

Perth and Kinross Council
Development Management Committee – 16 September 2015
Report of Handling by Development Quality Manager

Variation of Condition 1 of permission 09/00577/IPM (Residential development) to extend time period for the commencement of the development on land 200 Metres North East and 150 Metres South East Of Westpark, St Ninian's Road, Alyth.

Ref. No: 15/01177/IPM
Ward No: 2 – Strathmore

Summary

This report recommends approval of the application for variation of Condition 1 of permission 09/00577/IPM to allow additional time for the commencement of development on land NE & SE of Westpark, St Ninian's Road, Alyth. The development is considered to accord with the provisions of the updated Perth and Kinross Area wide Local Development Plan if conditional control is applied.

BACKGROUND AND DESCRIPTION

- 1 An earlier application for this site was made in 2009. At that point in time the residential development was contrary to the Eastern Area Local Plan however the Housing Land Supply figures showed that additional housing sites were required within the Eastern Area. The requirement to meet housing supply was considered to be a significant material consideration which justified a departure from the Local Plan and the application was approved by the Development Control Committee subject to conditional control and the conclusion of a legal agreement for the drainage works.
- 2 Following the implementation of off-site drainage works (previously to be secured by legal agreement) the decision notice was released in 2012. Condition 1 of that consent required reserved matters to be submitted for approval not later than 3 years from the date of the planning permission (i.e. by 26 September 2015). This current application effectively seeks an extension of two years to progress the detailed elements of the scheme.
- 3 Since the earlier approval, these sites to the west side of Alyth have been allocated for housing as site H60 in the Perth and Kinross Local Development Plan 2014 for a potential 85 houses.
- 4 The northern site is bounded to the north east corner by Albert Street, to the east by the primary school playing fields and to the south by St Ninians Road. The site extends to about 2.1 hectares, is in agricultural use with little in the way of landscape features. The site to the south extends to approx 3.1 hectares and is bounded to the north by St Ninians Road and to the east by a modern 1970's housing development with New Alyth beyond to the south.
- 5 There has been no substantial change of circumstances in terms of the physical make-up of the site. It should be noted that national and local policy has changed since the determination of the earlier application, accordingly, this assessment

predominantly focuses on how the renewal relates to the change in policy. The consultees have been re-consulted on the variation and their advice updates their position associated with the earlier scheme under the current policy framework.

Pre-application Consultation

- 6 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

Environmental Impact Assessment (EIA)

- 7 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. An assessment of a project's likely significant environmental effects is required to be made.
- 8 A screening exercise confirmed the development is not EIA development under the earlier application.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 11 The overall vision of the Tay Plan states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*
- 12 There are no specific policies of strategic importance, relevant to this particular proposal contained in the TayPlan.

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

13 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. Under the LDP the site lies within the settlement boundary for Alyth and is identified as residential site H60.

14 The principal policies are, in summary:

Policy PM1A - Placemaking

15 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 PM3 - Infrastructure Contributions

16 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

17 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained 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

18 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

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

Policy CF1B - Open Space Retention and Provision

- 20 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

- 21 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 HE1B - Scheduled Monuments and Non Designated Archaeology

- 22 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 HE2 - Listed Buildings

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

Policy NE3 - Biodiversity

- 24 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

- 25 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 Area's Landscapes

- 26 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 EP2 - New Development and Flooding

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

Policy EP3B - Water, Environment and Drainage

- 28 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

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

Policy EP8 - Noise Pollution

- 30 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.

OTHER POLICIES

- 31 None

SITE HISTORY

- 32 Application 09/00577/IPM for the erection of a residential development (in principle) was approved by the Development Control Committee subject to conditions on 26 October 2012.

CONSULTATIONS

External

- 33 **Scottish Environment Protection Agency** – No objection to the application for the variation of Condition 1 for an extension of the time limit related to planning consent reference number 09/00577/PPPM providing that an updated Flood Risk Assessment (FRA) is required as a planning condition on any grant of consent in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997. The FRA must inform the finalised design and layout of the site, demonstrating that the proposed development layout will not increase the risk of flooding to the site or

elsewhere and that the proposed development levels are appropriate. SEPA also highlight that the requested FRA should take account of the relevant legislative, regulatory and policy position in place at that time in terms of flood risk. If this requested planning condition is not applied, then they would object.

