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Council Building
2 High Street
Perth
PH1 5PH

29 May 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 06 June 2018** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 06 June 2018

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 9 MAY 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 8**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 18/00430/FLM - PERTH - ERECTION OF 62 DWELLINGHOUSES AND ASSOCIATED WORKS (CHANGE OF HOUSE TYPES TO INCLUDE SUNROOMS FOR PLOTS 10001-10043, 10070-10071 AND 10075-10091), LAND AT BERTHA PARK, PERTH 9 - 28**
Report of Handling by Interim Development Quality Manager
(copy herewith 18/188)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 18/00228/FLL - CROOK OF DEVON - ERECTION OF 2 DWELLINGHOUSES, LAND SOUTH OF CROOK OF DEVON HOUSE, MAIN STREET, CROOK OF DEVON 29 - 46**
Report of Handling by Interim Development Quality Manager
(copy herewith 18/189)
- 5(2)(ii) 18/00533/FLL - BRIDGE OF EARN - INSTALLATION OF A FLUE (IN RETROSPECT), FORMER DAVID SANDS SHOP, MAIN STREET, BRIDGE OF EARN 47 - 62**
Report of Handling by Interim Development Quality Manager

(copy herewith 18/190)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 9 May 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: N Brian, A Condliffe, G Bissett, M Barr, E Jordan, M Lee and L Reid (all Housing and Environment); L Aitchison, S Richards, C Elliott and D Williams (Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. There were no apologies for absence.

. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 11 April 2018 (Arts. *-*) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

A request for deputation was made with regards to Planning Application No. 17/01260/FLL - Art *-*. In terms of Standing Order 72, deputations are not permitted on deferred applications, and the request for deputation was not granted.

. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) 12/00546/FLL – CROOK OF DEVON – Formation of five permanent gypsy/travellers pitches, Crookmoss, Crook of Devon – Report 18/152 – Messrs J Johnstone and M MacDonald**

Motion (Councillors W Wilson and T Gray)

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
9 MAY 2018

A closing report be brought to the Planning and Development Management Committee once all planning matters have been resolved.

Amendment (Councillors M Barnacle and H Coates)
Defer for a visit to the environs of the site to clarify the adequacy of the landscaping and the general condition of the site.

In accordance with Standing Order 58, a roll call vote was taken.

10 members voted for the Motion as follows:
Councillors H Anderson, B Band, B Brawn, E Drysdale, T Gray, I James, R McCall, L Simpson, R Watters and W Wilson.

3 members voted for the Amendment as follows:
Councillors M Barnacle, H Coates and A Jarvis.

Resolved:
In accordance with the Motion.

(ii) 17/01260/FLL – COUPAR ANGUS – Erection of 2 dwellinghouses, land east of Abbeyhill, Precinct Street, Coupar Angus – Report 18/153 – Ward Builders

In terms of Standing Order 28, it was agreed that only Members who had attended the first consideration of Art 1(1)(ii) would be eligible to vote on Art. 1(1)(ii). Councillors H Coates and R Watters declared that they would not be eligible to vote on the item.

Motion (Councillors W Wilson and E Drysdale)
Grant, subject to the terms, conditions and informatives contained in Report 18/153.

Amendment (Councillors B Brawn and L Simpson)
Refuse the application for the following reason:
The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed development does not contribute positively to the surrounding built environment as the house proposed for plot 2 to the south of the site would not fit within the local landscape due to inappropriate narrow size of the plot.

In accordance with Standing Order 58, a roll call vote was taken.

5 members voted for the Motion as follows:
Councillors H Anderson, E Drysdale, T Gray, R McCall and W Wilson.

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6 members voted for the Amendment as follows:

Councillors B Band, M Barnacle, B Brawn, I James, A Jarvis and
L Simpson.

Resolved:

In accordance with the Amendment.

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Perth and Kinross Council  
Planning & Development Management Committee – 6 June 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/188)

|                  |                                                                                                                                                        |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of 62no. dwellinghouses and associated works<br>(change of house type to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091) |
| <b>LOCATION:</b> | Land At Bertha Park, Perth                                                                                                                             |

Ref. No: 18/00430/FLM  
Ward No: P5- Strathtay

### **Summary**

This report recommends approval of this detailed application for a change of house types on land at Bertha Park for the inclusion of rear sun rooms.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents identify residential development at Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and the application site extends to 4.1 Ha. An application was more recently submitted in 2017 reference 17/00919/FLM, relating to a central residential area within the wider Bertha Park site a change in design from previous approvals. This gave approval for a re-design to the layout and plot and configuration alongside changes to the house types on a number of plots. The number of dwellings was also increased by 10, comprising of smaller units to meet changing demand. That application was approved at Development Management Committee (DMC) in August 2017.
- 2 The current proposal seeks to further alter the design of dwellings approved by planning permission 17/00919/FLM through the incorporation of sun rooms on various house types. Previously, a generic sun room specification was included in supporting information, but did not form part of the approved documentation; so in effect this current application would provide a sun room option for buyers. The sun rooms proposed are a standard size and design, measuring 3.6m x 4m, with the pitched roof rising to 3.6m and would be located on the rear elevations. The finishing material specifications are proposed to match those of the approved house type.

- 3 The following approved plots are now being proposed as part of the sun room choice offered (as per site layout plan 18/00430/2):

- Plots 10001 - 10043
- Plots 10070 – 10071
- Plots 10075 - 10091

## **NATIONAL POLICY AND GUIDANCE**

- 4 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**

- 5 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**

- 6 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.

- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Affordable Housing: paragraphs 126 - 131

### **Creating Places 2013**

- 8 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**

- 9 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.

## **DEVELOPMENT PLAN**

- 10 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**

- 11 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:
- 12 *"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."*
- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 14 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.
- 15 The principal relevant policies are, in summary

### **Policy PM1A - Placemaking**

- 16 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**

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

## **Policy EP2 - New Development and Flooding**

- 18 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.

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

- 19 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.
- 20 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.
- 21 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.

## **SITE HISTORY**

- 22 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 23 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.

- 23 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.
- 25 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements .Application Approved by Development Management Committee, March 2015.
- 26 15/01112/IPM Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth. Application Approved at Development Management Committee May 2016.
- 27 15/01109/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park to the North West of Perth. Application Approved at Development Management Committee September 2016.
- 28 17/00919/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) at Bertha Park, Perth. Application Approved at Development Management Committee August 2017

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Forestry Commission Scotland**

- 30 No response received.

#### **National Grid Plant Protection Team**

- 31 No response received.

#### **Luncarty, Redgorton and Moneydie Community Council**

- 32 No response received.

#### **Methven Community Council**

- 33 No response received.

#### **RSPB**

- 34 No response received.

### **Scottish Environment Protection Agency**

- 35 No objection to revision of planning 17/00919/FLM as long as the previously requested planning conditions are attached to any new grant of consent.

### **Scottish Natural Heritage**

- 36 No objection, confirming that the application site is sufficient distance to have no impacts upon them with no further comment to make.

### **Scottish Water**

- 37 Have no objection to the application. It is highlighted that there is sufficient capacity at both the Perth Water Treatment Works and the Perth City Waste Water Treatment Works.

### **Tay Salmon Fisheries Board**

- 38 No response received.

### **Transport Scotland**

- 39 No objection to proposed revisions, subject to suspensive conditions consistent with associated consents.

## **INTERNAL**

### **Transport Planning**

- 40 No objection to the proposal provided that certain conditions are attached in the interests of pedestrian and traffic safety.

### **Contributions Officer**

- 41 No objection providing the consent remains to be covered through the associated Section 75 (S75) agreement pertaining to planning consent 15/01112/IPM.

