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Council Building
The Atrium
137 Glover Street
Perth
PH2 0LQ

Wednesday, 12 October 2016

A Meeting of the **Development Management Committee** will be held in the **Gannochy Suite, Dewars Centre, Glover Street, Perth, PH2 0TH** on **Wednesday, 19 October 2016** 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 mobile phones and other communication devices are in silent mode.

Members:

Councillor Tom Gray (Convener)
Councillor Bob Band (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Dave Cuthbert
Councillor Ann Gaunt
Councillor Joe Giacobazzi
Councillor Callum Gillies
Councillor John Kellas
Councillor Alan Livingstone
Councillor Murray Lyle
Councillor Gordon Walker

Development Management Committee

Wednesday, 19 October 2016

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/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
 - (i) MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 14 SEPTEMBER 2016 7 - 56**
 - (ii) ERRATUM TO MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 8 JUNE 2016 - ARTICLE 451(1)(III) - 16/00255/FLM – KINROSS – RESIDENTIAL DEVELOPMENT CONSISTING OF 91 UNITS, ACCESS ROAD, OPEN SPACE AND ASSOCIATED WORKS AT FORMER KINROSS HIGH SCHOOL, HIGH STREET, KINROSS 57 - 58**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) LOCAL APPLICATIONS**
 - (i) 16/00326/FLL - KINNESSWOOD - PART DEMOLITION, CHANGE OF USE AND EXTENSION TO HOTEL TO FORM DWELLINGHOUSE, ERECTION OF 4 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND NORTH WEST OF BONALY COTTAGE, MAIN STREET, KINNESSWOOD 59 - 84**

Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/451)

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| (ii) | 16/00325/CON - KINNESSWOOD - PART DEMOLITION OF HOTEL AND DEMOLITION OF ANNEXE BUILDING AND OUTBUILDINGS AT FORMER LOMOND HOTEL, MAIN STREET, KINNESSWOOD
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/452) | 85 - 96 |
| (iii) | 16/00710/FLL - EDRADOUR - ERECTION OF 4 DWELLINGHOUSES ON LAND NORTH WEST OF WILLOWSIDE, EDRADOUR
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/453) | 97 - 112 |
| (iv) | 16/00751/FLL - KINROSS - ERECTION OF 13 DWELLINGHOUSES AND ASSOCIATED WORKS AT FORMER SITE OF LEVENGLLEN NURSING HOME, GLENLOMOND, KINROSS
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/454) | 113 - 132 |
| (v) | 16/00842/FLL - CAMSERNEY - ERECTION OF A DWELLINGHOUSE AT LAND 40 METRES SOUTH EAST OF THE SOUTH STEADING, CAMSERNEY
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/455) | 133 - 148 |
| (vi) | 16/00906/FLL - CRIEFF - PART CHANGE OF USE FROM RETAIL (CLASS 1) TO RETAIL (CLASS 1) AND CAFE/RESTAURANT (CLASS 3) AND ALTERATIONS AT 1-3 HIGH STREET, CRIEFF, PH7 3HU
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/456) | 149 - 164 |
| (vii) | 16/01187/FLL - PERTH - ERECTION OF A RESTAURANT WITH ASSOCIATED STAFF ACCOMMODATION, PARKING, SERVICING AND LANDSCAPING ON LAND NORTH WEST OF EARN HOUSE, LAMBERKINE DRIVE, PERTH
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/457) | 165 - 186 |
| (viii) | 16/01318/FLL - TIBBERMORE - ERECTION OF 12 DWELLINGHOUSES, GARAGES AND ASSOCIATED WORKS ON LAND AT MARLEFIELD GROVE, TIBBERMORE
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 16/458) | 187 - 206 |

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 14 September at 10.00am.

Present: Councillors T Gray (Convener), B Band, (Vice-Convener), H Anderson, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle and G Walker.

In Attendance: A Belford, N Brian, S Callan, A Condliffe, A Deans, C Petrie and M Petrie (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor M Barnacle

Councillor T Gray, Convener, Presiding.

625. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

626. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Art. 629(3)(ii) in terms of the Councillors' Code of Conduct.

627. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 10 August 2016 (Arts. 561-566) was submitted, approved as a correct record and authorised for signature.

628. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications.

Planning Application No.	Art. No.
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15/01512/FLM	629(2)(i)
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15/01972/FLL	629(3)(i)
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16/00996/FLL	629(3)(ii)
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16/01100/FLL	629(3)(iii)
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629. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

IN TERMS OF STANDING ORDER 47, THE COMMITTEE UNANIMOUSLY AGREED TO SUSPEND THE STANDING ORDERS TO ALLOW CONSIDERATION OF THE FOLLOWING ITEM ON WHICH A DECISION HAD BEEN TAKEN WITHIN THE PREVIOUS SIX MONTHS

- (i) 15/01109/FLM – PERTH – 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, Perth – Report 16/386 – Bertha Park Ltd**

Resolved:

The revised conditions as set out below, be approved:

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.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
3. Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
5. No buildings shall be constructed on the identified economic mineral resource until a 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.
6. The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the Planning Authority prior to its

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instillation 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.

7. 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.
8. Development shall not commence apart from the extraction of the economic mineral resource until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
9. Development shall not commence apart from the extraction of the economic mineral resource until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.
10. Prior to commencement of any works apart from the extraction of the economic mineral resource, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

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11. 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.
12. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.
13. Prior to the commencement of development apart from the extraction of the economic mineral resource a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.
14. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.

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- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

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

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

- 15. Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:
 - a) All existing paths, tracks & rights of way.
 - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
 - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
 - d) Any diversions of paths - temporary or permanent-proposed for the purposes of the development
 - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.
- 16. 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, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.
- 17. 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, have been designed, approved and

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contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

18. 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.
19. No development shall commence apart from the extraction of the economic mineral resource until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
20. No development associated with the extraction of the economic mineral resource shall take place until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
21. No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
22. Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any

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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.

23. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
24. 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 the FRA dated 18 June 2015) within the extents of the proposed development.
25. Prior to the commencement of development apart from the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
26. Prior to the commencement of the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for

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the extraction of the economic mineral resource.

Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

27. Two months prior to the commencement of the development, apart from the extraction of the economic mineral resource an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW 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.
28. Two months prior to the commencement of the extraction of the economic mineral resource, an independent and

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suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the extraction of the economic mineral resource area, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW 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 extraction of the economic mineral resource area. The ECOW shall undertake a watching brief throughout the extraction of the economic mineral resource area 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.

29. 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 SNH. The surveys shall be undertaken by a qualified

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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.

30. No development associated with the extraction of the economic mineral resource shall take place 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 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.

31. No development shall take place apart from the extraction of the economic mineral resource, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.

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- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

32. No development associated with the extraction of the economic mineral resource shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

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33. 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 have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
34. No development shall commence apart from the extraction of the economic mineral resource until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
35. 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 have been completed in full.
36. No development apart from the extraction of the economic mineral resource shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.
37. No development associated with the extraction of the economic mineral resource shall take place until the developer has secured the implementation of a programme of archaeological works for the economic

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mineral resource extraction area in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

38. Prior to the commencement of the development apart from the extraction of the economic mineral resource, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre 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.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

39. Prior to the commencement of development apart from the extraction of the economic mineral resource, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the Planning Authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.
40. For any commercial kitchen, 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.
41. 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

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- neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
42. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.
43. Noise from any air source heat pump or other external residential plant equipment 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.
44. For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
45. Prior to the commencement of development apart from the extraction of the economic mineral resource, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- a) The nature, extent and type(s) of contamination on the site.
 - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c) Measures to deal with contamination during construction works.
 - d) Condition of the site on completion of decontamination measures.
46. Prior to the completion or bringing into use any part of the development the 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.
47. Prior to the commencement of development apart from the extraction of the economic mineral resource a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district

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heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

(2) Major Applications

(i) 15/01512/FLM – KINROSS – Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works on land north west of Lathro Farm, Kinross – Report 16/387 – Persimmon Homes

Mr I McGouldrick, agent, addressed the Committee and following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an updated informative 1 and additional informative as undernoted:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed detail shall thereafter be implemented prior to the completion of the development.
4. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

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(as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot nos.29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, 152-159, 181-184, 297-300 of the approved Site Layout Plan.

5. The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
7. The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
8. Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
9. Prior to the commencement of development full details of proposed site boundary openings forming new accesses onto both the A922 and Gallowhill Road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

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10. Prior to commencement of development, details of the frontage landscaping treatment along the M90 trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
11. Prior to the occupation of the development, a barrier/boundary feature of a type approved by the Planning Authority in consultation with Transport Scotland shall be provided and maintained along the proposed boundary of the site with the M90 trunk road.
12. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan otherwise agreed in writing by the Planning Authority.
13. Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the M90 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
14. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
15. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.
16. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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17. Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
18. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.
19. Prior to the commencement of development the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Councils Flooding Team.
20. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
21. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. The CEMP shall be updated and submitted not less than two months prior to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
22. No development shall take place within the development site as outlined in red on the approved plan until the

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developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

23. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken.
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

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

24. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
25. Prior to the commencement of development detailed design of the earth bunding and acoustic barriers along the M90 boundary shall be submitted in writing to the Planning Authority for approval before the development commences so that together with existing landscape features noise levels within habitable rooms of proposed dwellings on the western part of the development are reduced.

