

Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land east of Abbeyhill, Precinct Street, Coupar Angus

Ref. No: 17/01260/FLL  
Ward No: P2- Strathmore

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This planning application seeks to obtain a detailed planning consent for the erection of two detached dwellings on a site located within the settlement boundary of Coupar Angus, and within the towns Conservation Area. The site is also immediately adjacent to the residential property named Abbeyhill, which is a category B listed building.
- 2 The site is sandwiched between Precinct Street (to the north) and Abbey Road (to the south). The shape of the site roughly resembles hour glass shape - ranging in its width from 30m at the Precinct Street end, to 17m across the middle to approx. 27m at the Abbey Road end. The length of the site (north to south) is approx. 75m.
- 3 The area is residential in character, with residential properties surrounding the site on all sides. The site largely laid to grass, with an existing outbuilding at the north eastern corner. There are several existing trees/bushes on the site (most ornamental), with a more substantial tree at the northern end of the site. Along the western and eastern boundaries with the neighbouring properties is existing hedging.
- 4 The proposal is to divide the site into two plots, roughly across the centre. The northern plot would have its own access directly onto Precinct Street using the existing access, whilst a second new access onto Precinct Street is proposed to give the southern plot its own private access.
- 5 Both the dwellings are of the same house type, which is a traditionally designed house type with accommodation provided within the roofspace via the use of dormers. The external finishes are stated as being natural slates on the roof, and a smooth render wall finish. The existing outbuilding is included within the curtilage of the northern plot, and is proposed to be used as a domestic store/garage.

- 6 A planning in principle consent currently exists on the site for a residential development, and the site has benefited from various other planning in principle consents since 2006.

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

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

- 13 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

### **Planning Advice Notes**

- 14 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

### **Creating Places**

- 15 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

- 16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

- 17 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

### **Historic Environment Scotland Policy Statement 2016**

- 18 This document sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

## **DEVELOPMENT PLAN**

- 19 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2016-2036**

- 20 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:
- 21 *“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.”*
- 22 The following policies of the TAYplan 2017 are of particular importance in the assessment of this application.

### **Policy 6 - Developer Contributions**

- 23 Seeks to ensure suitable infrastructure is in place to facilitate new development. Developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 9 - Managing TAYplans Assets**

- 24 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

### **Perth and Kinross Local Development Plan 2014**

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population*

*and economic growth.*” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 26 The site lies within the settlement boundary of Coupar Angus, within the towns Conservation Area and within the setting of a Listed Building. To this end, the principal relevant policies are,

### **Policy HE2 - Listed Buildings**

- 27 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 HE3A: New Development in Conservation Areas**

- 28 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

### **Policy PM1A - Placemaking**

- 29 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**

- 30 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**

- 31 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidencethat 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.

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 32 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 33 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 34 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing 2016**

- 35 This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

## **SITE HISTORY**

- 36 Planning consent has existed on the site since 2006 when an outline (now planning in principle) consent was granted (06/02505/OUT) for a residential development. That consent was renewed in 2010 (10/00113/IPL), in 2013 (13/00309/IPL) and then again in 2016 (16/00187/IPL).
- 37 The 2016 consent still remains valid (until 9 March 2019) however the planning application currently under consideration is not an application for approval of

matters specified, as the applicant has chosen to apply for a detailed planning application.

## **CONSULTATIONS**

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

### **External**

39 **Scottish Water** – No objection to the proposal in terms of capacity

issues. **Internal**

40 **Structures and Flooding** – No objection to the proposal in terms of flood risk or surface water drainage issues.

41 **Transport Planning** – No objection to the proposal in terms of traffic volumes, access matters or parking provision.

42 **Development Negotiations Officer** – Confirmation that there is no requirement for any Developer Contributions.

43 **Perth And Kinross Area Archaeologist** – No objection to the proposal, but has recommend a condition requiring an evaluation of the site to be undertaken.