### **Environmental Health**

- 42 No objection.

### **Structures and Flooding**

- 43 No objection but note that any flooding/drainage conditions attached to previous consent should also be applied.

### **Community Waste Advisor - Environment Service**

- 44 No objection setting out current refuse and recycling standards.

### **Community Greenspace**

- 45 No response received.

### **Perth Kinross Heritage Trust (PKHT)**

- 46 No issues identified with confirmation that the associated archaeological fieldwork was carried out in 2016.

### **REPRESENTATIONS**

- 47 No letters of representation were received.

### **ADDITIONAL STATEMENTS**

48

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

### **APPRAISAL**

#### **Policy Appraisal**

- 49 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.
- 50 The principle of development has already been assessed against Development Plan policy and continues to be considered acceptable, subject to continued conditional control and compliance with the extant S75 agreement. This application seeks the addition of sun rooms on these 62 plots only.
- 51 The revisions proposed are minor and would otherwise be considered permitted development if the dwellings were already in situ. It is considered that the proposed sun room elements do not raise any policy concerns as discussed below.

## **Design & Visual Amenity**

- 52 Policies PM1A and PM1B set out the objectives in seeking to achieve good placemaking in respect of the immediate and wider site context. The design of the house types remain to be acceptable with the addition of sun rooms, which respect the character and scale of the dwellings. There is no adverse impact on the overall design of Bertha Park.

## **Private Amenity Space**

- 53 It is important and consistent to seek an outside area that can perform the minimum to be expected of a garden; i.e. clothes drying, waste and recycling storage requirements and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future. Across the identified 62 units, a minimum undeveloped rear garden ground of 80 square metres would still be achieved, which is considered acceptable in this context.

## **Overlooking**

- 54 I do not consider that the house designs would result in overlooking to neighbouring properties. This is due to the single storey nature of the sun rooms alongside the associated boundary fences that would ensure an 18 metre window-to-window separation between properties would be maintained.

## **Overshadowing, loss of sunlight and daylight.**

- 55 I consider a reasonable level of daylight and sunlight is maintained for all properties and the extent of overshadowing of amenity ground between properties is considered acceptable.

## **Flood Risk**

- 56 SEPA and the Council's Structure and Flooding Team have no objection to the proposed amendment to the previous planning permission (15/01109/FLM and 17/00919/FLM) subject to the previously requested planning conditions being attached. These conditions (4, 8, 9 & 10) are therefore included in the recommendation section of this report.

## **Traffic and Road Safety**

- 57 There are no implications regarding traffic and road safety resulting from the proposal. The previously requested planning conditions to address this matter are included in the recommendation section of this report (6 & 7).

## **Biodiversity**

- 58 There will be no additional impact on the biodiversity of the site as a result of supporting the proposals. The recommendations for the previous applications (17/00919/FLM and 15/01109/FLM) still apply and the conditions (11, 12, 13,



14 & 15) attached to these permissions are still applicable and are therefore carried forward in this recommendation.

### **Developer Contributions**

- 59 The Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on 3000 dwellings regardless of the dwelling size. It is considered appropriate to ensure the extant legal agreement relationship is clarified through an informative.

### **Economic Impact**

- 60 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents should also fill job vacancies and support existing employers in the local area.

### **Conditions**

- 61 As the development comprises of part of a larger application site (15/01109/FLM), all salient conditions attached to planning consent 17/00919/FLM are recommended to be repeated on this new permission. It should be noted however that a number of conditions are either no longer necessary or have been amended to ensure they remain relevant.

### **LEGAL AGREEMENTS**

- 62 No additional agreement required, covered by the original agreement associated with planning consent 15/01112/IPM.

### **DIRECTION BY SCOTTISH MINISTERS**

- 63 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**

- 64 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 as it is a minor proposal.
- 65 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

- 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 permission.

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

- 2 No buildings shall be constructed on the identified economic mineral resource until detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on the rest of the Bertha Park development.

- 3 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by this Planning Authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

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

- 4 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 5 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 6 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment as part of planning consent 15/01109/FLM and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 7 No development shall commence apart from the extraction of the economic mineral resource until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment as part of planning consent 15/01109/FLM and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 8 Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 9 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

- 10 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (as referred to in Flood Risk Assessment (FRA) dated 18 June 2015 in support of planning consent 15/01109/FLM) within any affected extents

of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.

- 11 The development shall be fully undertaken in accordance with the agreed Construction Environment Management Plan (CEMP) associated with planning consent 15/01109/FLM.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 12 The approved Ecological Clerk of Works (ECOW) associated with planning consent 15/01109/FLM shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 13 No development shall take place apart from the extraction of the economic mineral resource until details of checking surveys for protected species or the

nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage (SNH). The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 14 The approved biodiversity monitoring strategy associated with planning consent 15/01109/FLM will, where it applies to this site area, be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 15 No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys associated with planning consent 15/01109/FLM have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 16 The approved structural landscaping works associated with planning consent 15/01109/FLM covered within this site area shall be installed in accordance with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

- 17 No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 as identified in planning consent 15/01109/FLM have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide

a buffer between the mineral extraction and Phase 1 of the Masterplan.

- 18 The approved noise mitigation strategy associated with condition 39 of planning consent 15/011009/FLM shall be fully implemented where applicable to this site.

Reason: To prevent disturbance from noise.

- 19 Prior to the completion or bringing into use any part of the development any agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

## **B JUSTIFICATION**

- 66 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

- 67 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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in

Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
- 5 The applicant is 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 Environment Protection Agency.
  - 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  - 7 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.
  - 8 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
  - 9 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
  - 10 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning consent 15/01112/IPM. This consent continues to be tied by this legal agreement and the associated requirements will continue to apply.
  - 11 The applicant is reminded that in association with planning consent 15/01109/FLM; no more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, have been designed, approved and contract let.

Background Papers: None.  
Contact Officer: Callum Petrie 01738 475353  
Date: 24 May 2018