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26. As recommended in Section 7 of the Environmental Statement, trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight to the M90 trunk road and South Street, Milnathort to provide acoustic attenuation of up to 42 dBDn, in its open position.
27. Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
28. Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.
29. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
30. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
31. Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

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32. No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
33. Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the Planning Authority.
Where ecological surveys have identified the potential presence of roosting bats, no activities that could result in disturbance (such as tree felling, or associated operations) shall be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
34. Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.
35. All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.
36. All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Justification

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

Procedural note

Consent shall not to be issued until a Section 69 Agreement (Local Government) Act 1973 or Section 75 Agreement has been agreed between the applicant and the Council for a financial contribution towards a road improvement scheme that mitigates the impact of the proposed development on the local road network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with the local members.

Informatives

1. This planning permission will last only for ten 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a

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draft notice is included for your guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
 6. The developer is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
 7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
 8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
 9. 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.
 10. No work shall be commenced until an application for building warrant has been submitted and approved.
 11. The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
 12. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel

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the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

13. No work shall be commenced until a s69 or section 75 agreement has been entered in to identifying an appropriate financial contribution towards local road network improvements.

(ii) **16/00696/FLM – PERTH – Renewal of permission 09/02126/FLM (erection of a retail superstore (class 1) and petrol filling station with associated landscape treatment and engineering works) land south west of Dobbies Garden Centre, East Huntingtower, Perth - Report 16/388 - Graham + Sibbald**

Resolved:

Grant, subject to the following terms, conditions and informatives:

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning permission.
2. Notwithstanding the details shown on the drawings hereby approved, no permission is granted for the petrol filling station, car wash, landscaping and associated works.
3. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the gross floor area of the permitted development shall not exceed 9,533sqm.
4. The net sales floor area of the supermarket shall be made up of a minimum of 65% for the sale of food and a maximum of 35% for the sale of non-food unless otherwise agreed in writing by the Planning Authority.
5. No internal comparison units (e.g. opticians, travel agents, pharmacies, etc) shall be formed within the retail unit hereby approved without the prior written agreement of the Council as Planning Authority.
6. No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust,

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and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the service, shall be submitted to and approved in writing by the Planning Authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

7. Prior to the commencement of any development on site a detailed scheme design and specification for modifications to the A85 corridor between the site access junction and the A85/Newhouse Road junction (inclusive), generally in accordance with the 09/02126/46 approval, shall be submitted to and approved by the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.
8. The traffic signals associated with the works indicated in Condition 7 shall incorporate either MOVA control, or other approved means of dynamic control and queue detection (e.g. SCOOT), to the satisfaction of the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.
9. Prior to the occupation of any part of the development the modifications to the A85 corridor between the site access junction and the A85/Newhouse Road junction (inclusive) shall be completed in accordance with the approved plans, referred to in Condition 7 above, to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
10. Prior to the commencement of any development on site a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the site and shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan.
11. Prior to the commencement of any development on site proposals for the provision of either new or extended bus services to serve the development, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide this, shall be submitted to and approved in writing by the Planning Authority in consultation with the Local Roads Authority and Transport Scotland.

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12. Concomitant with the occupation of any part of the development hereby approved the agreed bus services referred to in Condition 11 shall be introduced.
13. Prior to the commencement of the development a sample of each of the external finishing materials shall be submitted for the approval of the Council as Planning Authority.
14. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of any site works and construction shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted. The on-site scheme as subsequently approved shall be carried out and completed within the first available planting season after the completion of the development hereby approved with the off-site planting scheme being completed within the first available planting season after the commencement of works on site; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority
15. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Council as Planning Authority.
16. Prior to the occupation or use of the approved development all matters regarding internal access, car parking, cycle parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
17. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
18. All plant and equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/ or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on an ISO rating curve chart, all to the satisfaction of the Planning Authority.

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19. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.
20. Hours of operation will be limited to 0700-2300 Mondays to Saturdays and 0800-2000 Sundays but with extended hours of 0600-0000 during December unless otherwise agreed in writing by the Council as Planning Authority.
21. Prior to the commencement of the development, full details of an acoustic barrier to be erected around the service yard and capable of reducing noise levels by 5-10 dB shall be submitted for further approval of the Planning Authority. The barrier should be sufficiently high to obscure direct line of sight between the noise source and the upper floor windows of the houses along Errochty Grove. The acoustic barrier as subsequently agreed shall be installed prior to the store hereby approved being brought into use and the barrier shall be maintained to the satisfaction of the Council as Planning Authority for the term of the development.
22. Servicing of the recycling facilities shall be limited to 0800 hours to 1900 hours Monday to Friday and 0900 to 1300 on Saturdays unless otherwise agreed in writing with the Planning Authority.
23. 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.
24. Details of all lighting and advertising features within the site shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management.

Justification

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

Procedural Notes

The decision notice shall not be issued until the requisite Section 75 agreement is updated, signed and appropriately recorded to reflect the current planning reference 16/00696/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions

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policy and will be ultimately recommended for refusal under delegated powers.

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 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. Should consent incorporating the archaeological condition be granted, the developer should contact the Area Archaeologist as soon as possible. The procedure for work required can be explained and Terms of Reference prepared.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the

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Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

8. The applicant is advised he must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
9. All signage proposed on the building shall be subject to a separate application for Display of Advertisement Consent.
10. There is evidence of Japanese Knotweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

COUNCILLOR I CAMPBELL, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, RETIRED TO THE PUBLIC BENCHES

(3) Local Applications

- (i) **15/01972/FLL – LOGIERAIT – Formation of mine for the extraction of minerals, erection of associated service buildings, formation of transfer site (including processing operations), access track, haul road and borrow pits and associated restoration at land at Duntanlich, Logierait – Report 16/389 -**

Councillor I Campbell, on behalf of objectors to the application, Mr J Fry and Ms C Boisson, objectors to the application, followed by Mr I Hughes, agent and Mr R Latimer, agent, addressed the Committee and, following their respective representations, withdrew to the public benches.

COUNCILLOR I CAMPBELL LEFT THE MEETING AT THIS POINT

Motion (Councillors T Gray and J Kellas) – Grant, subject to the following terms, conditions and informatives, including an amended procedural note as undernoted:

1. **The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this permission.**

2. All mining operations and associated decommissioning and restoration shall be completed not more than 50 years from the date of commencement of the development (as indicated on the 'Notice of Initiation of Development'). For the avoidance of doubt, the 50 years associated with this condition includes construction, mining operations, restoration, decommissioning and removal of all associated ancillary development.
3. Prior to the commencement of the development hereby approved, full details of all proposed building structures above ground at the mine platform and the transfer site shall be submitted to and agreed in writing by the Council as Planning Authority. The detailing as agreed shall be thereafter implemented prior to the operational use of the development.
4. Haulage of ore to the transfer site, processing at the transfer site and despatch shall be limited to 07.00 to 19.00 Monday to Friday.
5. The total volume of mineral extracted from the mine shall not exceed 180,000 tonnes of ore in any calendar year. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.
6. The underground mining operations shall not advance beyond the extent of underground working parameters identified on plan reference (15/01972/3), figure 2.3 dated 15/10/15.
7. For the avoidance of doubt, the mine portal as identified on approved plan (Figure 3.3) shall remain the only vehicular point of access and egress to the mine and there shall be no new or additional entrances created without prior approval.
8. A minimum of two months prior to the commencement of development, a detailed Environment Management Plan (EMP) incorporating an Aftercare Monitoring Plan (AMP) addressing all phases of the construction and mining operations will be submitted to the Council as Planning Authority for approval in writing, in consultation with key stakeholders as deemed appropriate. The EMP shall incorporate:
 - Detailed construction methods of compounds and tracks.
 - Detailed plans and sections of the access track at chainages identified in Annex 3.5 (May 2016).
 - Detailed routing location of bridges.

- Detailed Location and extent of the construction corridor.
- Detailed Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary).
- Detailed Site Access Management Plan (SAMP).
- Detailed Drainage Management Plan (DMP).
- Detailed progressive restoration proposals for all habitats.
- An AMP providing a methodology for developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year.
- A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during the course of monitoring.
- Detailed design of mitigation measures, including mitigation measures outlined in Annex 3.5 (May 2016)

Thereafter, the development shall be undertaken fully in accordance with the EMP unless otherwise agreed in writing by the Council as Planning Authority.

9. The development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the developers' expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration and subsequent restoration of the proposed development. The E/L/EnvCoW shall have responsibility for the following:

- a) Implementation of the Environmental Management Plan (EMP) required by this permission.
- b) Implementation of the Aftercare Monitoring Plan (AMP) required by this permission, including specific measures for environmental monitoring post construction, shall be submitted for the further written approval of

the Council as Planning Authority in consultation with SNH and/or SEPA. The AMP shall include:

- **Submission of a Restoration Monitoring Report to be carried out by the end of July in years 1, 3 and 5.**
- **Recommendations for further restoration and/or intervention should be implemented in full by the end of September in years 1, 3 and 5.**
- c) **An empowered watching brief and involvement in decisions over key development stages directing the micro-siting of significant elements of the scheme to minimise impact on natural heritage and visual amenity.**
- d) **Authorisation to stop operations or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the EMP shall be submitted to the Council as Planning Authority within 1 calendar month of the revision date.**
- e) **Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable.**
- f) **Providing an ecological/ landscape and environmental tool box talk for staff prior to the commencement of development (with follow up sessions as deemed appropriate throughout the duration of the development).**
- g) **Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans.**
- h) **Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor.**
- i) **With regard to the construction phase, within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority in consultation with SEPA and SNH.**

- j) Upon completion of construction elements, the E/L/EnvCoW can restrict visits to bi-annual (spring and autumn) to inform the ISPP and assess ongoing development impact.
- k) Upon completion of construction elements the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders.