34 **Scottish Water** – No response received.

35 **Alyth Community Council** – No response received.

Internal

36 **Transport Planning** – No objection.

37 **Contributions Officer** - With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. Condition 9 of the current consent 09/00577/IPM should remain in place. With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Alyth Primary School. Condition 11 of the current consent 09/00577/IPM should remain in place.

38 **Public Space Management** – Confirmed verbally that conditional control should secure long term maintenance of open space and the play area. They also advise that the play area requires to be equipped to ensure that it meets their play area strategy and this should be incorporated into an updated condition.

39 **Environmental Health** – No adverse comments in relation to the application.

40 **Perth and Kinross Heritage Trust** - The proposed development site is considered to have moderate archaeological potential. It lies to the north of a prehistoric archaeological site known as a ring ditch (MPK4916) that has been identified by aerial photographic survey. The ring ditch may represent the remains of settlement or burial activities. In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that a programme of archaeological works be attached to consent by condition.

41 **Local Flood Prevention Authority** – No Objection.

42 **Strategy and Policy** – Note the site is now allocated as housing allocation H60. The Strategy and Policy Team make comments on the indicative masterplan initially submitted with the earlier application and how this relates to some of the new Local Development Plan policies.

REPRESENTATIONS

- 43 A total of ten letters of representation were received during the advertisement period for the application.
- 44 The representations have raised the following relevant issues: -
- Concerns with flooding and drainage arrangements.
 - Access and traffic impacts, including parking implications and the potential for the development to impact on a route to school.
 - Concern with housing density, the type of housing and whether there is a need for the housing.
 - Concern that there are limited employment opportunities and amenities within Alyth for young families.
 - Impact on wildlife.
 - No detailing associated with boundary treatments and boundary trees.
 - Play area would cause anti-social behaviour.
 - The development would impact on health services within Alyth.
 - Concern with construction impacts noise and dust.
- 45 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

46

Environment Statement	Not required.
Screening Opinion	Not required
Environmental Impact Assessment	Not applicable
Appropriate Assessment	Not applicable
Design Statement / Design and Access Statement	Not applicable
Reports on Impact or Potential Impact	Undertaken for previous application.

APPRAISAL

Policy Appraisal

- 47 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 adopted Development Plans that are applicable to this area are the TAYplan Strategic Development Plan 2012 – 2032 as well as Perth and Kinross Local Development Plan 2014.

- 48 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached.
- 49 This application is for the variation of Condition 1.
- 50 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 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.
- 51 The applicants' supporting statement has confirmed that due to the difficult economic conditions there has been a delay in submission of the 'approval of matters specified by conditions' application and as such they are now seeking an extension of the time limit for an additional 2 years to allow detailed matters to come forward.
- 52 The determining issues in this case are whether: - the development without compliance with part of the condition in contention would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations.

Principle

- 53 Since the approval of the initial application in 2012 there has been a change to policy with the adoption of the Perth and Kinross Local Development Plan 2014. The updated plan reinforces the principle of residential development on this site through housing allocation H60. In light of this the proposed variation of the condition to extend the time to commence development is considered to accord with the main thrust of the updated Development Plan.
- 54 There is however a requirement to take account of the applicable policies of the LDP which relate to residential amenity, access/traffic/transport, listed buildings, archaeology, developer contributions, bio diversity and flooding.