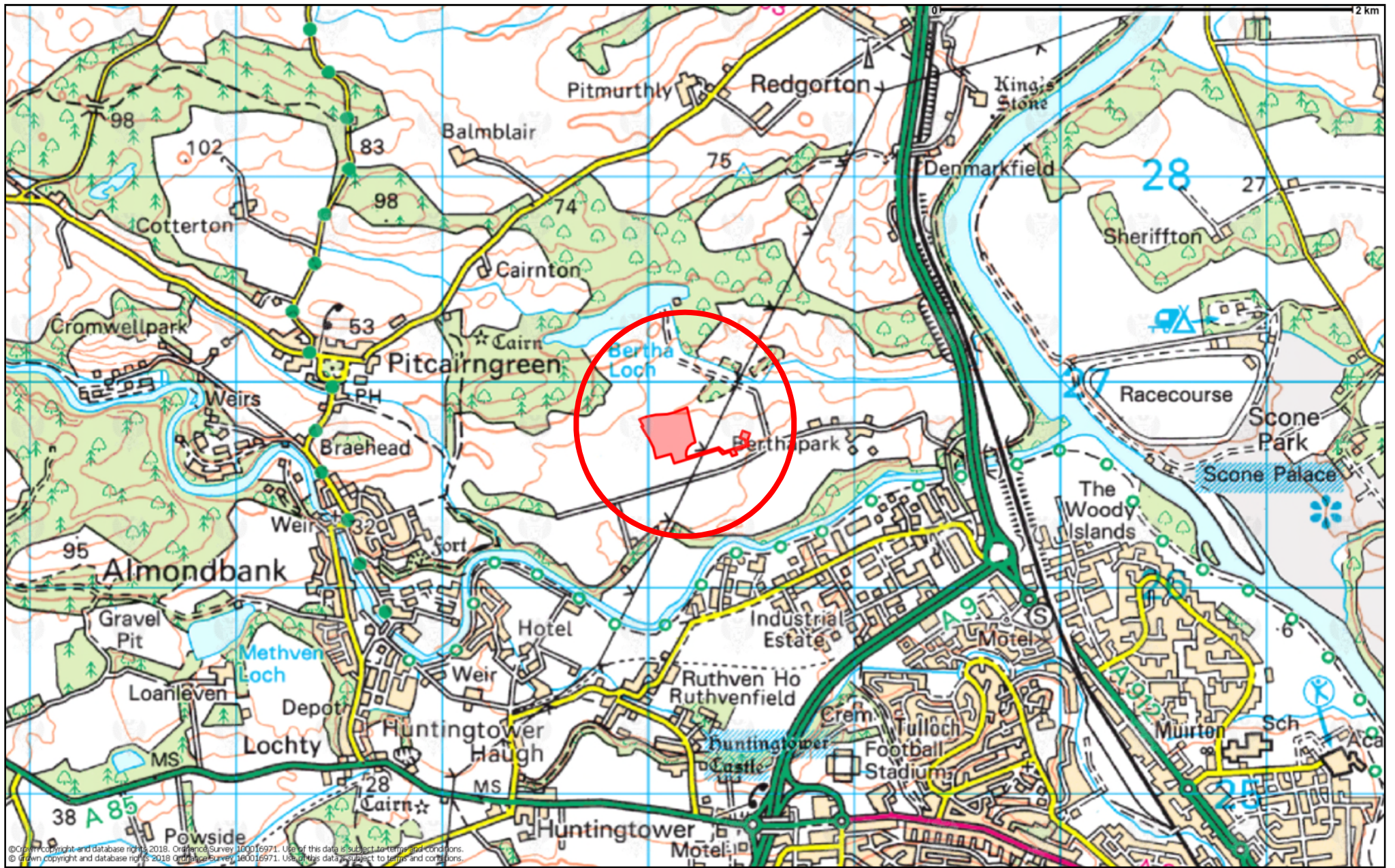
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                             |
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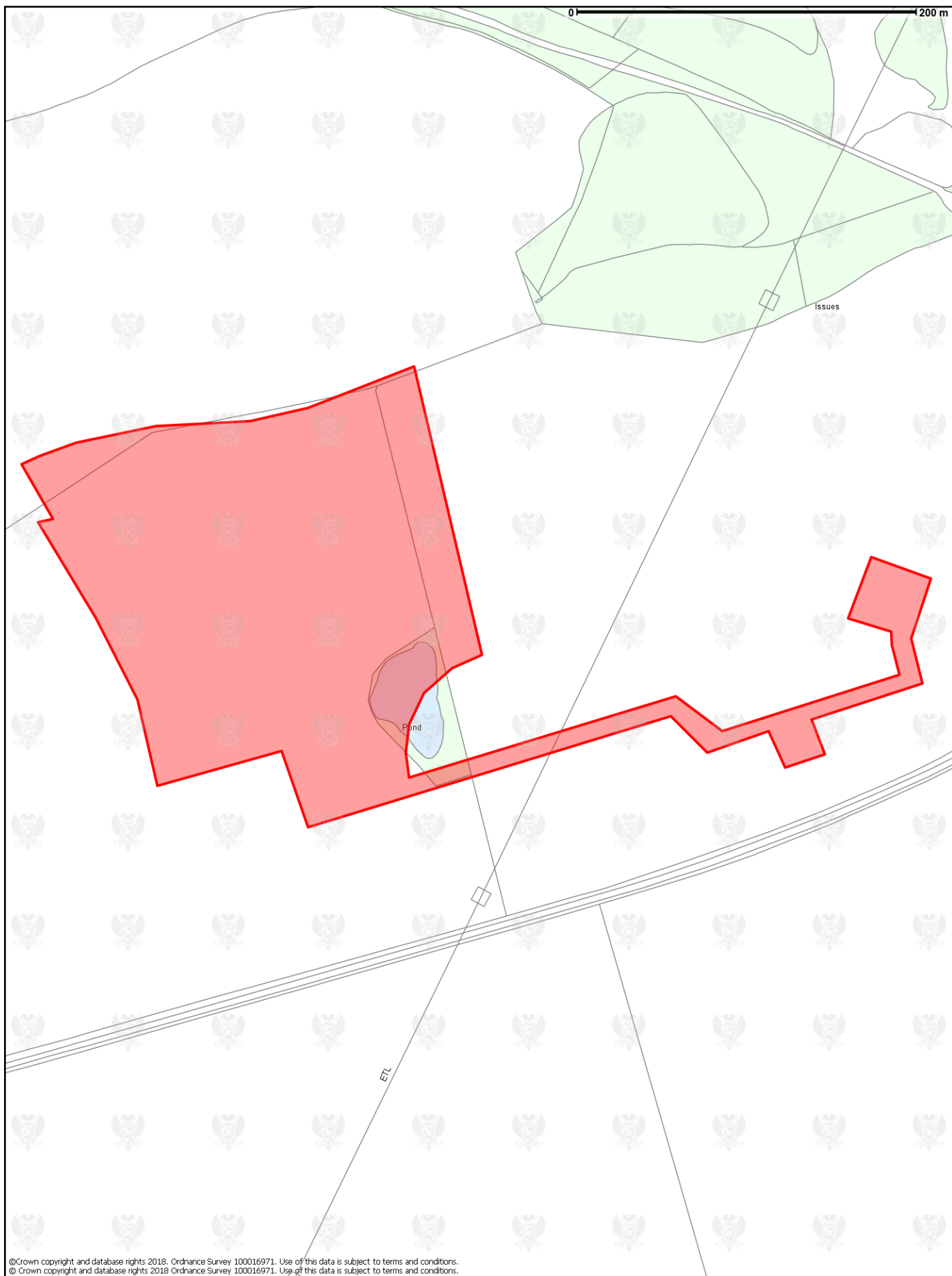
18/00430/FLM

Erection of 62 dwellinghouses and associated works (change of house types to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091) at land at Bertha Park, Perth









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Scale 1:3000

**18/00430/FLM**

Erection of 62 dwellinghouses and associated works (change of house types to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091) at land at Bertha Park, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 6 June 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/189)

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land south of Crook of Devon House, Main Street, Crook of Devon

Ref. No: 18/00228/FLL  
Ward No: P8- Kinross-shire

### **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 Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application relates to an area of land to the south of the commercial property known as Crook of Devon House (former Manse), located centrally within Crook of Devon. At present the site is a vacant area of ground that extends to approximately 3821sqm and is currently partly used as a car parking area for the neighbouring commercial business to the north of the application site operating within the former manse. The site contains a number of mature trees which line the perimeter of the site and provide an important degree of visual containment.
- 2 Planning permission in principle was first approved on the site in 2007 for the erection of two dwellinghouses within the application site. This 2007 consent was subsequently renewed in 2010, 2013 and most recently in 2016. An in principle permission for the site therefore remains extant. A detailed application for three dwellings (ref 16/01747/FLL) was refused planning permission as the proposed development was not considered to be compatible with the amenity and character of an area by virtue of the density of the proposed development. Additionally, insufficient information had been provided in relation to trees, protected species and drainage.
- 3 This current proposal is for two detached dwellings with integral garages. The houses are of the same design but one is handed. The dwellings have an L shaped footprint and are gable ended with double garages to the front. The finishing materials for the houses are grey concrete roof tiles, off white render, larch cladding, sandstone chimney and base-course with grey framed doors and windows.