The above shall be adhered to throughout the construction, mineral extraction, de-commissioning and restoration phases of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority.

10. Prior to the haulage of any barite ore from the proposed mine site to the transfer site, details of the colour and lighting of operational haulage vehicles shall be agreed in writing with the Council as Planning Authority, in consultation with SNH. Thereafter, the details as agreed shall be implemented for the duration of the mining operations, unless otherwise agreed in writing by the Planning Authority.

11. Prior to the commencement of the development hereby approved, detailed landscaping and planting schemes for individual key agreed areas (in consultation) shall be submitted for the further written approval of the Council as Planning Authority, in consultation with SNH and SEPA (as required), including as a minimum:

- the mine site platform,
- transfer site,
- access and haul road sections.

The schemes shall include details of the height and slopes of any mounding or re-contouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The schemes as approved shall be carried out and completed within the first available planting season (October to March) and prior to the operational phase of development. The date of practical completion of the landscaping schemes shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The schemes as agreed and implemented shall thereafter be maintained for the duration of this planning permission unless otherwise agreed in writing with the Council as Planning Authority.

12. Prior to the commencement of development, detailed tree surveys relating to pre-agreed key sections of the haul road, access track and transfer site shall be undertaken, identifying the extents of felling required, and submitted for approval in writing by the Council as Planning Authority, in consultation with SNH.
13. Affected trees identified for retention following the satisfactory conclusion of condition 12, shall be protected in accordance with BS 5837: 2012 *'Trees in relation to design, demolition and construction'*. Approved tree protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority but shall remain in a functional condition throughout the entire phase of construction. If agreed protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.
14. Prior to commencement of development, details identifying a minimum of 1.2Ha of compensatory tree planting shall be submitted to the Council as Planning Authority for approval in writing, in consultation with Forestry Commission Scotland. The compensatory planting measures as agreed shall thereafter be undertaken within 3 years of the commencement of development.
15. No construction works, including vegetation clearance, tree felling or subsequent decommissioning shall take place without pre-felling/construction surveys of protected species being undertaken as required. Survey results and any necessary mitigation or licensing measures shall be incorporated into a Species Protection Plan (SPP) and submitted for written approval by the Council as Planning Authority, in consultation with RSPB and SNH. The initial SPP as agreed shall thereafter be adhered to throughout the period of construction works taking place.
16. Prior to the commencement of development a Species Protection Plan (SPP) shall be submitted to and approved in writing by, the Council as Planning Authority. The purpose of the SPP shall be to ensure that protected species are taken into account throughout the development. The content of the SPP shall include the following:

 - Aims and objectives of monitoring to match the stated purpose.

- Identification of baseline conditions prior to the start of development.
- Appropriate targets against which the effectiveness of the SPP can be judged.
- Methods for data gathering and analysis.
- Species monitoring for 3 years.
- Location of monitoring.
- Identification of responsible persons and lines of communication.
- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Council as Planning Authority after the initial 3 years of monitoring. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) contingencies and/or remedial action as appropriate, for written agreement with the Council as Planning Authority. Such agreed measures shall be implemented so that the development remains in full compliance with wildlife legislation and best practice. Thereafter, an Interim Species Protection Plan (ISPP) shall be submitted every 10 years after the commencement of development to ensure continued compliance and provide the opportunity to monitor the introduction of any new species. Agreed actions from each ISPP shall be implemented within 6 months of each ISPP being submitted.

17. Prior to the commencement of development a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Council as Planning Authority in consultation with SNH and SEPA. Thereafter, the approved HMP shall be implemented and adhered to throughout the development. The HMP shall include measures to minimise impacts on peat and priority habitats.

18. All works shall be undertaken in a manner which considers wildlife, including measures to prevent access for wildlife or provide escape from operations, should be considered and incorporated at all times. As part of their remit, the appointed ECoW shall undertake toolbox talks to ensure operatives are aware of dangers to wildlife.

19. Prior to decommissioning of the site a Decommissioning Method Statement and Restoration Plan shall be submitted to and approved by the Council as Planning Authority in consultation with SNH and SEPA. The agreed method statement and

- plan shall be implemented in full as part of the agreed decommissioning programme.
20. The approved Decommissioning Method Statement and Restoration Plan shall be overseen by an independent E/L/EnvCoW appointed under the same terms as specified in Condition 9.
 21. Mining operations shall have begun within 3 years of the date of commencement of development (as indicated on the 'Notice of Initiation of Development'). If mining operations have not commenced within this period, Condition 19 shall be discharged in full within 18 calendar months, in cognisance of Condition 20.
 22. If at any time after the commencement of mineral extraction, mining operations cease for more than a continuous calendar month, the site operator must notify the Council as Planning Authority in writing within one week, and thereafter notify in writing the subsequent date of re-commencement, within one week of the date of the re-commencement taking place. If at any time after the commencement of mineral extraction, the site is not mined for a continuous period of 12 months, the mine and all associated elements shall be regarded as abandoned. Should the mine be abandoned, Condition 19 shall be discharged in full within 18 calendar months, in cognisance of Condition 20.
 23. Prior to any despatch of the approved development, all matters associated with the new haul road and junction and improvements to the existing road network will be in accordance with the standards required by the Council as Roads Authority.
 24. Prior to the commencement of development, an agreement addressing liability for remedial work required as a result of damage to the C452 local road directly attributable to the construction phase of the development, and providing for pre and post-construction surveys of the said local road, shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Roads Authority.
 25. White noise alarms and/or audible vehicle reversing alarms, which only emit a warning if necessary (e.g. on an infrared signal which detects moving bodies to the rear of the vehicle), shall be employed on all on-site vehicles, until such times as alternative suitable measures are proposed, subject to the written approval of the Council as Planning Authority.

26. Should any aspect of the development result in formal complaints from nearby residential properties, within 14 days of written request by the Council as Planning Authority, the developer shall instigate monitoring for noise vibration, dust or light pollution using independent specialist consultants as required (the scope of such monitoring to be agreed in advance). The report findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Any recommendations contained within the report and approved by the Council as Planning Authority shall be implemented by the developer within 28 days of written notification of such approval to the developer.
27. A Dust Management Strategy as outlined in section 12.2.7.2 of the Environmental Statement shall be put in place prior to the operation of the mine, defined as the first movement of barite ore from the mine platform to the transfer site. Records of inspection and maintenance should be kept and made available on request in relation to this strategy.
28. Prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Council as Planning Authority for written approval, in consultation with Environmental Health. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Council as Planning Authority.
29. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm -1 in 95% of all blasts measured and no individual blast shall exceed a peak particle velocity of 12 mm -1 as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.
30. Any permanent external lighting fixtures shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land or on surrounding watercourses and woodland, and that light spillage beyond the boundaries of the site is minimised.

31. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits: LAeq, 1 Hour 45 dB (free field).
32. Only the plant machinery and equipment specified in the supporting Noise Assessment R15.8847/2/RK (dated 17 September 2015) (or similar plant which generates no greater sound power levels) shall be used, unless otherwise agreed in writing with the Council as Planning Authority.
33. Prior to the commencement of operations, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Council as Planning Authority, in consultation with Environmental Health. Thereafter the measures contained within the approved NMP shall be implemented, with records kept and made available on request by the Council as Planning Authority.
34. The developer shall ensure during the construction of the development that all surface water is controlled, treated and discharged under best practice principles of SUDS, all to the satisfaction of the Council as Planning Authority, in consultation with the Council as Flood Authority.
35. Prior to commencement of mining operations, a Water Environment Monitoring and Mitigation Plan (WEMP) shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA. Any approved recommendations of the WEMP shall thereafter be implemented by the developer, within a timescale agreed in writing by the Council as Planning Authority.
The WEMP shall set out monitoring parameters to measure the response of groundwater, in terms of level and quality to the proposed mining activity, both during development and following site abandonment.
Relevant surface water monitoring should also be included.
The WEMP shall detail:
 - The number of proposed groundwater and surface water monitoring points,
 - Defined monitoring locations,
 - Frequency of level monitoring and chemistry sampling,
 - The suite of proposed chemical analysis,
 - The collection, interpretation and reporting of data, and

- Provide mechanisms to secure mitigation of impacts should they occur.
36. Within 6 months of cessation of mine operations and prior to closure (defined as completion of restoration and sealing of mine access), a revised WEMP shall be submitted for the written approval of the Council as Planning Authority in consultation with SEPA.
37. Prior to the commencement of any development on site, the applicant shall provide details of the proposed nature and frequency of private water supply and drainage monitoring to the Council as Planning Authority in consultation with Environmental Health for written approval, covering the following:
- Primary baseline survey (prior to commencement),
 - During operations,
 - Subsequent to development completion,
 - The proposed methods of alerting affected individuals in the event of any contamination and alternative water supply arrangements identified should the development result in pollution or contamination.
38. Prior to the commencement of any development on site, the following shall be submitted to the Council as Planning Authority:
- a) Details of a bond or other financial instrument which will ensure that sufficient funds are available to meet the cost of implementing the removal of all development granted by this permission and the approved restoration scheme (relating to Condition 19)
 - b) Confirmation by an independent Chartered Surveyor (whose appointment for this task has been approved by the Council as Planning Authority) that the amount of the bond or financial instrument is sufficient to meet the cost of the removal of all development granted by this permission and the site's restoration.
39. The approved bond or financial instrument shall be maintained throughout the duration of the operation of the development hereby approved. At five-yearly intervals (as a minimum) from the commencement of the development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument

be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

Justification

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

Procedural Notes

1. Consent shall not be issued until a Section 75 Agreement, or an appropriate alternative means to the satisfaction of the Council, is in place to enable a financial guarantee to secure delivery of a Habitat Management Plan and the associated decommissioning of the mine and site restoration over the associated lifetime of the development. The legal agreement should be concluded and registered within 4 months of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed. This agreement shall include
 - i) the maximum sum required
 - ii) details of the financial guarantee which can either be by way of an ESCROW facility, restoration bond or bank guarantee,
 - iii) requirement for the review of the maximum sum every five years (as a minimum) to ensure sufficient funds.