Residential Amenity

- 55 I note that letters of objection raise concerns on the potential impact on residential amenity, in particular the type of housing, the density of the housing, the location of the play park and the potential impact on boundary delineation (including trees). Neighbours will have a further and more appropriate opportunity to comment on these matters when full details are finally lodged as they are all matters that will require consideration during the assessment of the detailed matters to be submitted for the 'approval of matters specified by conditions application'.
- 56 Concern has been raised about the amenities for young families; it is worth noting that there is a requirement to include a play area for ages 4 – 8 years within the site which will improve play provision in this locale. As already highlighted this will be assessed as part of the detailed scheme however I am of the view that through appropriate siting and design the likelihood of the play area attracting anti-social behaviour can be designed out. Letters of objection also raise concern regarding noise and dust associated with construction works. It is recognised that construction activities associated with the development will undoubtedly result in an element of disturbance to neighbouring properties from the status quo. However, I do not consider that the impact will be of significance to warrant refusal of the application, especially if the developer adheres to best practices during construction. Notwithstanding this should problems arise, noise and dust is best resolved under Environmental Health legislation.

Access/Traffic/Transport

- 57 It must be remembered that this application relates to the principle of the development and all internal detailing of roads, parking and access points will require to come forward under the detailed application stage. I note the Council's Transport Planner offered no objection to the 2009 application and their consultation response on this application reaffirms this position.
- 58 Issues have been raised with regard to the narrow road system and construction traffic causing problems. I acknowledged that construction traffic can cause inconvenience but such difficulties are of a temporary nature. It is not considered that routes to school will be adversely impacted to such an extent that would warrant refusal of this application.
- 59 Overall I am of the view that the development is compliant with policy TA1A if conditional control is in place.

Cultural Heritage

- 60 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent listed buildings. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses. In this case the development is not considered to adversely affect the setting of the listed structures at Alyth School thus complying with policy HE2.

- 61 The development site is considered to have archaeological potential because it lies to the north of a prehistoric archaeological site ring ditch (MPK 4916) which has been identified by aerial photographic survey of crop marks near New Alyth. The ring ditch may represent the remains of settlement or burial activities during the prehistoric era. In general the development site is a location conducive to human settlement in the past on a south facing slope and close to the historic town of Alyth. In line with current planning policy to protect the historic environment, it is appropriate to secure a programme of archaeological works through planning conditions.

Design/Layout

- 62 Overall, the proposed house numbers are not approved at this stage. It is intended that the scale of development will be ascertained through the outcome of the detailed application.
- 63 The Planning Authority expects the house designs to reflect the age of the building, contemporary in appearance and form, avoiding a pastiche or a pattern book approach. Designs should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design will be supported and a comprehensive design statement will be required to fully justify the architectural and urban design approach.
- 64 I note that representation has highlighted concern with the potential impact on trees adjacent to the site and the potential boundary treatment associated with the site. I note that a tree survey was required by condition under the earlier scheme and this can be secured once more to ascertain how the development's detailed layout relates to trees. With regards to boundary treatment or means of enclosure, this will be considered at the detailed stage.

Air Quality

- 65 The site is not located in an Air Quality Management Area.

Developer Contributions

- 66 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 67 This can be covered by conditional control as detailed in the Development Negotiations Officer's response.

Bio Diversity

- 68 Issues have been raised with the loss of wildlife currently present within the site. However, I am not aware of any wildlife present within the site which would be under threat.
- 69 There is a site specific requirement for the enhancement of bio-diversity and this can be incorporated into the detailed design through the implementation of suitable landscaping and the provision of green infrastructure, thus enhancing opportunities for wildlife.

Contaminated Land

- 70 There are no known contaminated land issues.

Flooding

- 71 Under the earlier application the applicants commissioned a flood risk assessment report into the potential flooding which has characterised the south eastern most part of the site, and have devised a flood prevention scheme designed to alleviate the current flooding situation for the houses adjacent to that part of the site. The works involved lie mostly outwith the redline site area and include the realignment of a local burn, raising of site levels in the southern site to form an embankment, the creation of compensatory water storage and the installation of a larger culvert under St Ninian's Road. SEPA had accepted that these flood alleviation measures would resolve the historical flood issues within the St Ninian's Road area and had no objection in principle to the proposed schedule of works.
- 72 These off site works were going to be secured by legal agreement, however, these flood measures were installed which allowed the outline consent to be issued without the need for a legal agreement.
- 73 Since the issue of outline consent national policy has changed as noted in SEPA's consultation response. They have provided detailed commentary in their consultation response and note that the flooding mitigation requires adherence to the legislative, regulatory and policy position now in place. Accordingly they recommend that this is secured by conditional control.