- 4 Access will be taken from the existing road which joins Main Street (A977) Parking and turning is adequately provided for within the site.
- 5 During the consideration of the application the drawings were revised for two changes, firstly to remove a low wall which was proposed to define the access road and secondly, the footpath link which connects the site to St Serfs Road has been reinstated. Notifiable neighbours and any person who had made a representation were-notified of these changes.

## **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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**

- 8 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.

- 9 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**

- 10 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**

- 11 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**

- 12 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**

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

### **DEVELOPMENT PLAN**

- 14 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**

- 15 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:
- 16 *"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."*

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

- 17 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.

- 18 The principal relevant policies are, in summary

### **Policy PM1A - Placemaking**

- 19 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**

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

### **Policy PM3 - Infrastructure Contributions**

- 21 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**

- 22 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 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 NE3 - Biodiversity**

- 23 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 NE2B - Forestry, Woodland and Trees**

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

## **Policy CF2 - Public Access**

- 25 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.

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

- 26 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.
- 27 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.
- 28 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.

## **SITE HISTORY**

- 29 06/02527/OUT Erection of 2 dwellinghouses with garages (in outline)  
Application Approved 28 April 2007 under delegated powers

- 30 10/00162/IPL Renewal of existing consent (06/02527/OUT) Erection of 2 dwellinghouses with garages (in principle) 3 March 2010 Application Approved 3 March 2010 under delegated powers
- 31 13/00071/IPL Renewal of planning consent (10/00162/IPL) Erection of 2 dwellinghouses with garages (in principle) 13 March 2013 Application Approved 13 March 2013 under delegated powers
- 32 16/00034/IPL Renewal of permission (13/00071/IPL) Residential development (in principle) 22 February 2016 Application Approved 22 February 2016 under delegated powers
- 33 16/01747/FLL Erection of 3no dwellinghouses 23 December 2016 Application Refused 23 December 2016 under delegated powers

## **CONSULTATIONS**

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

### **External**

- 35 **Scottish Water** No objection

### **Internal**

- 36 **Environmental Health** Condition recommended ensuring appropriate use of proposed stoves in the interests of air quality.
- 37 **Transport Planning** No objection and no conditions recommended
- 38 **Contributions Officer** No contributions required
- 39 **Access Officer** Advice given on right of way query

## **REPRESENTATIONS**

- 40 The following points were raised in the 10 representations received:

- Detrimental visual impact
- Inappropriate design including height and materials
- Out of character
- Loss of footpath
- Loss of trees/damage to trees
- Impact on biodiversity and protected species
- Wall bounding access road not in keeping
- Overlooking
- Provision of play facilities required

- 41 The amendments to the plans did remove one objection and addressed the issues raised in other representations regarding the footpath and wall.

## **ADDITIONAL STATEMENTS**

42

|                                                |                                                 |
|------------------------------------------------|-------------------------------------------------|
| Environment Statement                          | Not Required                                    |
| Screening Opinion                              | Not Required                                    |
| Environmental Impact Assessment                | Not Required                                    |
| Appropriate Assessment                         | Not Required                                    |
| Design Statement / Design and Access Statement | Not Required                                    |
| Reports on Impact or Potential Impact          | Tree Survey and Ecological Assessment submitted |

## **APPRAISAL**

- 43 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 (LDP). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves consideration of the Council's other approved policies and supplementary guidance, in this case the Placemaking Guide is relevant.

### **Principle**

- 44 The site is located within the settlement boundary of Crook of Devon where Policies RD1 Residential Areas and PM1A & PM1B Placemaking of the LDP are directly applicable. The presence of existing mature trees on the site and potential protected species also means that Policy NE2B Forestry, Woodland and Tree and NE3 Biodiversity are relevant.
- 45 Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.
- 46 Policy PM1A and PM1B seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 47 Policy NE2B outlines that there will be a presumption in favour of retaining existing woodland resources and where there are existing trees on a development site, any application should be accompanied by a tree survey. Policy NE3 seeks to ensure that protected species are not negatively impacted by development.

- 48 As the site is located within a residential area it is considered that the principle of residential development is acceptable. It is also acknowledged that the site has a valid extant in principle consent for residential development (Ref: 16/00034/IPL). The details of the proposal in relation to design, trees and biodiversity are covered in subsequent sections.

### **Design and Layout**

- 49 The proposed dwellings have two levels of accommodation with the upper floor accommodated in the roofspace utilising wallhead dormers. The dwellings are detached with an integral garage projection to the front. The dwellings are positioned centrally within the site to achieve private amenity space for the new residents and also to maintain the root protection areas of the retained trees on the boundaries. To achieve this, the dwellings are positioned forward of the closest neighbouring dwelling (Kintail). However there is no established building line in this part of the area and therefore the central positioning within the site is considered to be acceptable. The plots are 866 and 1193sq metres with the dwellings not occupying more than 25% of the plot. The gardens are in excess of 100sq metres and the plots reflect the size of existing house plots in the area.
- 50 There is a variation of dwelling heights in the vicinity with single storey dwellings at St Serfs Rd and a mix of one and two storey dwellings at West Crook Way. To the immediate west of the site is a house of similar form to those proposed i.e. two floors of accommodation utilising wallhead dormers and beyond is a full two storey dwelling. It is therefore considered that the height of the proposed dwellings are acceptable and in keeping with the existing buildings in the immediate vicinity of the site.
- 51 The finish materials are grey concrete roof tiles, off white render, larch cladding, sandstone chimney and base-course with grey framed doors and windows. In terms of detailed design the proposed houses are of a high standard and whilst I note that concerns have been expressed regarding them being out of character with the housing in the immediate area, it is considered that they would not appear out of place given the mixture of styles and palette of materials in Crook of Devon.

### **Residential Amenity**

- 52 The dwellings are located to the east of an existing property which shares a boundary with plot 1. The other neighbouring properties which are at West Crook Way and St Serfs Rd are separated from the site by mature planting and a footpath.
- 53 The dwellings have the majority of the windows facing north and south which mitigates any potential overlooking. The exception is a kitchen window on the west elevation of Plot 1. This window is considered to be acceptable as it is at ground floor level and the boundary treatment will be a beech hedge which will provide adequate screening. This window also faces an access drive and not private amenity space. The dwellings rear elevations also have large amounts

of glazing however the depth of the gardens is in excess of 18 metres far more than the 9m window to boundary guideline to achieve privacy and mitigate overlooking. Additionally, to the south, the site bounds an area of Public Open Space and therefore there is an even greater distance to reach the gardens of the nearest dwellings.

- 54 The dwellings will have stoves within the lounge areas which will be exhausted out through chimneys and each property will also have a second stove within the open plan family/dinning/kitchen areas which will be exhausted out through a flue to terminate above the roof ridge of each property. The accumulative output range of all four stoves will not adversely affect local air quality as the emissions should adequately disperse. A condition is required to ensure the appropriate fuel is used and the stoves maintained satisfactorily (condition 7).

### **Visual Amenity**

- 55 The proposal is for a residential development of two dwelling houses in what is considered to be a well contained site within a residential area. In particular, the southern and eastern boundaries of the site contain mature trees on the boundaries which significantly assist in providing this contained site. It is therefore considered that the proposal would have no detrimental impact on the wider visual amenity of the area.