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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily available to the public
 - Printed on durable material.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above legislation.
7. The applicant is advised to contact Perth and Kinross Heritage Trust as soon as possible to discuss the procedure of the archaeological works required and, as necessary have a written Terms of Reference prepared.
8. The applicant is advised that the archaeological response prepared is based on information held on the Perth and Kinross Historic Environment Record of archaeological sites and historic buildings, which is regularly updated.
9. The applicant is advised to pay due regard to PKC Flooding and Flood Risk Guidance Document (June 2014).
10. The applicant is advised to refer to Management of Extractive Waste (Scotland) Regulations 2010, where

mandatory or 'deemed' conditions apply to this development.

- 11. No work associated with the approved building elements shall be commenced until an application for building warrant has been submitted and approved.**
- 12. In the interest of clarity, the following terms referred to in the attached conditions of consent are intended to mean the following:**
 - a) Construction – referring to all physical construction elements, including (but not exclusively);**
 - Mine site platform
 - Transfer site
 - Haul road
 - Access Track
 - b) Operations – all matters relating to mining, transfer, processing and despatch of the barite mineral.**
 - c) Restoration and Decommissioning - referring to the initial ongoing progressive restoration of the site during construction and final site restoration of all agreed matters following the cessation or abandonment of mining operations.**
 - d) Development – covering absolutely all matters pertaining to the consent, including construction, operations, restoration, decommissioning and post development monitoring.**

Amendment (Councillors A Livingstone and M Lyle):

Defer, for consideration by the applicant of any alternative route to the A9 which better serves the community.

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors T Gray, B Band, H Anderson, D Cuthbert, A Gaunt, J Giacomazzi, J Kellas and G Walker.

3 members voted for the Amendment as follows:

Councillors C Gillies, A Livingstone and M Lyle.

Amendment – 3 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

COUNCILLOR I CAMPBELL RETURNED TO THE MEETING AT THIS POINT

(ii) **16/00996/FLL – BALADO – Erection of 8 dwellinghouses and associated works on land south east of Beaufield, Balado – Report 16/360 – Greenfields Design Ltd**

Mr C Machan, objector the application, and Mr J Blair, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

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 planning permission.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
4. Prior to the commencement of any works to the dwellinghouses hereby approved, the existing private access shall be widened and constructed at least to the level of bottoming, kerbing and base coating, in accordance with the standards required by the Council as Roads Authority.
5. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
 - (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at Beaufield, Middle Balado and Gardener's Cottage, Turfhill has been installed.
 - (b) Following the installation of the foul drainage infrastructure at the remote property/properties, the development site shall only be occupied once

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the foul drainage infrastructure for the development site has been installed unless otherwise agreed in writing with the Council as Planning Authority.

For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained unless otherwise agreed in writing with the Council as Planning Authority.

6. Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.
7. All plant or equipment 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, unless otherwise agreed in writing with this Planning Authority and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained unless otherwise agreed in writing with the Council as Planning Authority.
9. 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

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measures, once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by the Council as Planning Authority.

10. 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 unless otherwise agreed in writing with the Council as Planning Authority.
11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
13. 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 approved development 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 Council as Planning Authority.
14. A street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution'. Details of the lighting system shall be submitted and agreed with the Council as Planning Authority prior to commencement of work.

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15. Prior to commencement of development full details of the rear balcony on plot 1 and proposed fencing along its mutual boundary with house 6, The Nurseries, shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Justification

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

Procedural Notes

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

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.

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5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should note SEPA's regulatory requirements:
 - Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).
 - Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office at:
 - Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA, Tel. 01592 776910
7. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste. It is recommended that the developer contact the Community Waste Team to discuss waste requirements for this site.

(iii) **16/01100/FLL – PITLOCHRY – Erection of 12 flats on land west of Elm Court, Atholl Road, Pitlochry – Report 16/391 – G H Johnston Building Consultants Ltd**

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M G Dilworth, objector to the application, and Mr G Johnston, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Motion (Councillors J Giacobazzi and G Walker) – Grant, subject to the following terms, conditions and informatives:

- 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.**
- 2. The dwellinghouses hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016.**
- 3. Prior to the commencement of the development hereby approved, a sample of render shall be submitted to and agreed in writing by the Council as Planning Authority. The render as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.**
- 4. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 12 cycles shall be provided within the site to the satisfaction of the Planning Authority.**
- 5. A full Drainage Impact Assessment is submitted to PKC as Planning Authority in consultation with PKC Flood Team for review and approval.**
- 6. 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 approved development 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 Council as Planning Authority.**
- 7. Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.**
- 8. 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 unless otherwise agreed in writing by the Council as Planning Authority.

Justification

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

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. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**
- 5. No work shall be commenced until an application for building warrant has been submitted and approved.**

Amendment (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the proposal is contrary to:

- 1. The Perth and Kinross Local Development Plan 2014, HE3A, in that by virtue of its design and scale, the**

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proposal is not appropriate to the appearance, character and setting of the conservation area.

2. The Perth and Kinross Local Development Plan 2014, PM1A and PM1B (a), (b) and (c) in that by virtue of its scale, the proposal constitutes overdevelopment of the site.

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors T Gray, B Band, H Anderson, A Gaunt, J Giacomazzi, J Kellas, A Livingstone and G Walker.

4 members voted for the Amendment as follows:

Councillors I Campbell, D Cuthbert, C Gillies and M Lyle.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

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### DEVELOPMENT MANAGEMENT COMMITTEE – 8 JUNE 2016

#### ERRATUM

ARTICLE 451(1)(iii) – 16/00255/FLM – KINROSS – Residential development consisting of 91 units, access road, open space and associated works at former Kinross High School, High Street, Kinross – Report 16/256 – Persimmon Homes Ltd

Please note that the decision should read:

*“In accordance with Standing Order 44, a roll call vote was taken.*

*2 members voted for the Motion as follows:*

*Councillors D Cuthbert and W Robertson.*

*10 members voted for the Amendment as follows:*

*Councillors T Gray, Band, H Anderson, J Giacopazzi, C Gillies, A Livingstone, M Lyle, G Walker, D Melloy and E Maclachlan.*

*Motion – 2 votes*

*Amendment – 10 votes*

#### **Resolved:**

*In accordance with the Amendment.”*



Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at Land 40 Metres North West Of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: 16/00326/FLL  
Ward No: N8 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**

- 1 Full planning consent is sought for the redevelopment of the former Lomond Inn in Kinnesswood Conservation Area. The proposal seeks to partially demolish the Lomond Inn and convert the remaining structure into a single dwelling. Further demolition of associated buildings is also proposed which are detailed within an associated application for Conservation Area Consent (16/00325/CON) which is also under consideration at this committee meeting. The site is located on the south west side of Main Street and slopes from the road down to the edge of the settlement. The application site extends beyond the settlement boundary of Kinnesswood.
- 2 The site was occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings, until eventual closure in 2012, due to the poor economic conditions.
- 3 The application site extends to 4014sqm and includes all of the existing buildings together with the hardstanding/car parking area to the rear (south-west) of the buildings and a strip of agricultural land which sits below the main site and outwith the Kinnesswood settlement boundary. The site slopes from north east to south west.
- 4 Part of the main former Lomond Hotel building is to be retained (plot 1) and converted into a detached dwelling. A detached garage is proposed for this dwelling to the rear. The remaining buildings on site are proposed to be demolished in their entirety and replaced with four further detached dwellings to result in a total of five dwellings on the site. Plots 2, 3 and 4, located where the existing car park to the rear of the buildings is currently located, are proposed to be occupied by large scale detached dwellings with integral double garages and finishing materials including natural slate on the roof, light buff render, buff stonework and timber/aluclad windows in white. These detached houses are proposed to extend to approximately 8.4m in height. The garden ground for plots 2, 3 and 4 is located to the south west on a strip of agricultural land which is located outwith the Kinnesswood settlement boundary. Plot 5 is proposed to replace the annexe building which is to be

demolished and sits directly opposite the former Lomond Inn. This plot is a smaller scale cottage style dwelling which extends to approximately 6.3m in height. Access from Main Street is proposed in a similar location to that which exists. The application site is bound on its north eastern side by Main Street, to the south west by agricultural fields and on the north west and south east by existing residential development.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan (June 2012)**

- 7 TAYPlan sets out a vision for how the region will be in 2032 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:
- 8 *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*
- 9 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 2 – Shaping better quality places**

- 10 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3: Managing TAYplan’s Assets**

- 11 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

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

- 12 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 Under the LDP, the majority of the site lies within the settlement boundary of Kinnesswood and within the Kinnesswood Conservation Area. The principal relevant policies are, in summary:

### Policy PM1A - Placemaking

- 14 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

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

### Policy PM2 - Design Statements

- 16 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### Policy PM3 - Infrastructure Contributions

- 17 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

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where 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 RD4 – Affordable Housing

- 19 Residential developments consisting of 5 or more units should include provision of an affordable housing contribution of 25% of the total number of units proposed.

