prevent the deterioration of air quality above a level that would be detrimental to the amenity of the area.

B JUSTIFICATION

There are material considerations that result in a recommendation to depart from the approved Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 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.
- 2 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.

- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 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 38 the notice must be :
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 8 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 9 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.
- 10 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact the Construction and Maintenance Manager, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 11 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 12 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site

comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.

- 13 The Council's Community Waste Adviser should be contacted to clarify the bin storage and recycling requirements for the development of Phase 1 – Employment Land (LDP2 Site E2).

Background Papers: 12/01692/IPM Decision Notice
Contact Officer: Steve Callan
Date: 20 May 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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