### **Trees**

- 56 It is noted that a number of trees have recently been removed from the site, the most notable being trees along the western boundary. The applicant has clarified that they were not responsible for the removal of the trees in 2016 and this was undertaken by the vendor selling the site at the time. Whilst the loss of these trees is unfortunate there are still a substantial number of mature trees located around the perimeter of the site which have a substantial presence in the local landscape and provide a significant degree of containment to the site.
- 57 The application was supported by a tree survey of the whole site This Tree Survey identified that several trees had a limited safe future life expectancy on account of their poor condition and the presence of significant defects. In particular, the two large beech trees on the western boundary at the entrance to the site were considered vulnerable in this respect. These two trees are extremely exposed to the prevailing winds and are considered to be at high and increasing risk of collapse of major limb failure. The recommendation therefore was to remove these two trees if any residential development was to take place. The recommendations from the Tree Survey have dictated the layout and form of the proposed development to ensure all built development remains out with the root protection areas of the remaining trees.
- 58 Conditions will be added to ensure that all trees to be retained are protected during construction and that all new landscaping is implemented and maintained (conditions 3 – 6).

## **Natural Heritage and Biodiversity**

- 59 A Preliminary Ecological Appraisal (PEA) report has been submitted with the application. The report has considered all ecological aspects with the presence of bats and birds noted within the site. It has also been stated in letters of representation that red squirrels have returned to the site recently although this is not detailed in the PEA report.
- 60 Two trees are to be removed as described above. These have been identified as having high bat roost potential and as such will require further investigation prior to work commencing as described in the PEA recommendations. The further investigations will also allow consideration of red squirrels and allow the survey to be updated. Alternative bat roosts should be provided on site as described in the PEA recommendations. Conditions will be added to cover these issues.(condition 2)

## **Footpath**

- 61 A number of objectors have raised concerns in relation to the loss of the existing footpath that provides access from the site through to St Serfs Road. The footpath provided access between the former manse and the church but has now been informally incorporated into the network of paths which serves the wider community and still provides access to the church. Whilst this path does not appear to be part of any publically adopted footpath network or core path it evidently still provides an important pedestrian connection for local residents.
- 62 The original plans showed a low wall to be built around the access road to close off the vehicular access and also a fence to enclose plot 2 was proposed which extended to the north closing off the footpath.
- 63 It is considered that this footpath should be retained and incorporated as part of the redevelopment of the site. Its position relative to the developable area of the site does not appear to raise any substantial issues and its retention would also be beneficial to the amenity of the proposed houses with better access being provided to surrounding area, including the park to the south.
- 64 The agent was contacted regarding the access issues and they agreed to retain the footpath link and remove the low wall defining the access. The plans were updated to reflect this and those who made representation were notified. This has therefore resolved the access issues.

## **Roads and Access**

- 65 Part of the site has formerly been used as a carpark for the adjoining commercial property but is no longer required. This business has another access and parking area to the north that it currently utilises.

- 66 The two plots will have their own parking and turning facilities and there is an existing access onto Main Street from the site. My colleagues in Transport Planning have assessed the proposal and are satisfied with the proposal.

### **Drainage and Flooding**

- 67 Scottish Water has no objection however this does not confirm that the proposed development can currently be serviced. This would be considered through an application to Scottish Water.
- 68 Soakaways are proposed within the site boundaries to accommodate surface water drainage. In principle this is considered to be acceptable and the details will be covered at a later date through the Building Standards process.

### **Waste Collection**

- 69 All domestic properties require an appropriate storage area for a minimum of 3 bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection. This can easily be accommodated at the site.

### **Developer Contributions**

- 70 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.
- 71 This proposal is within the catchment of Fossoway Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. A contribution is therefore not required.
- 72 There is no affordable housing requirement as the development is for less than 5 dwellings. There is also no requirement for developments of this scale to contribute to open space provision including play facilities.

### **Economic Impact**

- 73 The development will provide economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

### **LEGAL AGREEMENTS**

- 74 No legal agreement required

## **DIRECTION BY SCOTTISH MINISTERS**

- 75 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**

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

## **RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

- 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 Prior to the commencement of development, an updated ecological survey shall be undertaken as described in the PEA recommendations in relation to bat roost potential and additionally red squirrels shall be added to the survey. The updated survey shall be submitted to the Council as Planning Authority for further written agreement and shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

- 3 All trees on site, other than those marked for felling on the approved plans, shall be retained to the satisfaction of the Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 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.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 5 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme

- 7 The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason - In order to safeguard the residential amenity of the area.

## **B JUSTIFICATION**

- 80 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**

- 81 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 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
- 6 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 10 letters of representation