#### Policy PM4 – Settlement Boundaries

- 20 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 21 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

#### Policy HE2 - Listed Buildings

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

#### Policy HE3A - Conservation Areas

- 23 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

#### Policy CF2 – Public Access

- 24 Development proposals which would have an adverse impact on the integrity of any core path.... Will be refused.

#### Policy TA1B - Transport Standards and Accessibility Requirements

- 25 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 26 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### Policy EP2 - New Development and Flooding

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

#### Policy EP3B - Water, Environment and Drainage

- 28 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### Policy EP3C - Water, Environment and Drainage

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

#### Policy EP12 – Contaminated Land

- 30 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

#### **OTHER POLICIES**

- 31 Developer Contributions and Affordable Housing Supplementary Guidance – September 2016

#### **SITE HISTORY**

- 32 There have been numerous applications in relation to alterations and extensions to the former Inn which are not relevant to this proposal. The more relevant recent applications are outlined below:
- 33 14/00707/FLL Erection of five dwellinghouses and associated engineering operations 17 July 2014 Application Withdrawn
- 34 15/00505/FLL Erection of 5 dwellinghouses and associated works 26 February 2016 Application Withdrawn
- 35 15/00506/CON Demolition of buildings 26 February 2016 Application Withdrawn

## CONSULTATIONS

### EXTERNAL

- 36 **Portmoak Community Council** – objects on grounds of detrimental impact on Conservation Area, scale and height, impact on views, lack of detail in plans, lack of conservation report, impact on parking and public space.
- 37 **Scottish Water** – no response within statutory period

### INTERNAL

- 38 **Environmental Health** – potential for contamination of land and therefore scheme to deal with contamination required.
- 39 **Perth and Kinross Heritage Trust** – no archaeological mitigation required
- 40 **Community Waste Advisor** – waste collection area required on site
- 41 **Contributions and Affordable Housing Officer** – affordable housing commuted sum of £18,750
- 42 **Transport Planning** – No objection subject to conditions
- 43 **Bio Diversity Officer** – conditions recommended in relation to bats and protected species

## REPRESENTATIONS

- 44 A total of eighteen letters of representation were received during the first advertisement period for the application all of which objected to the proposal. During the second period of advertisement following revisions to the plans an additional three letters were received, two reiterating a previous objection and the other an additional new objection. Therefore a total of 19 letters of objection from individual households/businesses have been received. The letters include those from Portmoak Community Council and Kinross-shire Civic Trust.
- 45 The issues raised within the letters may be summarised as follows:
- Design
  - Scale/massing
  - Impact on character of Conservation Area/streetscape
  - Density/overdevelopment
  - Layout
  - Outwith settlement boundary
  - Contrary to Village Appraisal and Conservation Area Status Document
  - Materials
  - Lack of detail in plans



- Views from outwith village
- Loss of Open space
- Loss of car parking
- Loss of recycling facility
- Loss of Inn
- Lack of “Conservation Report”
- Content of Design Statement
- Impact on Rights of Way

46 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

### **Policy Appraisal**

48 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### **Principle**

49 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy RD1 and HE3A apply. Policy RD1 supports residential development in principle subject to certain criteria, including protecting the amenity of neighbours, ensuring the design and scale of the proposal relates to the character and amenity of the area amongst others. Other relevant policies include PM1A and B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. As the site is zoned within the LDP for residential uses, the principle of residential use on this site is considered acceptable. The paragraphs below will provide an assessment of the relevant criteria above and associated LDP policies.

## **Impact on Character of Conservation Area/Visual Amenity/Design**

- 50 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The implications of the demolition on the Conservation Area will be considered separately through application 16/00325/CON which is also under consideration at this committee meeting.

### Lomond Inn (Plot 1)

- 51 It was noted from site visits that the Kinnesswood Conservation Area is made up of varying design styles with a mixed palette of materials evident. The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area from those travelling from the south east. The attractive south east elevation of the Lomond Inn sits directly adjacent to the footpath. This elevation of the Lomond Inn is proposed to be retained and converted into a dwelling. I consider the retention of this part of the Lomond Inn to be a key element to this proposal to ensure that a fundamental part of the historic character and appearance of the Conservation Area is retained. Furthermore the layout as proposed also allows the existing layout of the Inn to be retained with the proposed access to remain in a similar position. I consider the element of the Lomond Inn which is to be retained to be the key aspect of the existing building with the most important relationship with the Conservation Area. This part of the building is in a poor state of repair and it is evident that work is required to bring it back up to a standard befitting of the Conservation Area location. The proposal seeks to repair and replace the natural slate roof, repair and replace structural timbers and to install new composite timber aluclad windows to replace the existing upvc windows. The harling and timber lining board on all sides of the building is also to be replaced. The rainwater goods are also to be replaced but with black upvc piping. It is noted that rainwater goods on the building are cast iron. Policy HE3B of the LDP seeks to ensure the character and appearance of the Conservation Area is maintained or improved. The use of upvc is considered to reduce the quality of materials on the site and is not considered acceptable. Therefore, given the proximity of plot 1 to the public road the use of either new cast iron rainwater goods to match the existing or the repair of the existing rainwater goods is considered important. A condition is proposed to ensure exact details of the colours and finishing materials are submitted for approval. The proposal is considered to bring the remaining part of the building back up to an appropriate standard for the Conservation Area and is considered to be an overall improvement to the character and appearance of the area as required by LDP policy.

### Plots 2, 3 and 4

- 52 The houses proposed on plots 2, 3 and 4 to the rear (south west of the site) are larger in scale and will therefore impact on the visual amenity and character of this part of the Conservation Area. These detached dwellings will be visible from Main Street as one travels through the Conservation Area and would form part of the visual character of the area. Whilst the houses extend to 8.4m in height, the land slopes away from Main Street in this location and sectional drawings have been

provided which show the relationship of the proposed houses with the Lomond Inn and demonstrate that they will have a similar net ridge height to the former Inn.

- 53 Whilst the design of the dwellings are more modern in their appearance, nevertheless, the scale and bulk of the dwellings are broken up to a certain extent by the breaks in the ridge line. As the houses are set back on the site, away from Main Street I believe their overall bulk and massing when viewed from the public realm will be reduced to an acceptable extent. Furthermore the position of plot 1 and 5 will also provide an element of screening to the larger dwellings when viewed from Main Street and therefore the large lengthy extent of the north east elevations of each house will not be evident from Main Street to their full extent. Given the position of the houses, set back on the site, the extent and scale of the dwellings is considered to be appropriate. The finishing materials include natural slate on the roof, a light buff harling and white composite windows. The slate roof is considered to relate successfully to roof coverings in the village. There have been numerous discussions relating to the finishing materials on these plots together with the remainder of the development. The submission initially proposed to utilise a reconstituted stone finish on the walls. This was not considered to be appropriate in this location and failed to relate to the established character. The plans have since been amended and a light buff coloured rendered with natural stone basecourse is now proposed. I consider the revisions to result in a simplified material palette which has an improved relationship with the surrounding buildings. It was evident during a site visit that the majority of buildings within the Conservation Area are stone with slate or pantile roofs. There are, however, examples of harled/painted properties within the Conservation Area. I consider the light buff harling colour with small areas of natural stone to be an appropriate material finish for this site given the mixture of finishes in the village. I also consider the use of aaluclad timber window in white to be appropriate to the context of the village.
- 54 The impact of the scale and size of the properties when viewed from the south west and from outside the settlement has been raised in letters of representation, stating that the scale and materials proposed will be out of character with the remainder of the village. The houses are proposed to sit adjacent to the settlement boundary and therefore will be visible from wider views of the settlement from Loch Leven, the Heritage Trail and surrounding approach roads. It is clear that these houses will alter the visual amenity of the settlement when viewed from the surrounding area, however the houses are proposed to fill a clearly evident gap site in the settlement and will therefore be seen against the existing surrounding built form and context and at a distance. As the buildings will sit within the clearly defined built up settlement I do not consider the impact on visual amenity from surrounding vantage points to be a significant concern.

#### Plot 5

- 55 The annexe building located to the immediate south east of the Inn is proposed to be demolished. The demolition of this building is welcomed as it is considered to have a poor relationship with the historic character of the area with little cohesion in its fenestration design. Its scale and bulk has little positive relationship with the Inn. The proposed replacement building is smaller in scale than the building to be

demolished and seeks to utilise a relatively traditional cottage like design and proportions which has an improved relationship with the Inn and the adjacent buildings on Main Street. I consider plot 5 to result in a significant improvement to the character and appearance of the Conservation Area in accordance with LDP policy.

### **Village Appraisal and Conservation Area Status Document**

- 56 Letters of representation raised concern regarding the loss of an existing view from Main Street, south west towards Loch Leven which is identified within the Village Appraisal and Conservation Area Status Document. Whilst it is recognised that the open nature of the existing site does provide views out of the settlement in this direction I believe the layout of the proposal does seek to retain at least part of this view in the proposal. A glimpse view will remain between plots 3 and 4 towards Loch Leven which is considered sufficient to ensure that part of this historic character of the Lomond Inn site is retained whilst allowing for the development of the site and the site being brought into active use. Furthermore it should be noted that the ridge heights of the proposed houses at plots 2, 3 and 4 are no higher than the existing Lomond Inn and therefore given the topography of the settlement there may still be views apparent from areas within the village over the top of the proposed houses towards Loch Leven.
- 57 This document also states that the setting of the village adjacent to Bishop Hill and views in and out should be protected from further development. My interpretation of this statement in the document is to protect the land around the settlement from development. The statement would be at odds with the content of the LDP if it meant that no development at all would be permitted within the settlement of Kinnesswood. As indicated above, the development is considered to sit comfortably with the built form within the remainder of the settlement and I do not consider the proposal to result in a detrimental impact on the setting of the village or views in and out of the village to a significant degree.