Economic Impact

- 74 The construction of the residential development would provide opportunities for local trades and tradesmen to become involved in the construction phase. Additionally there will likely be a positive economic impact on the local area associated with the increase of population to Alyth which may sustain commercial opportunities within the town centre or lead other economic opportunities. I note that there are concerns in letters of representation that the development could impact on health care provision within Alyth, however no concerns were raised by the National Health Service regarding the allocation of the housing site in the Local Plan.

Planning Authority with an Interest in the Land

- 75 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 76 None required.

DIRECTION BY SCOTTISH MINISTERS

- 77 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 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

- 78 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the updated policy position and explored how this relates to the previous assessments associated with the scheme.
- 79 In this case I am content that the variation of condition associated with the commencement of development is compliant with the updated policy position subject to adherence to conditional control which takes account of the earlier application and the updated policy position.
- 80 Accordingly the variation sought should be granted as it complies with the Development Plan and there are no other material considerations that would justify refusing the application.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: In order to protect archaeological interests.

- 2 The submitted sketch layouts are purely illustrative at this stage and are not approved and no specific number of houses is agreed at this stage and shall be subject to an acceptable scheme being submitted under Condition 2 above, all to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the visual and residential amenity of the area; to ensure a satisfactory standard of local environmental quality and to avoid the over intensive development of the site.

- 3 The core paths located on the site must not be obstructed during building works or on completion. Any damage done to the route during the building works must be made good before the house is occupied or first let.

Reason: In order to protect public rights of way.

- 4 An equipped area for play shall be provided by the developer to cater for the age group 4-8 year olds and integrated within the area of public open space referred to in Condition 2 above:

Reason: In order to comply with the Council's Open Space standards and policies.

- 5 The long term maintenance of the public open space and the play area must be in accordance with one of the three options in line with Council policy as follows:

- (a) Perth and Kinross Council take title to the land and maintain the ground in perpetuity for a flat rate commuted sum payable by the developer. The sum is set annually per dwelling and is currently £300/unit excluding play areas which are charged as a single sum currently £19,000.
- (b) The Greenbelt Company can take title to the land and maintain in perpetuity for a charge to the developer with the Council getting sight of the agreement.
- (c) An approved alternative company maintains the open space in perpetuity for a charge to the developer and a permanent bond is lodged with the Council against default.

The Council do not permit developers or their agents to include title of areas of public open space or levy an annual charge to individual residents for any of the options above.

Reason: In order to comply with the Council's Open Space standards and policies.

- 6 A detailed tree survey shall be provided by the developer including topographical survey and any trees retained should be within adequate areas of open space and not affected by service trenches or level changes and protected in accordance with BS 5837:2005 all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual and residential amenity.

- 7 The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on affordable housing.

- 8 No development shall take place until an updated Flood Risk Assessment (FRA) for the site has been undertaken, submitted and approved in writing by the Planning Authority in consultation with SEPA. The FRA should take account of the legislative, regulatory and policy position now in place and must inform the finalised design and layout of the site, demonstrating that the proposed development layout will not increase the risk of flooding to the site or elsewhere and that the proposed development levels are appropriate. Following written approval of the FRA the drainage strategy shall be carried out prior to the erection of any dwellings connected with this application.

Reason: In order to avoid any potential flood risk.

- 9 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved Education Contributions policy.

- 10 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification (including the disposal of surface water) and facilities for public transport in the form of bus boarders, bus stops and associated shelters within the site and on the public road adjacent to the site shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason: In the interests of road and public safety.