Contact Officer: Joanne Ferguson

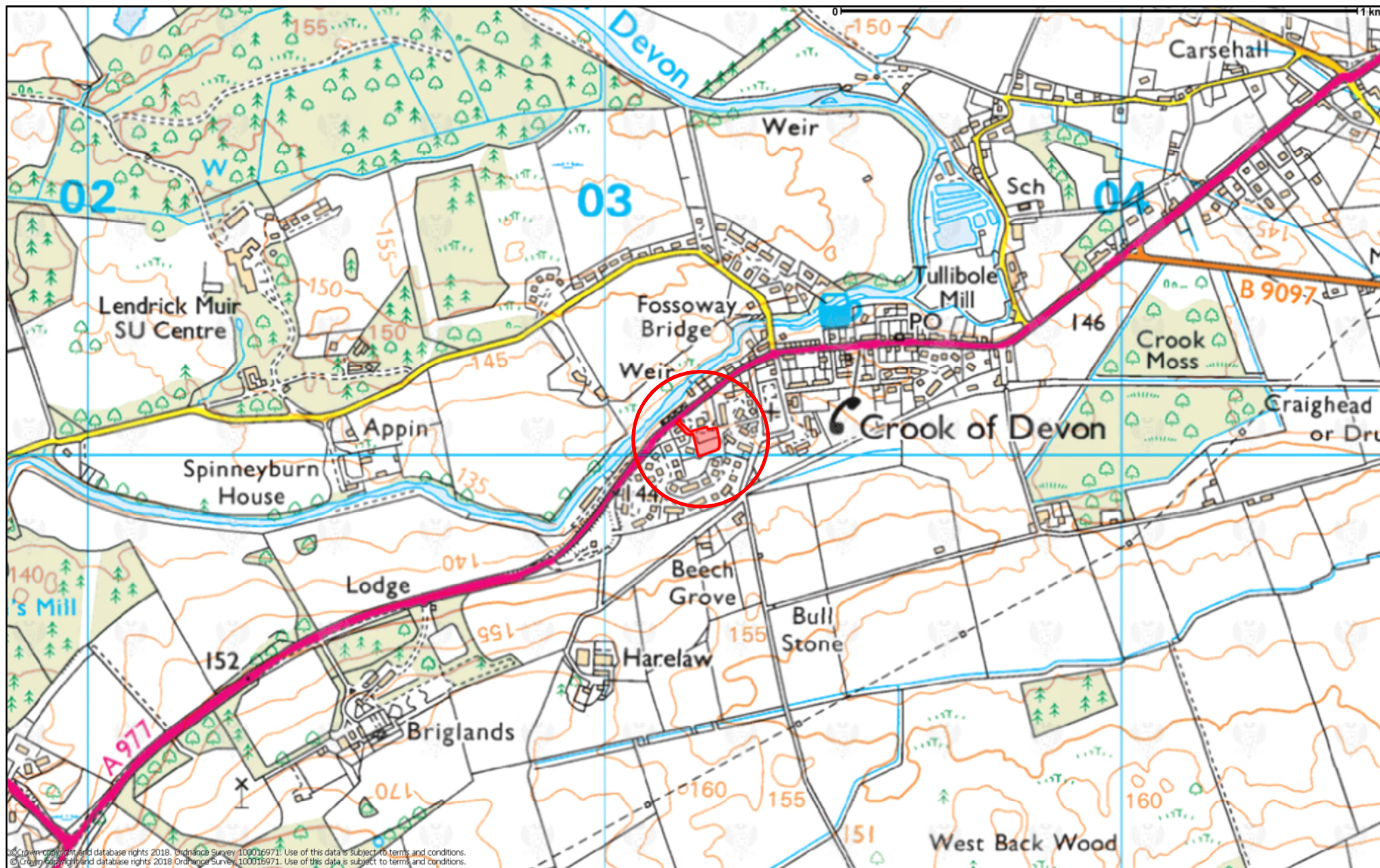
Date: 24 May 2018

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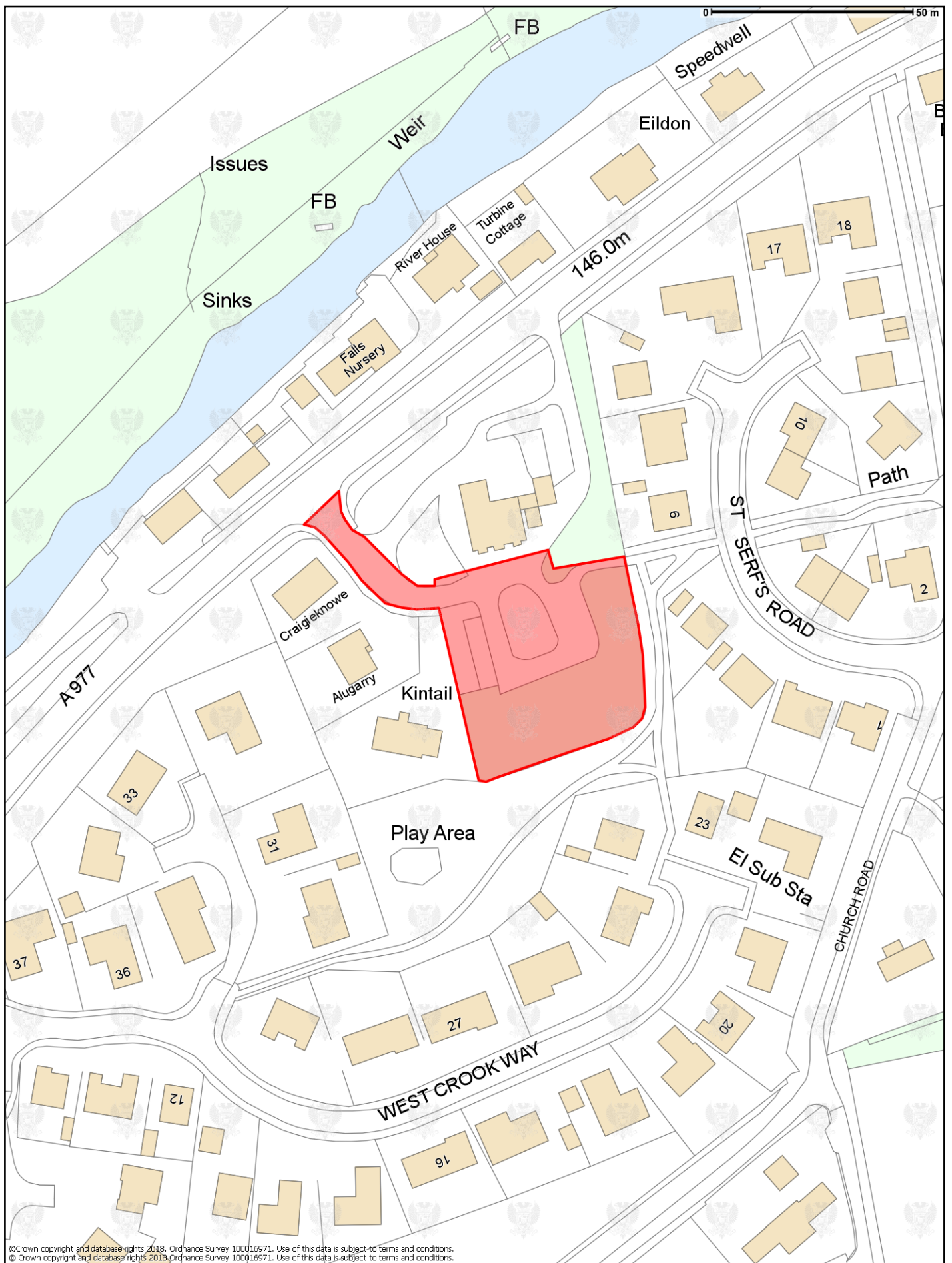
18/00228/FLL

Erection of 2no. dwellinghouses at land south of Crook of Devon House, Main Street, Crook of Devon









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18/00228/FLL

Erection of 2no. dwellinghouses at land south of Crook of Devon House, Main Street, Crook of Devon





Perth and Kinross Council  
Planning & Development Management Committee – 6 June 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/190)

|                  |                                                                          |
|------------------|--------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Installation of a flue (in retrospect).                                  |
| <b>LOCATION:</b> | Former David Sands Shop, Main Street, Bridge of Earn,<br>Perth, PH2 9PL. |

Ref. No: 18/00533/FLL  
Ward No: P9- Almond & Earn

### **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 Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is the former David Sands Shop, Main Street, Bridge of Earn. The application seeks detailed planning permission for the erection of a flue and a screening fence.
- 2 The unit was granted permission for a change of use in 2015 under application 15/01848/FLL from a shop (Class1) to a restaurant/tea room (Class 3). The proposed flue is for the operations of this use.
- 3 In early 2018, an application was submitted for the installation of a flue (18/00036/FLL). This application was consequently withdrawn as there were concerns with the visual impact and the impact upon residential amenity from flue proposed.
- 4 To address these issues, the current application was submitted which now includes a 900mm high wood slatted screening fence which will be lined with sound attenuation materials. There will also be 50mm rock wool which is supported by netting around the fan as a further absorbent material. A screening fence is further proposed to reduce the visual impact of the proposed development and reduce operational noise levels. The applicant has now also changed the colouring of the ductwork through this application from silver to a recessive brown.
- 5 The flue itself measures approximately 8.8 metres at maximum length and a maximum of 1 metre in width. The flue will extend from the rear of the unit along the roof of a ground floor extension. There are already a number of smaller ventilation systems present in this area for neighbouring units.

## **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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**

- 8 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.
- 9 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**

- 10 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

### **Creating Places**

- 11 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.



## **DEVELOPMENT PLAN**

- 12 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**

- 13 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:
- 14 *“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.”*

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

- 15 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.
- 16 The principal relevant policies are, in summary:

#### **Policy PM1A - Placemaking**

- 17 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**

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

#### **Policy RD1 - Residential Areas**

- 19 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 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 EP8 - Noise Pollution**

- 20 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.

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

- 21 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.
- 22 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.
- 23 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.

## **SITE HISTORY**

- 24 87/01319/FUL Attic alterations at first floor flat. Application Approved. 9<sup>th</sup> October 1987. Delegated decision.
- 25 98/01108/FUL Display of illuminated projecting sign. Application Approved. 23<sup>rd</sup> October 1998. Delegated decision.
- 26 00/01722/FUL Alterations and extension to shop, alterations to flat above shop. Application Approved. 23<sup>rd</sup> January 2001. Committee decision.