## **REPRESENTATIONS**

44 13 letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the letters of representations are,

- Contrary to the Local Development Plan
- Adverse Impact on Conservation Area
- Adverse Impact on setting Listed Building
- Impact on existing boundary wall
- Impact on a tree outwith the site
- Parking Issues
- Increase in Traffic Volumes
- General Road safety issues
- Impact on residential amenity
- Impact on visual amenity

45 These issues are addressed in the Appraisal section of the appraisal.

## **ADDITIONAL STATEMENTS**

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Not Required

## **APPRAISAL**

- 46 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 2014.
- 47 The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the site's previous planning history, the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document.

### **Principle**

- 48 Within the adopted LDP, the application site lies within the settlement boundary of Coupar Angus where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only I consider the proposed residential use to be entirely compatible with the existing uses, and this echoes the position taken during the consideration of the previous planning in principle/outline consents.
- 49 I consider the key land use issues for this detailed proposal to be whether or not the proposed layout and design is acceptable in the context of protecting the existing character and amenity (visual and residential) of the area, and whether or not the proposal is acceptable within its historic setting. For reasons stated below, I consider the proposal to be acceptable on both fronts.

### **Residential Amenity**

- 50 In terms of the impact on existing residential amenity, I have no concerns. Both the dwellings have been designed with the principal windows facing



north and south, to avoid unnecessary window to window interaction with existing properties. The closest interaction occurs with the southern dwelling, which has a pair of patio doors approx. 5m from each of its side boundaries towards the neighbouring properties rear garden areas. Whilst there are existing boundary treatments on both sides which provide a degree of protection for the existing properties, I intend to seek further landscaping / boundary treatments along these edges to ensure that the existing residential amenity of the adjacent properties are sufficiently protected (conditions 3, 6).

- 51 No regular windows are proposed at first floor level facing either east or west but rooflights are proposed on these elevations, and I note that this has been raised within the representations as an area of concern. However these roof lights serve a ground floor, double height void room with no first floor accommodation so direct overlooking is unlikely to occur as a result of these particular rooflights.
- 52 In terms of the internal interaction, the two dwellings are located approx. 18m apart and would be separated by new boundary treatments / landscaping. In addition to this, both the proposed plots provide a suitable level of usable private amenity space for the size of dwellings proposed. I am conscious of the fact that the northern plots rear (south) garden depth is slightly less than the recommended 9m at 7m, but I nevertheless consider this arrangement to be acceptable.
- 53 As well as its rear amenity area, the northern plot also has a usable area to the north which collectively gives it more than 100 sq m of usable space. It would also be the case that if the dwelling was moved further forward to achieve the 9m, then an existing tree, which is proposed to be retained would be jeopardised. To this end, I consider the 7m depth of the garden of the northern plot to be acceptable, and collectively I have no concerns in terms of residential amenity issues in relation to the impact on the existing (neighbouring) dwellings or the proposed.

### **Impact on Conservation Area / Setting of a Listed Building**

- 54 The site is located within the Conservation Area of Coupar Angus, and within the setting of Abbeyhill, a category B listed house which is located immediately to the west. Conservation advice has been sought internally which raised no concerns regarding the impact on either the Conservation Area or the setting of the listed building. I acknowledge the comments and concerns raised within some of the representations regarding the appropriateness of the house type, however I do not agree that the design or scale of the dwellings are inappropriate for this historically sensitive area, nor do I agree that the proposed finishes are unacceptable and would out of character with the surrounding area. I do however intend to seek further clarification of the new boundary treatments both internally (condition 3), details of the gate pillar/gate features relation to the accesses (condition 8), as well as details of the external finishes (condition 4). Subject to these requirements, I have no concerns in terms of the impact on the cultural assets of the area.