- 11 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Reason: In the interests of road and public safety.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 199 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 2 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.
- 2 As required under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006, the development shall not commence until the following matters have been approved by the Planning Authority:
 - (i) The siting, design and external appearance of the development, the landscaping of the site, areas of open space, pedestrian links, all means of enclosure, the car parking and means of access to the site.
- 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 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 guidance. In accordance with 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.
- 4 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 5 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

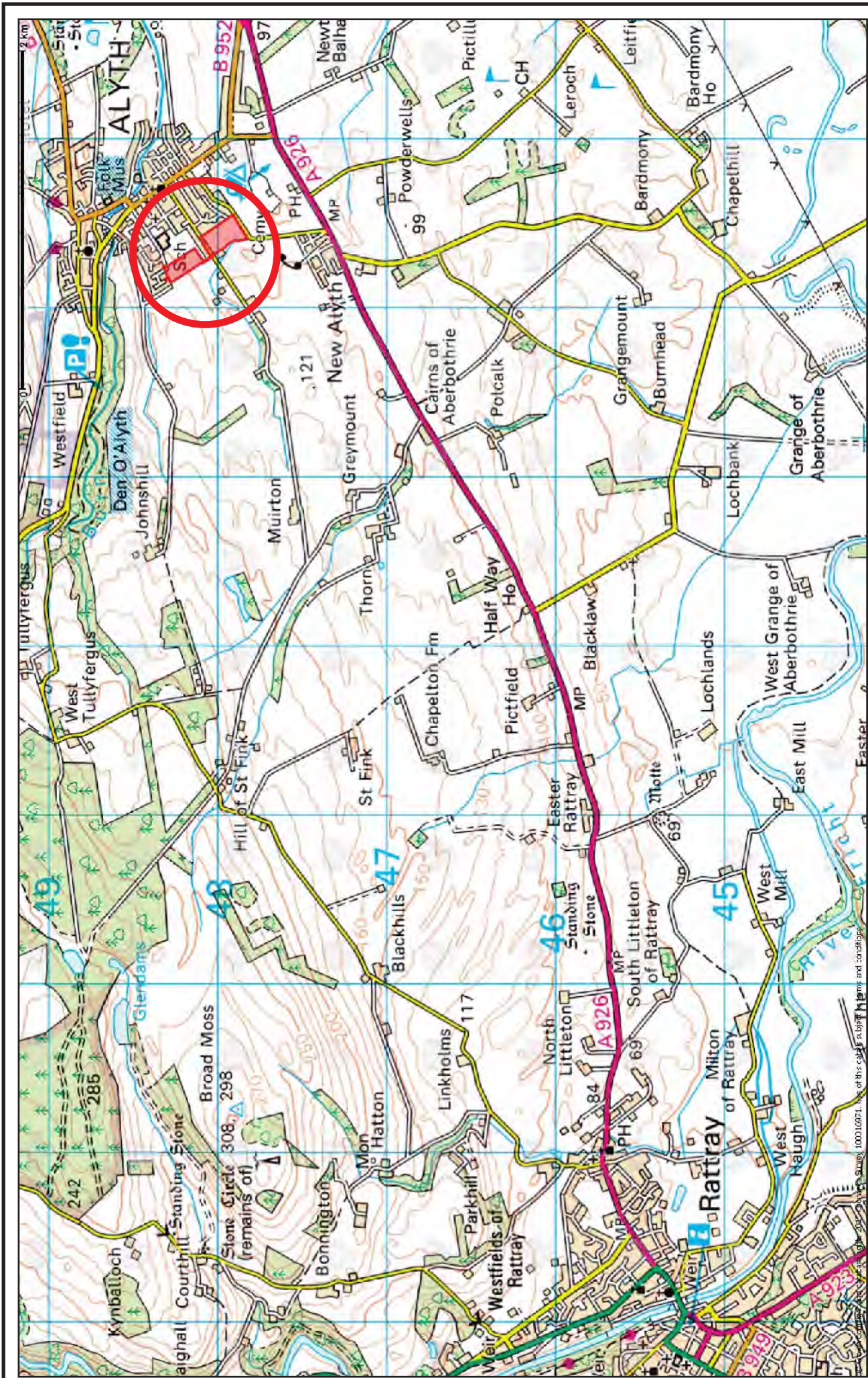
Background Papers: 10 letters of representation
Contact Officer: John Russell – Ext 75346
Date: 1 September 2015