- 27 02/00497/MOD Change of use and alterations (in retrospect) to layout. Application Refused. 6<sup>th</sup> January 2003. Delegated decision.
- 28 03/00128/FUL Alterations. Application Refused. 26<sup>th</sup> March 2003. Delegated decision.
- 29 03/01245/FUL Alterations to shop and flat, part change of use of residential room within first floor flat to a refrigeration plant room and store in association with the ground floor shop: Application Refused. 17<sup>th</sup> December 2004. Delegated decision.
- 30 12/00972/ADV Display of advertisement. Application Approved. 10<sup>th</sup> July 2012. Delegated decision.
- 31 12/01579/FLL Extension to premises. Application Approved. 12<sup>th</sup> November 2012. Delegated decision.
- 32 15/01848/FLL Change of use from shop (Class1) to restaurant/tea room (Class 3). Application Approved. 16<sup>th</sup> December 2015. Delegated decision.
- 33 18/00036/FLL Installation of a flue (in retrospect). Application Withdrawn. 8<sup>th</sup> March 2018.

## **CONSULTATIONS**

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

### **External**

- 35 No external consultations undertaken.

### **Internal**

#### **Environmental Health**

- 36 Environmental Health initially requested further information in order to make an accurate assessment of the proposals. This was consequently submitted and Environmental Health now has no objection to the proposed development, subject to conditional control in relation to noise and odour.

## **REPRESENTATIONS**

- 37 10 letters of representation were received objecting to the proposal. In summary, the following concerns were raised in the representations received:
- Noise Pollution
  - Odour Pollution
  - Vibrations
  - Hours of operation

- Over intensive development
- Loss of privacy
- Visual impact / out of character with the area
- Road safety and traffic congestion
- Potential waste being dumped
- No requirement for a flue / concerns with potential change of use

38 These issues are addressed in the Appraisal section of the appraisal with the exception of comments in relation to the change of use as this has already been granted under application 15/01848/FLL.

### **ADDITIONAL STATEMENTS**

39

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

### **APPRAISAL**

40 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. 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 Council's other approved policies and supplementary guidance, with the relevant one being the Placemaking Guide.

#### **Principle**

41 The installation of a flue and erection of a screening fence to aid a business is considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the scale, form, massing, design, position, proportions and external finishes of any proposals, and whether they would have an adverse impact on visual or residential amenity. In this instance, the proposal is considered to comply with the relevant provisions of the aforementioned Local Development Plan for reasons mentioned within this report.

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

42 As previously mentioned, the preceding application for a flue (refer to application 18/00036/FLL) was withdrawn as there were concerns with the

design and visual impact of the proposed development. To address this concern, the current application was submitted which now includes a 900mm high wood slatted screening fence. The applicant has also now also changed the colouring of the ductwork through this application from a silver colour to a recessive brown as requested.

- 43 Ventilation systems of this nature very rarely contribute positively to the visual amenity of an area and, where possible, external ventilation systems are not encouraged. However, in this instance, due to the age and design of the building, the only practical solution is an external flue.
- 44 The preference for external flues is to extract from the rear elevation of any buildings with a sensitive approach to the character of the host building. In this instance, the flue has been extracted from the rear elevation on the roof of a ground floor extension. Whilst the location is not ideal, it is considered the most sensitive and practical for the host building. It was recognised in granting the change of use for the restaurant/ tea room that an effective ventilation system would be required to operate the business effectively an assessment of its design and operation is still necessary. The following condition was applied to the application for the change of use (refer to application 15/01848/FLL condition 2):
- 45 *“An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings. This should be in line with the manufacturers recommendations and a record kept of the maintenance.”*
- 46 As an effective ventilation system was conditioned, the applicant has taken measures to reduce the visual impact of the flue by colouring it brown and including a screen fence so that it is not visible from ground level. Furthermore, it can be conditioned on the consent that the colouring of the flue to the said recessive brown and the installation of the screen fence is implemented prior to the use of the flue. This condition has therefore been recommended accordingly (conditions 3).
- 47 Overall, in relation to visual amenity, it is considered that the proposal is acceptable and any adverse concerns can be controlled via planning conditions.

### **Residential Amenity**

- 48 The main concern of this application relates to potential impacts upon existing residential amenity. This was also the basis of the majority of the 10 objections received. Environmental Health was consulted on the previous application (18/00036/FLL) and had requested further information with regards to noise and odour. Whilst a new screening fence has been added in the interests of visual amenity, the applicant has also taken the opportunity to line the fence with sound absorbent material, making it an acoustic barrier. There will also be

50mm rock wool which is supported by netting around the fan as a further absorbent material.

- 49 Environmental Health have subsequently assessed the new information received and any potential impacts upon residential amenity. The main concerns in relation to residential amenity arise from noise and odour.

#### Noise

- 50 Environmental Health had requested at the time of the aforementioned application that the applicant carries out compliance testing of the kitchen extraction fan system to ensure that noise from the fan complied with a standard plant noise condition from previous application 15/01848/FLL for change of use:-
- 51 *“All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.”*
- 52 The applicant submitted a Noise Impact Assessment (NIA) (reference R18.9974/1/AF); dated 8<sup>th</sup> March 2018. This NIA concluded there were a number of options available in order to be compliant with the attached planning condition.
- 53 After extensive discussions between the authority and the applicant, Environmental Health have identified that the appropriate mitigation measures would be to construct an acoustically lined barrier near to the fan outlet on all sides and wrap sound absorbing material around the fan unit.
- 54 This would be compliant with the condition attached to the original consent and Environmental Health therefore has no objection to the proposed development with regard to noise, providing a condition is applied to the consent regarding the installation of the acoustic barrier. This is the recommended condition 2 on this report.

#### Odour

- 55 The applicant proposes to install an odour extraction system.
- 56 Environmental Health considered that the proposed kitchen extraction ventilation system should be adequate for extensive odour removal and are satisfied that Condition 2 of permission 15/01848/FLL achieves appropriate control for this matter.

### **Cumulative Impact**

- 57 There are a number of ventilation systems in close proximity to the site associated with neighbouring commercial units. The NIA mentioned above takes account of these units in the assessment. It is therefore considered that the cumulative impact created by all of the ventilation systems combined is not enough to create a detrimental impact, as assessed by Environmental Health.

### **Roads and Access**

- 58 Although within some of the letters of representation received traffic congestion and road safety were listed as concerns, it is not a relevant consideration for this proposal.

### **Economic Impact**

- 59 The proposal will contribute towards the operation of the business which will assist the local economy, albeit at a small scale.

### **LEGAL AGREEMENTS**

- 60 None.

### **DIRECTION BY SCOTTISH MINISTERS**

- 61 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**

- 62 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.
- 63 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application.**

### **Conditions and Reasons for Recommendation**

- 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 Prior to the commencement of the extraction fan operation, the acoustic barrier enclosure shall be constructed and maintained in line with specifications and plans agreed hereby approved, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 3 Prior to the commencement of the extraction fan operation, the flue and fence shall be coloured in a brown colour. Details of the colour must be agreed in writing by the Planning Authority prior to its application. Thereafter, the flue and fence must be maintained in this colour for the life of the development, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 4 The sound insulation and sound transmission properties of the acoustic barrier enclosure structure and finishes shall be such that any airborne noise from the operations of the fan does not constitute a statutory noise nuisance as determined by the Local Planning Authority.

Reason: In order to safeguard the neighbouring residential amenity in the area.

## **B JUSTIFICATION**

- 64 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**

- 65 None.



## **D INFORMATIVES**

- 1 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.
- 2 An application for Building Warrant may be required.

