

Perth and Kinross Council
Development Management Committee – 16th November 2016
Report of Handling by Interim Head of Planning

**Erection of four dwellinghouses on Land 50 Metres North East Of
Millstead, Burrelton**

Ref. No: 16/01097/FLL
Ward No: N2 – Strathmore

Summary

This report recommends approval of the application for the erection of 4 dwellinghouses and associated works as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application relates to sloping irregular shaped area of grazing land located on the edge of a small scattered group of houses, approximately 1.5km North West of Kinrossie. The site extends to approximately 1.54 ha and is bound to the north by Mill Cottage, to the south and west by a private access road and to the east by a post and wire fence. The Kinnochtry Burn also lies immediately to the south east of the site.
- 2 In 2008 outline planning consent for residential development was refused due to the lack of sufficient information with regard to the flood risk associated with the Kinnochtry Burn (Ref: 08/01400/OUT). However this application was approved at appeal by the DPEA following the submission of a Flood Risk Assessment (FRA) which identified that there was scope for residential development subject to the floor levels being constructed above the levels outlined in the report.
- 3 Subsequently a further application for matters specified by conditions was submitted in 2012 (Ref: 12/00118/AML) but this was refused on the basis that the scale, design and layout of the proposed development was out of character with the existing building group and the plans did not provide sufficient provision in regards to a detailed landscaping scheme. The proposals also did not comply with the recommendations of the previous FRA.
- 4 In 2014 the applicant was granted consent for a revised scheme based on four single storey dwellinghouses each served by separate private accesses (Ref: 14/00051/FLL). The floor levels were also adjusted to meet with the requirements of the FRA.

- 5 The applicant is now seeking full planning permission for the erection of four two storey dwellings within a larger site. The proposed site now extends onto the open land to the north and east, increasing the overall site area by 0.79ha, although a significant amount of this additional land is to be retained as an open paddock. The proposed houses are detached two storey dwellings with access taken from a single shared point of access from the existing private road. The houses are of a contemporary design which have a 1.5 storey frontage to reflect the traditional scale of existing development within the group but also feature large flat roof two storey timber clad extensions on the rear. The external finish is detailed as being white wet dash render, grey weatherboarding and natural stone cladding, zinc clad dormers and entrance feature, slate roof tiles and grey composite windows. The development will be served by a communal waste water treatment plant and surface water/storm water retention tank.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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

- 8 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision 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.”*

Perth and Kinross Local Development Plan 2014

- 9 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.
- 10 The principal relevant policies are, in summary:

Policy RD3 - Housing in the Countryside

- 11 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy PM1A - Placemaking

- 12 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

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

Policy PM3 - Infrastructure Contributions

- 14 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 CF2 - Public Access

- 15 Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.

Policy EP2 - New Development and Flooding

- 16 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

- 17 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

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

Policy EP12 - Contaminated Land

- 19 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.

OTHER POLICIES

- 20 Housing in the Countryside Guide 2012.
- 21 Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- 22 PKC Flooding and Flood Risk Guidance Document (June 2014).

SITE HISTORY

- 23 08/01400/OUT Residential development (in outline). Application refused under delegated powers 6 October 2008 but subsequently granted on appeal 28 January 2009
- 24 12/00118/AML Erection of 4 detached dwellinghouses. Application refused under delegated powers 11 April 2012.
- 25 13/00738/AML Approval of matters specified in conditions (08/01400/OUT) - erection of 4 dwellinghouses and garages. Application withdrawn 19 April 2013.
- 26 14/00051/FLL Erection of 4 dwellinghouses at plots 1-4 Application approved under delegate powers 7 March 2014.

CONSULTATIONS

EXTERNAL

- 27 **Scottish Water** – No response within statutory period.

INTERNAL

- 28 **Community Waste Advisor** – Residents will need to take their bins to the road end as the existing private access is not suitable for Council bin lorries.
- 29 **Transport Planning** – No objection subject to condition requiring improvements to existing private access.
- 30 **Contributions Officer** – No contributions required.
- 31 **Environmental Health** – Comments relating to contaminated land.
- 32 **Local Flood Prevention Authority** – No objection subject to conditions relating to SUDs.