### **Loss of Open Space**

- 58 Letters of representation raise concern regarding the loss of open space within the village. None of the application site is designated within the LDP as being protected open space and as such the site is not offered any specific policy protection in this regard.

### **Layout/Character and Density**

- 59 The layout and position of plot 1 and plot 5 are considered to follow the historic layout of the Lomond Inn with the vehicular access point positioned centrally between them. Each of these units are positioned to allow for a small front garden area for each property with private amenity space positioned to the rear. New planting is proposed along the boundaries to provide enclosure to these plots.
- 60 Plots 2, 3 and 4 are positioned in a linear fashion towards the south west boundary of the site. A strip of land outwith the settlement is to be utilised to provide private garden ground for each house and an assessment of the issues relating to the

settlement boundary is outlined in the section below. The proposed layout is considered appropriate as plots 3 and 4 are provided with an appropriate level of garden ground for houses of this size. The layout of plot 2 is L shaped in order to cater for its corner position on the site. The location of the house does limit the usability of the garden ground, splitting it into two useable sections, however I still consider this to be acceptable.

- 61 The central part of Kinnesswood is characterised by detached, semi detached and terraced properties fronting directly onto Main Street with garden ground extending to the rear. Towards the outskirts of the village there are more detached properties in larger plots. It is noted that there is limited development towards the southwest and edge of the settlement within Kinnesswood but that there are some examples of where built development extends to the settlement boundary, including further north west at Kinnesswood Farm and as such there is precedent for development of the nature and character proposed within the Conservation Area. The submission includes a financial appraisal of the site which indicates that there is limited scope to develop solely the buildings fronting Main Street given the purchase price of the site although the information contained within this document is relatively limited. It has not been made available on the Council's planning portal due to the sensitive financial and commercial nature of the information contained within. I consider it important to secure the development of this site for the long term viability of the site and the Conservation Area given its current condition and the evidence suggests that allowing for additional development to the rear of the site will help to deliver this. Whilst the detached units to the rear of the site do not relate to the predominant character of the Conservation area in terms of their position I am willing to accept development in this location to secure the overall development of the site.
- 62 The finishing of the access road and the species and number of trees and hedges proposed on the site is not marked on the submitted plans. I consider it important to ensure that the plots are delineated by soft landscaping in the form of hedging and I also consider the provision of hedging and tree planting on the south west boundary to be important to ensure landscape containment for the site similar to that which exists on the neighbouring properties which back onto the edge of the settlement. I consider all of these elements to be key to the layout and as such a condition is recommended to ensure that full details of the hard and soft landscaping are submitted for approval.

### **Settlement Boundary**

- 63 As outlined above, the garden grounds of plots 2, 3 and 4 are located outwith the Kinnesswood settlement boundary as identified in the LDP. There is a general presumption against built development on land immediately adjacent to settlement boundaries in order to prevent urban sprawl. In this instance the rear elevations of plots 2, 3 and 4 sit immediately on the settlement boundary. Whilst some of the rear patio areas for these houses will be located outwith the settlement, the main built form will be located within. It is evident from a site visit that the rear garden ground of the properties to the south east (Ravencraig, Mo-Dhachaidh and Woodlands) extend further south west than the rear of the current Lomond Inn site. As a consequence, whilst the application site is proposed to extend outwith the identified

settlement, it is nevertheless, no further than the rear garden ground line which exists on the properties to the south east. As such I do not consider the proposal to include garden ground outwith the settlement boundary to be of any significant detriment to the visual amenity of the area and do not consider it to create any concerns regarding the sprawl of development outwith the settlement.

### **Residential Amenity**

- 64 Policy PM1A and PM1B seeks to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy RD1 contains similar criteria.
- 65 As outlined above there are neighbouring residential properties on both the south east and north west sides of the application site. Plot 5 is located in close proximity to Briar Cottage, however the orientation of plot 5, together with it facing towards a blank gable will ensure there is limited impact in terms of overlooking and overshadowing.
- 66 Plot 1 (Lomond Inn) is located close to the boundary with Lochglow to the north west. The rear elevation of Plot 1 faces towards Lochglow, however this is similar to the layout of the former Inn and again faces towards a blank gable. As such I do not consider there to be any issues relating to overlooking or overshadowing from plot 1.
- 67 The gable end of plot 4 is proposed in close proximity to the boundary with Briar Cottage to the south east, however no windows are proposed on this gable and the ridge height is proposed to step down at this end. I am satisfied that whilst the elevation is in close proximity to the boundary it will not result in any significant impact on the amenity of Briar Cottage.
- 68 Similarly the gable end (facing north east) of Plot 2 is located in close proximity to the boundary with Lochglow. Again this section of the house is proposed to step down from the main section of the dwelling and no windows are proposed on this gable. I am satisfied that this will have no significant impact on the amenity of Lochglow.
- 69 Each of the dwellings is proposed to have its own area of private amenity space. The depth of the garden ground for plots 2, 3 and 4 is fairly limited for houses of the size proposed, however they are considered sufficient to provide a reasonable area of amenity space for future occupiers. The houses are also positioned to ensure there is no overlooking or overshadowing between each house and as such the residential amenity of future occupiers is considered to be appropriate.
- 70 Overall I consider the proposals to be acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the dwellings and therefore in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

### **Loss of Recycling Facility**

- 71 There is a Council operated recycling facility located within the existing car park to the rear of the Lomond Inn which will require to be relocated to accommodate the new development. Waste Services are aware of the development proposals and have indicated that they are currently seeking an alternative location for the recycling facilities. As Waste Services are actively seeking an alternative location for the recycling facilities I do not consider the existing siting to be an issue which would impact on the recommendation of approval of this application.

### **Loss of Car Parking**

- 72 The existing car parking area to the rear of the site appears to be in use by some of the local community and letters of representation have raised concerns regarding the loss of this car parking as a result of the development. This car parking is taking place on private land and is not a designated car parking area in planning terms. The Planning Authority has no remit in this matter and I do not consider the parking of vehicles on this currently unused private area of land to have any bearing on the recommendation of this application.

### **Developer Contributions**

#### Education Infrastructure

- 73 The 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.
- 74 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

#### Transportation Infrastructure

- 75 The site is located outwith the area where a contribution towards transportation infrastructure is sought.

### **Affordable Housing**

- 76 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 77 In this case the requirement is  $5 \times 25\% = 1.25$  units.

- 78 In line with the supplementary guidance and discussion with Housing and Community Care department it has been agreed that a commuted sum would be most appropriate in this instance.
- 79 On this basis the required commuted sum payment in line with the supplementary guidance would be **£15,000 x 1.25= £18,750**
- 80 This can be secured either through an upfront payment or a Section 75 agreement between the applicant and the Council. As such no consent should be issued until the payment has been received or an agreement has been signed. This will ensure compliance with Policy RD4 of the LDP.

### **Access/Traffic/Transport**

- 81 As outlined above the main vehicular access into the site is to be retained with access directly from Main Street. Main Street is relatively straight in this location and benefits from existing traffic calming measures in close proximity to the site as such vehicle speeds are likely to be low. As the site previously operated as an Inn I do not consider the proposed development to result in a significant level of increased traffic over that which utilised the Inn. Transport Planning have been consulted on the proposal and have provided no objections subject to the access onto Main Street being formed in accordance with Council standards. They have also requested that turning facilities and two car parking spaces per dwelling are provided on site. This can also be secured by condition. Subject to these conditions the proposal is considered to be in accordance with Policy TA1B of the LDP.

### **Waste Collection**

- 82 The site is served by Council waste collection and Waste Services have indicated that the proposed properties will be provided with a three bin system, general, recyclables and garden and food waste which should be presented to Main Street for collection. A bin presentation area has been recommended by Waste Services close to Main Street and this can be secured by condition.

### **Drainage**

- 83 The site is served by the public drainage system in Kinnesswood and the application form indicates that the intention is to connect into this system. It also states that the proposal is to connect to the public water supply network and that a sustainable urban drainage system (SUDS) will be utilised to cater for surface water drainage. The principle of this is considered to comply with policies EP3B and C of the LDP. The exact detail and design of the drainage proposals will be secured through a building warrant.



## **Rights of Way**

- 84 The potential impact on “common law” rights of way is raised within a letter of representation. The Main Street of Kinnesswood is an adopted Core Path (PTMK/146) however I do not consider any of the development proposed to be of detriment to the use of this path which is along a public road. As such I am satisfied that the proposal complies within the criteria outlined in Policy CF2 of the LDP.

## **Bio Diversity**

- 85 The ecological surveys submitted with the application provide details of bat activity in the vicinity of the development. No confirmed bat roosts were found and the report recommended some measures to enhance the site for biodiversity. These can be secured through planning conditions. As such the proposal is considered to comply with Policy NE3 which relates to Bio Diversity.

## **Flooding**

- 86 There are no flooding concerns at the site and therefore the proposal complies with Policy EP2 of the LDP.