**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

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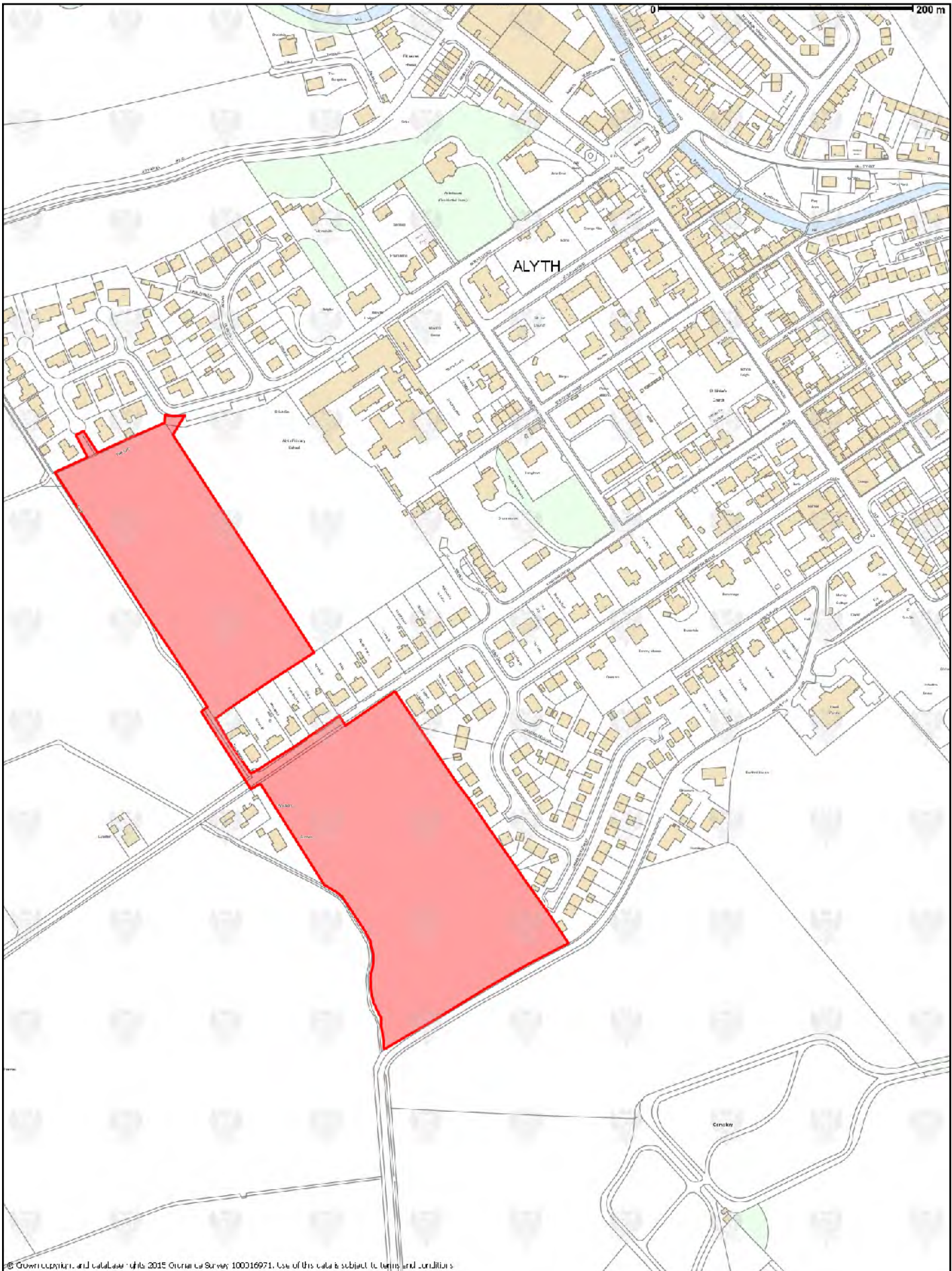
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