REPRESENTATIONS

- 33 A total of 6 letters of representation were received during the first advertisement period for the application and have raised the following relevant issues:-
- Access/traffic generation
 - Design/Scale
 - Waste storage/collection
 - Residential amenity (overlooking/privacy)
 - Flood Risk
 - Core Path
 - Waste water disposal
 - Private water supplies
 - Alternative access for emergency services
- 34 During the second period of advertisement, following the submission of an amended site layout plan four further letters were received from three households who had objected during the first advertisement period. These letters reiterated the above comments.
- 35 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

36

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Supporting Statement
Reports on Impact or Potential Impact	Updated Flood Risk Assessment

APPRAISAL

Policy Appraisal

- 37 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 or if there are other material considerations, which justify a departure from policy.
- 38 The site lies within the landward area within the adopted LDP where the proposal falls to be principally considered against Policy RD3: Housing in the Countryside and its associated SPG on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside. In addition policies PM1 'Placemaking', EP2 'New Development and Flooding' and EP3 'Water, Environment and Drainage' are also relevant.
- 39 As the site already has consent for a housing development comprising of four detached dwellings within the site, the principle for residential development has already been established. Therefore the main relevant issue to consider in the assessment of this application is whether the revised house designs are acceptable and any other relevant matters such as flood risk and drainage.

Scale/Design/Layout

- 40 Policies PM1A and B relate to placemaking and seek to ensure that, amongst other criteria, new development relates to the overall character and density levels within a given area.

- 41 At present the existing building group currently comprises of a scattered mixture of traditional 1.5 storey houses and modest modern bungalows, the majority of which take their access from the existing private access from the public road. It is noted that a number of concerns have been expressed in relation to the scale and design of the proposed houses with reference made to apparent similarities with the 2012 application (Ref: 12/00118/AML) which was refused mainly due to scale, design and layout.
- 42 Whilst the neighbouring residents' comments are acknowledged I do not agree that the proposals have any close similarities. The 2012 proposals sought to erect four large two storey detached dwellings that were of an extremely poor design and were much larger both in terms of scale and footprint. By comparison, the proposed houses were 1.43m taller and 58sqm larger. The proposals also had a very suburban layout with all the plots taking access from a central shared access which formed a cul de sac, more reflective of a modern development within a town or city rather than a small rural hamlet.
- 43 The current proposals are considered to be far more in keeping with the surrounding built development and of a much improved standard of design and finish. The proposed design of the dwellings is relatively contemporary with zinc clad dormers and entrance feature and large timber clad two storey extensions on the rear. However the architect has managed to ensure that the principal elevation has a more traditional 1.5 storey form which is reflective of the traditional rural style of architecture in the area whilst also incorporating a more contemporary appearance. As per the pre-application recommendations, the rear flat roof extension has also been stepped back from the gable in order to continue the pitch of the roof in order to break up/reduce the massing of the rear extension.
- 44 It is noted that a number of the objections have made reference to the existing scale of development in the area which is largely single storey. This was a concern that was raised during the assessment of the previous applications and also during pre-application discussions. In order to address these concerns the architect has attempted to ensure that the proportions of the propose houses are reflective of the existing scale of development in the surrounding area. In my view, whilst the proposed houses will be larger than many of the neighbouring houses in the existing group, the overall height of the structures at 7.1m will not appear out of place or result in any significant adverse visual impact on the area. The addition of robust landscaping within the site will in time also assist in reducing the prominence of the buildings and provide containment to the plots.

- 45 It must also be highlighted that there are a number existing or consented houses in the group which have a higher ridge height than the proposed houses. The existing 1.5 storey property at 'The Lawn' located 100m to the south has a ridge height of 7.6m and the existing single storey cottage at Darachdal, 100m to the south west, also recently obtained consent to form an additional storey of accommodation within the roof by increasing the height of the building to 7.4m.
- 46 In regards to the layout, I also do not agree with the concerns raised in relation the layout. The proposed plots will share a single point of access rather than forming separate driveways onto the existing private access track. However the position of the access and layout of the plots is in keeping with the pattern of development within the existing group and provides the most logical way of developing the site. The proposed layout also does not share any similarities with the suburban cul de sac arrangement proposed under the 2012 application. Furthermore, the existing houses at Ferngully, Gilboa, and Darachdal all share a single point of access much like a cul de sac arrangement.
- 47 Overall I consider the layout, number of plots and overall character of the proposal to relate successfully to the established character and density levels in the area in accordance with the requirements of the above mentioned policies.

Visual Amenity – Landscaping & Boundary Treatment

- 48 At present, aside for the group of existing mature trees within the south east area of the site adjacent to the Kinnochtry Burn, the site is an open paddock of rough grazing land. The plans indicates that there will be a significant amount of landscaping introduced throughout the site which will provide a robust landscape framework for the site and supplement the existing mature trees within the site.
- 49 Whilst I am satisfied that the applicant does intend to provide a relatively comprehensive landscaping scheme the proposed plans do not provide sufficient detail in respect to the actual detailed planting specification. Nevertheless, it is considered that this is a matter that can be adequately covered by condition.
- 50 In respect to the existing mature trees, the applicant has confirmed that they intend to retain all the existing mature trees within the site. From a site visit I am satisfied that these trees can easily be retained as part of the development but for the avoidance of doubt a condition has been applied to ensure that all trees are retained and protect as per the British Standard for tree protection.