## **Contaminated Land**

- 87 Environmental Health have indicated that their service is in the possession of a site investigation report of December 2013 which identified some contamination on site. This investigation made a recommendation for either capping or removal of the contaminated material. It is unknown whether these remedial works have been undertaken therefore a condition is recommended. This will ensure the compliance with policy EP12 of the LDP.

## **Detail in Plans**

- 88 Letters of representation have raised concern regarding the level of detail contained within the submitted plans and have sought additional street elevation drawings. Whilst this request is noted I consider the level of information submitted with the application sufficient to provide a clear understanding of the development proposed and allow an assessment to be made.

## **Lack of “Conservation Report”**

- 89 A letter from the Portmoak Community Council raised the issue of the lack of any “Conservation Report” on this proposal. This has been raised in separate letters of complaint to the Council and a detailed answer has been provided to the Community Council and I therefore do not intend to provide any detail on that issue within this report. In conclusion there is no requirement for a “Conservation Report” to be prepared as the Community Council suggest and an assessment of the merits of this application are provided within this report.

## **Economic Impact**

- 90 Whilst the closure of the Lomond Inn is unfortunate it is clear from the information submitted that there is no market for a facility of this nature within Kinnesswood and it has remained closed and out of use since 2012. Whilst the loss of the Inn and the employment which it generated will have a detrimental impact on the economy of Kinnesswood, nevertheless, I consider the evidence submitted sufficient to justify an alternative residential use on the site particularly given the Inn has remained closed for a period of approximately 4 years. There will be limited economic impact associated with the construction phase of the development.

### **LEGAL AGREEMENTS**

- 91 A Section 75 Agreement may be required for payment of the affordable housing commuted sum of £18,750, if this is not done as an upfront payment.

### **DIRECTION BY SCOTTISH MINISTERS**

- 92 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 93 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be in accordance with the Development Plan. I can find no material considerations which would justify refusal of the application. I consider the proposal as a whole to result an improvement to the visual amenity and character of the Kinnesswood Conservation Area through the development of an identified area of need which is currently in poor condition. On balance the benefits of the works proposed to the former Lomond Inn and the overall proposal to bring the site back into active use are considered to improve the character and visual amenity sufficiently to merit the approval of additional residential development on the site.

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's

Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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

- 4 Prior to the development hereby approved being completed or brought into use a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.

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

- 5 Prior to the commencement of any development full details of a bin presentation area close to Main Street shall be submitted and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

Reason - In order to ensure adequate servicing facilities are provided.

- 6 Prior to the commencement of any development a sample of the proposed natural stone, light buff render, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 7 Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to all plots and full details of a planting scheme along the entire south west boundary of the site together with the finishing material of the access track and boundary walls. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 8 Prior to work commencing on the demolition of existing buildings a total of 4 bat boxes shall be provided in trees on site as indicated in the bat protection plan (section 6 of the Bat Survey). Photographic evidence of the installation shall be submitted to and approved in writing by the Planning Authority prior to the demolition commencing. The bat boxes shall remain in place in perpetuity.

Reason – To provide alternative habitat on site for bats.

- 9 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason - To reduce the risk of disturbing any bats present within the buildings

- 10 All trenches associated with the development shall be dug with sloping sides. Open pipework/culverts shall be sealed at the end of each working day.

Reason – In the interests of bio diversity and to prevent animals from being trapped in open excavations or pipework.

- 11 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present to the satisfaction of the Council as Planning Authority.

Reason – To reduce the risk of disturbing any bats present within the buildings.

- 12 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

- 13 Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 14 The walls on the south western end of the Lomond Inn building shall be taken down to a height of 900mm and be retained as part of the walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the south western end of the historic Lomond Inn remains as part of the new development in the interests of protecting the character of the Kinnesswood Conservation Area.

- 15 All slates removed from the demolished buildings shall be retained and re-used, where possible, in the new development to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 16 The use of replacement UPVC rainwater goods on the former Lomond Inn (plot 1) is not approved. The rainwater goods on plot 1 shall be new cast iron to match the existing or the existing cast iron rain water goods should be retained and repaired where necessary all to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

- 1 No consent shall be issued until a the payment of a commuted sum towards affordable housing provision of £18,750 has been secured through either through an up front payment or a Section 75 Legal Agreement has been agreed between the application and the Council.
- 2 The formal planning consent shall not be issued until such time as the required commuted sum for Affordable Housing has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed

payment within a 4 month period, the application will be refused under delegated powers.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 16/00325/CON).
- 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: 19 letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 4 October 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

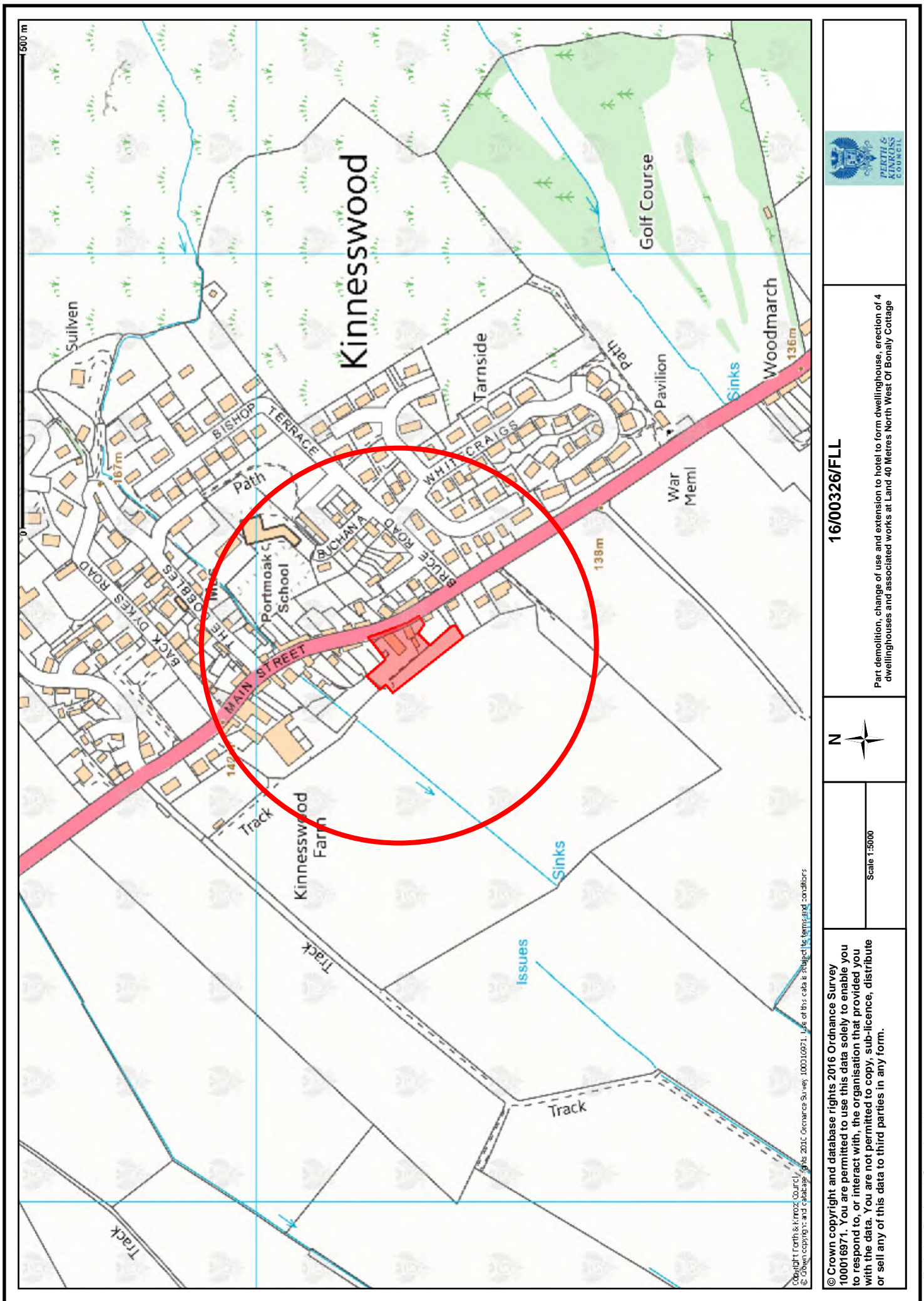
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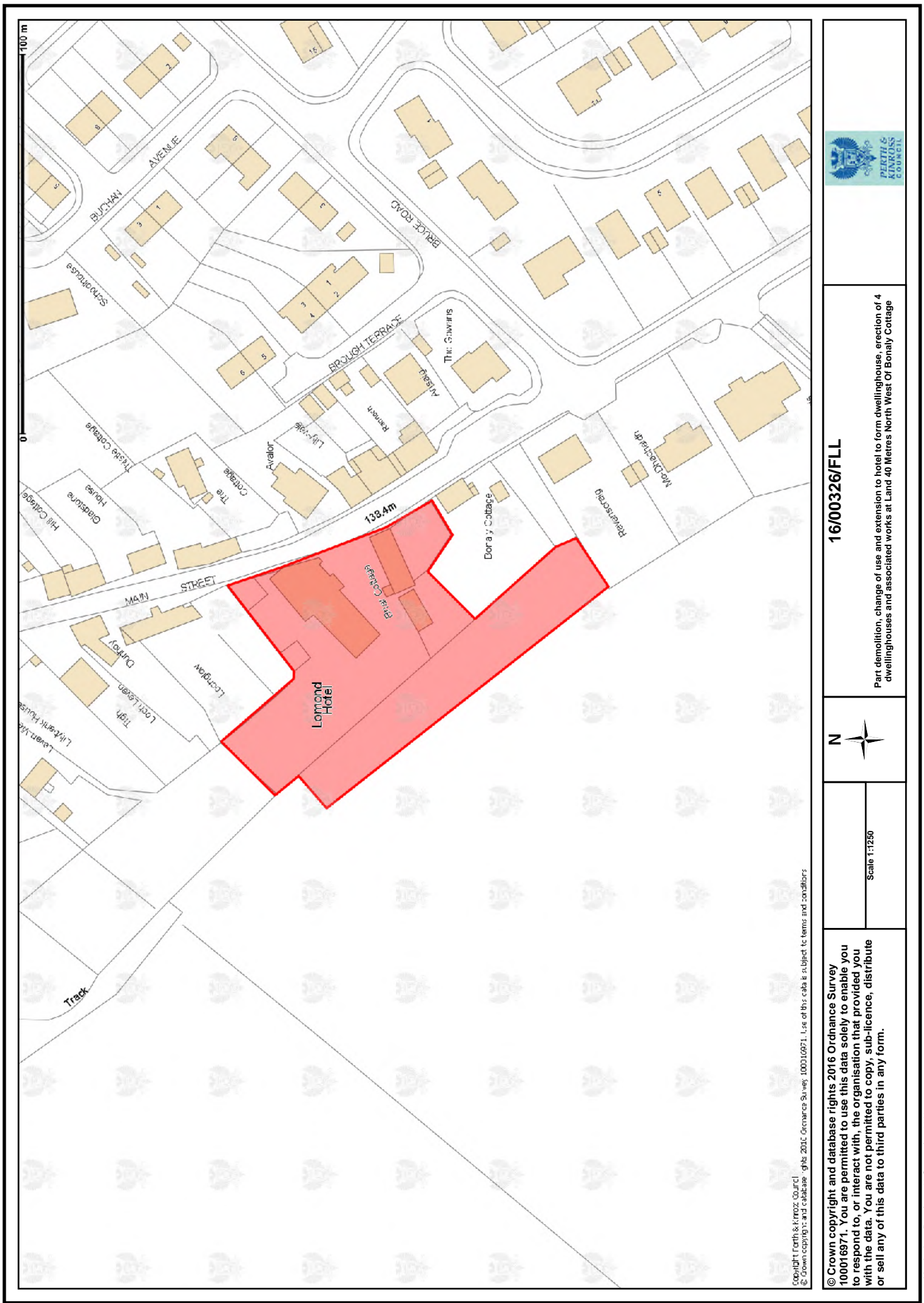