Background Papers: 10 letters of representation

Contact Officer: Sean Panton

Date: 24 May 2018

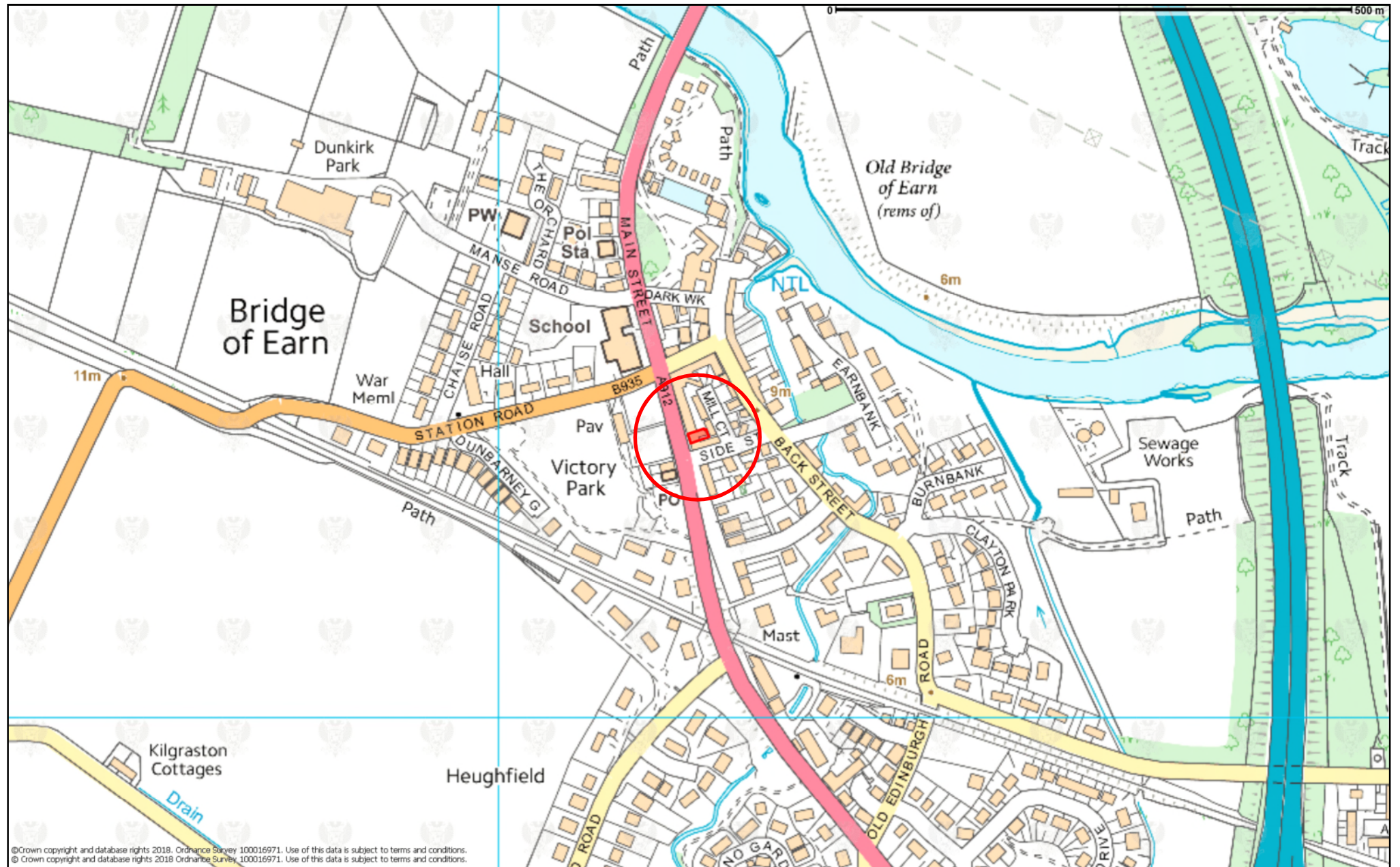
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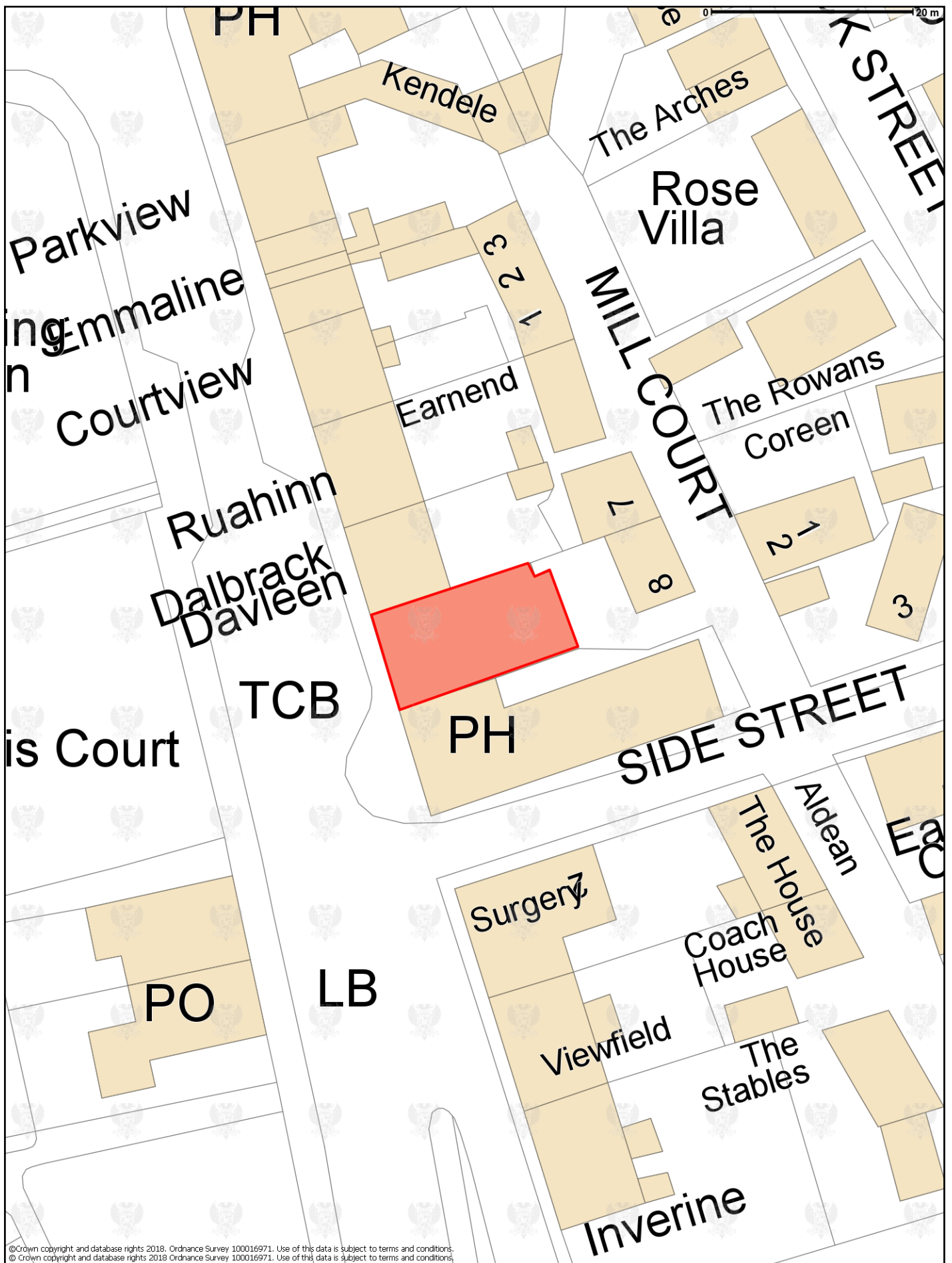


18/00533/FLL

Installation of a flue (in retrospect) at former David Sands Shop,  
Main Street, Bridge of Earn, Perth







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