## **Design, Layout and Visual Amenity**

- 55 As stated above, I consider the design and scale of the proposed dwellings to be acceptable and complimentary to the Conservation Area, and the adjacent listed building. In terms of the impact on the more general visual amenity of the area, the development will inevitably change the appearance of the site when viewed from both Precinct Street and Abbey Road. However, a change in the way that a site looks should not necessarily render a proposal unacceptable. What must be considered is whether or not the resultant visual change is acceptable in its own right, and in the context of its surroundings. In this case, I consider the proposed location of the dwellings on the plots and their design and appearance to be acceptable, and would not result in a visual change that could be considered incongruous. To this end, I consider the design and layout of the proposal, and its resultant visual impact to be acceptable.

## **Roads and Access**

- 56 Within the letters of representations a significant number of concerns have been raised regarding traffic and parking issues. The scale of this development means that the level of additional vehicular movements directly associated with the development would be relevantly low, and would not have an impact on the local road network. In terms of the proposed accesses, these have been considered by my colleagues in Transport Planning, and subject to the new access being formed in accordance with the relevant access detail they have no objection to the proposed access arrangements from Precinct Street.
- 57 It is acknowledged that the new access is close to an existing private access which already serves Abbeyhill, and that visibility to the west is restricted, however the presence of a pavement, the existing access and its associated bellmouth area all help the visibility which is already restricted by the curvature of the road on the other side of the neighbour's existing access. No changes to the height of the wall are proposed, however as the location of the wall is set back approx. 2.9m from the kerb of the road it is not considered necessary to seek the reduction in the height of the wall to improve visibility. On street parking issues have also been raised within the letters of representation, however as off street parking for at least two cars is proposed for both dwellings, it is unlikely that this development will contribute to any existing on street parking issues.

## **Drainage and Flooding**

- 58 The proposal raises no issues in terms of either drainage or flooding matters. I do however note that a concern has been raised within the letters of representation in relation to flood risk. My colleagues in the Structures and Flooding team have reviewed the proposal, and have no concerns in relation to flood risk either onsite or off site as a result of the development. In terms of the disposal of surface water, this will be via a soakaway system which will ensure that surface water from the site does not spill onto neighbouring land.

### **Waste Collection**

- 59 The collection of waste and recycling will be from Precinct Street, which I have no objection to.

### **Natural Heritage and Biodiversity**

- 60 There are no known protected species or local wildlife within the site.

### **Archaeology**

- 61 Within the letters of representations some concerns regarding archaeology have been raised. PKHT have commented on the planning application, and have confirmed that the site is within an area that is considered to be archaeologically sensitive, and that the precinct boundary of the medieval Cistercian Abbey is thought to run through the development site. In February 2008, Scotia Archaeology carried out an archaeological evaluation within the northern half of the site on the footprint of the proposed northern dwelling, and no archaeological remains were encountered. However, trial excavation in 1999 in a garden to the immediate south of the southern half of the development revealed archaeological deposits associated with the monastery. To this end, it is recommended that a further archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. A compliance condition is therefore recommended to be attached to any permission to ensure that this evaluation takes place (condition 2).

### **Impact on Trees**

- 62 Within the site there are a number of existing bushes and ornamental trees, with one larger tree located within the northern part of the site – as well as existing hedging along the side boundaries. Whilst some of the smaller bushes/trees are to be removed, all of the noteworthy trees are to be retained as part of the development and this is shown on the submitted plans. Suitable conditions are proposed to ensure this (condition 7), and to ensure that adequate protection measures are in place to protect the trees during the construction phase. A concern has also been raised within a letter of representation that the development may affect a large oak tree, which is located at the southern end of the western neighbour's garden. Whilst the branches of this tree do overhang the planning site, the canopy of the tree is a significant distance away from principal area subject to development. However, this tree would be subject to the standard tree protection condition (condition 7) to ensure that the root protection area of this tree is not unnecessarily damaged during the construction phase, and that no onsite storage / construction activities take place within the trees root protection area or under the canopy - which will cross over onto the application site.