- 51 In regards to boundary treatment, the site plan does not provide any detail but the visualisations appear to indicate that the boundaries of the proposed plots will be defined by extensive timber fencing. The extent of timber fencing shown on the plans is considered to be excessive, particularly in relation to the front gardens, and does not reflect the rural character of the area. It is recommended that it would be far more appropriate and in keeping with the character of the area to instead define the boundaries with post and wire fencing and beech hedges. As such this matter has been controlled by suspensive condition.

Residential Amenity

- 52 A number of concerns have been raised in regards to potential overlooking of neighbouring plots.
- 53 Whilst the proposed houses are quite large and the site is relatively exposed, it is considered that the proposed layout provides sufficient distance between each of the properties within the site and the neighbouring properties to the north, south and east. As such, I do not consider that the proposed development would have any significant impact on the neighbouring residential amenity.

Access

- 54 A number of concerns have been raised in regards to the condition of the existing access and the increase in traffic resulting from the proposed development.
- 55 In this regard the Council's Transport Planner has assessed the proposals and raised no concerns in relation to the proposed development but has recommended that a condition is applied to any consent requiring the applicant to improve the existing private access.
- 56 In addition to the above, concerns have also been raised in relation to the existing bridge and whether it is capable of sustaining the increase in traffic movement during the construction of the development and thereafter completion.
- 57 This is considered to be a private matter for the applicant to address and not an issue that needs to be investigated by the Council. The applicant has however previously advised that they will undertake an assessment of the bridge structure and complete any works if necessary.

Drainage

- 58 The proposed development will be served by a communal waste water treatment plant and surface water/storm water retention tank. No specific details have been provided but it is suggested that the waste water will be treated by a single package treatment plant and surface water will be gathered in attenuation tanks with outlets which discharge to the Kinnochty Burn. The architect has indicated that the drainage scheme will be fully designed by the relevant engineer at a later stage in consultation with SEPA.
- 59 The principle of this type of private drainage system within a rural area is considered to meet the requirements of Policy EP3B relating to foul drainage and is similar to proposals found elsewhere within rural area of Perth and Kinross. In any case the detailed designed of the drainage system will be secured condition in order to ensure its design meets Council standards.
- 60 In terms of the potential for pollutants entering the watercourse, modern septic tank systems are now very effective and efficient at removing the majority of pollutants from waste water prior to being discharged. The applicant will also require separate permission from SEPA to discharge to a watercourse and as part of that process they will need to demonstrate that the drainage arrangements will not pollute the watercourse. I therefore do not have any concerns regarding the proposed method of foul drainage within the site.
- 61 With regards to the proposed surface water drainage scheme (SUDs), the Flood Prevention Officer has recommended that further detail is required in relation to the associated sizing calculations/tests. It is considered that further details in relation to SUDs can be secured by condition and agreed at a later date.

Flood Risk

- 62 The applicant has provided an updated Flood Risk Assessment (FRA) which takes into account the recent updates to flow data/flood estimation techniques. The FRA has been reviewed by the Flood Prevention Officer and he has advised that the proposed development does not raise any concerns in relation to flood risk provided the houses are built to the FFL's recommended in the report (which is above the 1 in 200 year (plus climate change) and + 600mm freeboard) as a minimum. As per the 2014 consent, the FFL's have been conditioned.
- 63 It was also recommended that the access is moved in order to take it out of the 1 in 200 year flood zone and maintain emergency vehicular access to all properties. The architect has amended the access detail to reflect the recommendations of the FRA.

- 64 With regard to the access, the FRA identifies that the main access bridge would be inundated during the 1 in 200 year event. However should the main access be cut off during a significant flood event another access route via the existing farm track across the fields to the west is available for emergency vehicles to access the site. It is noted that concerns have been expressed by local residents regarding the condition of this access and its suitability for emergency vehicles. Having visited the site it is acknowledged that this track is not surfaced but I am satisfied that it would still be possible to access or escape from the site safely via this access during a flood event. I have also discussed this with the Flood Prevention Officer who has again advised that he is satisfied with the alternative access arrangements for emergency services.
- 65 In any case, it must also be highlighted that the principle of residential development has already been established through the valid extant consent for the erection of four houses.

Waste Collection

- 66 The existing private access is not suitable for bin collection by Council bin lorries. As such, a number of the existing houses use the existing large communal waste bin located at the entrance to the private access, adjacent to the driveway of Damside Farm Cottage. It is therefore likely that the proposed development will also need to use a similar, if not the same, arrangement for the disposal of refuse.
- 67 The Community Waste Officer has been consulted and confirmed that residents will need to take their bins to the road end as the existing private access is not suitable for Council bin lorries. The applicant has stated in the supporting statement that they are willing to agree a suitable refuse collection point. As such a condition has been applied requiring the details of the refuse collection arrangements to be agreed prior to the commencement of the development and thereafter installed prior to the occupation of the first house.