### **Existing Outbuilding**

- 63 Within the letters of representation a concern has been raised that the approval of this development could put at risk the existing outbuilding which is located at the north eastern corner of the site within the curtilage of the northern plot. This building is protected by virtue of being within the Conservation Area and any proposals for its demolition would require Conservation Area Consent. Any such application would require relevant supporting evidence to justify the demolition in line with the guidance required by Historic Environment Scotland. In any event, I do not consider this development would compromise or jeopardise the existing building and ultimately it is shown as being retained (and used) as part of this proposal.

### **Previous 2016 Consent**

- 64 Within the letters of representations a concern has been raised that the 2016 planning permission should not have been granted, and should have been refused on the basis that the proposal did not include full details of the proposed development. It is the case that there was a material change in Council policy between the 2013 consent and the 2016 application being considered, insofar as the new Local Development Plan (under Policy HE3A) specifically stated that applications for planning permission in principle in Conservation Areas would not be considered acceptable without detailed plans, including elevations, which show the development in its setting.
- 65 In light of this and bearing in mind the planning history of the site, the Council took the view that the 2016 proposal was contrary to the Development Plan, but there was material reasons (the site history) which justified the approval of the planning application. To highlight this, the following informative note was attached to the permission which made it clear that any further renewals would not be accepted in the absence of details:
- 66 *"The applicant should be fully aware that the submission, as lodged, is contrary to Perth and Kinross Council's Local Development Plan 2014 Policy HE3A insofar as detailed plans, including elevations have not been lodged as part of the formal planning application. In the event that of a future planning in principle permission being submitted, any such application which does not include detailed plans (including elevations) will be refused on the basis of non-compliance with Policy HE3A of Perth and Kinross Council's Local Development Plan 2014"*

### **Existing Boundary Wall**

- 67 A concern has been raised within the representations in relation to works to the existing boundary wall with Precinct Street. The initial plans submitted indicated the wall being 1.5m in height which would suggest a reduction from its current height of approx. 1.9m from its base. The submitted design statement however alluded to the retention (and repair) of the wall, with the only change being the required opening for the new access. The applicant has

clarified the position and submitted an amended plan which shows retention of the wall at its current height.

### **Developer Contributions**

#### Primary Education

- 68 The local primary is not operating at over 80% capacity. To this end, there is no requirement for a Developer Contribution in relation to Primary Education

#### Transport Infrastructure

- 69 The site is located outwith the catchment area for Transport Infrastructure contributions.

#### A9 Junction Improvements

- 70 The site is located outwith the catchment area for A9 Junction Improvement contributions.

#### Affordable Housing

- 71 As this development is for less than 5 dwellings there is no requirement for any Affordable Housing requirements.

### **Economic Impact**

- 72 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 73 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 74 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**

- 75 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 76 Accordingly the proposal is recommended for approval subject to the conditions.

## **RECOMMENDATION**

### **Approve the planning application subject to the following conditions,**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area, and to protect existing residential amenity.

- 4 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area.

- 5 The rooflight(s) hereby approved shall be installed using recessed flashings (for example, EDN or EKN by Velux or equivalent).

Reason – In order to protect the historic character of the area.

- 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 and to ensure the satisfactory implementation of the proposed planting scheme

- 7 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Under no circumstances should any activities (including the storage of materials) encourage into the root protection areas or under the canopy of the adjacent oak tree.

Reason – In order to protect the existing trees from unnecessary damage

- 8 Prior to the occupation of each dwelling, both vehicular accesses shall be formed (and thereafter retained) in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. Precise details of the associated gate pillars at either side of the access(es) and / or any proposed gate feature shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In the interest of protecting road and pedestrian 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    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 should be advised that in terms of Section 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.

Background Papers: 13 letters of representation

Contact Officer:        Andy Baxter, 01738 475339

Date:                        1 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
---

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--