Core Path

- 68 The BURR/180/1 core path is located to the south and west of the application site with part of the path located close to the vehicular access into the site. I am satisfied that a development of this scale will not have a detrimental impact on the core path and to ensure this a condition is recommended to ensure the core path is not obstructed or damaged during construction works. Subject to this condition the proposal is considered to comply with Policy CF2 of the LDP.

Water Supply

- 69 A number of concerns have been raised in relation to the potential impact that the development could have on the existing private water supply that runs under the existing access. It is also noted that concerns have been expressed regarding the ability to connect to the public water supply.

- 70 The Environmental Health Team has been consulted and no concerns have been raised in relation to the existence or protection of any existing private water supplies. However given the comments raised by local residents it is evident that there are existing private supplies located within close proximity to the site. Whilst I do not consider that the presence of these water supplies would be an impediment to the development of the site, it is considered prudent to apply a condition to ensure that all private water supplies are identified and protected throughout the construction of the development.
- 71 With regard to the water supply for the proposed development, the applicant has stated that they will be connecting the public water supply network. Scottish Water has been consulted but no response has been received on this occasion. However during the assessment of the 2014 application Scottish Water advised that they have no objection to the proposed development and that the Lintrathen Water Treatment Works currently has capacity to service this proposed development. They also highlighted that the applicant may need to carry out works on the local water network in order to ensure that there would be no impact to the current level of service to existing customers. In any case this is considered to be a separate matter that the applicant will need to discuss directly with Scottish Water as part of an application to connect to the public water network.

Contamination

- 72 During the assessment of the 2014 applicant the Environmental Health Officer (EHO) noted the presence of infilled ground to the north of the site but did not raise any significant concerns in relation to contamination. However upon re-assessing the current proposals the EHO has advised that the proposed development is on land that is immediately adjacent to a former sawmill site to the north and an area of infilled ground to the west associated with a former mill dam. Sawmills can be heavily contaminated sites particularly if there has been timber treatment on the site and there is the potential for contamination from the sawmill to have migrated onto the proposed development site. In regards to the infilled ground, the volume and nature of the infill is unknown and therefore there is the potential for it to contain contaminants which may impact the proposed development site. There is also the potential for localised gas production from the infill material which again could impact the above development.
- 73 In light of the above the EHO has recommended that a condition is applied which requires an evaluation for the potential of the site to be affected by contamination to be undertaken and submitted for approval prior to the commencement of development. This matter has been conditioned accordingly.

Developer Contributions

- 74 The site already has planning consent for the erection of 4 dwelling houses under planning reference 14/00051/FLL. This proposal is not seeking to increase the overall number of units therefore the Developer Contributions and Affordable Guidance does not apply.

LEGAL AGREEMENTS

- 75 None required.

DIRECTION BY SCOTTISH MINISTERS

- 76 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 77 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve, subject to the following conditions:

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

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

- 2 Prior to the commencement of the development, improvements to the existing private access shall be agreed in writing to the satisfaction of the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 The private access that provides access to the proposed development forms part of a core path (BURR/180/1). This core path must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the first house is occupied.

Reason – To ensure continued public access along the public paths.

- 4 Prior the commencement of development details of the arrangements for the provision of suitable waste and recycling facilities to serve the proposed development shall be agreed in writing with the Planning Authority. Thereafter the approved scheme shall be implemented prior to the occupation of the first dwelling; all to the satisfaction of the Planning Authority.

Reason – In order to ensure that suitable waste and recycling facilities are provided to serve the proposed development.

- 5 All trees which are to be retained on site must be protected by stout fencing (minimum 1.2metres high and 2.4metres in intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837 : 2012. Trees In Relation To Design, Demolition and Construction, prior to any works commencing on site. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.

Reason – In order to safeguard trees on the site.

- 6 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 7 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

- 8 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 9 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – To ensure existing water and drainage infrastructures are not compromised.

- 10 Prior to the commencement of development details of the proposed boundary treatment shall be submitted for the approval of the Planning Authority. The details as agreed and implemented shall thereafter be maintained.

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

- 11 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- i. The nature, extent and type(s) of contamination on the site
 - ii. Measures to treat/remove contamination to ensure the site is fit for the use proposed
 - iii. Measures to deal with contamination during construction works
 - iv. Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority and validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 12 For the avoidance of doubt, the paddock of land immediately to the north of Plot 4 identified on the approved site plan (Drawing Ref: 16/01097/16) does not form part of the garden ground of the house in Plot 4.

Reason – For the avoidance of doubt and in the interests of visual amenity.

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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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.

Background Papers: 8 letters of representation
Contact Officer: David Niven – Ext 75345
Date: 1 November 2016

NICK BRIAN
INTERIM HEAD OF PLANNING

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