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Scale 1:1250



16/00326/FLL

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at Land 40 Metres North West Of Bonally Cottage





Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Part demolition of hotel and demolition of annexe building and outbuildings at Former  
 Lomond Hotel, Main Street, Kinnesswood

Ref. No: 16/00325/CON  
 Ward No: N8 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**

- 1 Conservation Area Consent is sought for the partial demolition of the former Lomond Hotel and the associated demolition of an annexe building and outbuildings at the Former Lomond Hotel, Main Street within the Conservation Area of Kinnesswood. There is an associated full planning application for the redevelopment of the site which is also under consideration at this Committee. This proposal relates to the demolition of part of the main “Inn” building with the north eastern most part of the building (closest to Main Street) to be retained and converted to residential use. The remaining south western end of the Inn together with the numerous additions and extensions to the rear are proposed to be demolished. The proposal also seeks to demolish the adjacent more recent buildings which sit to the immediate south east of the Inn building.
- 2 The site has been occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings. Details of the marketing and an economic assessment of the Inn and the history of attempts to retain the Inn as a successful business have been submitted with the application. These attempts ultimately resulted in failure and the Inn closed in 2012.
- 3 The application site extends to 4014sqm and includes all of the existing buildings together with the hardstanding/car parking area to the rear (south-west) of the buildings and a strip of agricultural land which sits below the main site and outwith the Kinnesswood settlement boundary. The site slopes from north east to south west.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan (June 2012)**

- 6 TAYPlan sets out a vision for how the region will be in 2032 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:
- 7 *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*
- 8 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 2 – Shaping better quality places**

- 9 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3: Managing TAYplan’s Assets**

- 10 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

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

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 Under the LDP, the site lies within the settlement boundary of Kinnesswood and within the conservation area where the principal relevant policy is:

#### **Policy HE3B - Conservation Areas**

- 13 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

## OTHER POLICIES

- 14 Historic Environment Scotland Policy Statement 2016

## SITE HISTORY

- 15 There have been numerous applications in relation to alterations and extensions to the former Inn which are not relevant to this proposal. The more relevant recent applications are outlined below:
- 16 14/00707/FLL Erection of five dwellinghouses and associated engineering operations  
17 July 2014 Application Withdrawn
- 17 15/00505/FLL Erection of 5 dwellinghouses and associated works 26 February 2016  
Application Withdrawn
- 18 15/00506/CON Demolition of buildings 26 February 2016 Application Withdrawn
- 19 16/00326/FLL Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works – Pending Consideration

## CONSULTATIONS

### EXTERNAL

- 20 **Historic Environment Scotland (HES)** – No objection, welcomes new proposal which retains part of historic Inn although they encourage retention of 2 storey south western end of buildings. This may have been built as part of the Inn or earlier house which was incorporated into it and therefore also contributes to the character of the Conservation Area.

### INTERNAL

- 21 **Perth and Kinross Heritage Trust** – no archaeological mitigation required.

## REPRESENTATIONS

- 22 Three letters of representation have been received, all of which object to the application. It should be noted that these letters make reference to the new development proposed on site. This application relates solely to the demolition of buildings and the detail of new development and summary of objections received relating to it will be assessed within the Committee Report for application 16/00326/FLL. The letters may be summarised as follows:
- Impact on character of Conservation Area
  - Contrary to policy at National and Regional level
- 23 The above issues are addressed within the Appraisal section of this report.

## ADDITIONAL STATEMENTS

24

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

## APPRAISAL

### Policy Appraisal

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy to be considered is policy HE3B of the Local Development Plan and this is assessed in more detail below.

### Principle

- 26 The site is within the Kinnesswood settlement boundary as identified in the LDP 2014. Policy HE3B states that there is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration and that proposals for demolition should be accompanied by a detailed application for the replacement development.
- 27 Historic Environment Scotland's Historic Environment Scotland Policy Statement 2016 is also a consideration. In particular applications for Conservation Area Consent must demonstrate the following:
- a. the building is not of special interest; or
  - b. the building is incapable of repair; or
  - c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
  - d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.



## **Impact on Character of Conservation Area**

- 28 Following on site discussions regarding the previous applications the applicant agreed to retain part of the former Lomond Inn as this is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area from those travelling from the south east. The attractive south east elevation of the Lomond Inn sits directly adjacent to the footpath. This elevation of the Lomond Inn is proposed to be retained and converted into a dwelling. I consider the retention of this part of the Lomond Inn to be a key element to this proposal to ensure that a fundamental part of the historic character and appearance of the Conservation Area is retained. Furthermore the layout as proposed also allows the existing layout of the Lomond Inn to be retained with the proposed access to remain in a similar position retaining the historic layout. I am therefore of the view that this revised proposal retains the key part of the Lomond Inn which is visible from Main Street and the public realm. This part of the Lomond Inn is considered to have the most attractive and intricate elements of the design and the retention of this element is considered to maintain the character of this historic site to an appropriate degree.
- 29 The plans also indicate the partial retention of the outline of the demolished building to act as part of the hard landscaping/walls around the garden ground for plot 1. This will ensure the historic reading of the demolished element of the former Lomond Inn will remain visible on site. This proposal was recommended by the Conservation Officer following a site visit and whilst the height of the walling does not meet the 1.5m suggested by the Conservation Officer, the retention at 900mm is considered to be acceptable.
- 30 It should also be noted that the site has been unoccupied for almost 4 years and evidence has been provided that there is little market for the Lomond Inn to be re-opened and as outlined in the report for the full application the change of use to residential is considered appropriate. As such the demolition of buildings on the site together with the new development and the associated hard and soft landscaping will deliver an element of benefit to the wider community by bringing the site back into use and removing dereliction from the site.
- 31 A condition is recommended to ensure that no demolition takes place on site until a contract has been agreed to implement the associated planning consent (should it be granted). This is to ensure the site does not become derelict/vacant to the detrimental of the Conservation Area.
- 32 I would therefore conclude that the poor condition of the existing buildings is evident on site inspection and that the demolition will allow for a new development to come forward to bring the site back into active use to the overall benefit of the Conservation Area. The information provided to date, in conjunction with the proposals currently under consideration for redevelopment of the site, are therefore considered sufficient to justify demolition of the buildings in this case. As such the proposal, in its current form is considered to comply with the requirements of Policy HE3B of the LDP and with the Scottish Historic Environment Policy.

- 33 It is recommended that a photographic survey of the existing buildings is undertaken prior to demolition and a condition is recommended to ensure this.

### **LEGAL AGREEMENTS**

- 34 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 35 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the demolition of the buildings a detailed photographic survey shall be undertaken and the findings submitted in writing to the Planning Authority.

Reason – To ensure a survey of the demolished historic building is undertaken in accordance with best practise.

- 3 No demolition shall commence on site until written evidence has been submitted and approved in writing by the Council as Planning Authority that a contract is in place for the construction of the replacement development which has the benefit of full planning consent as detailed in application 16/00326/FLL.

Reason – To avoid the site being left vacant and to protect the character of the Conservation Area.

- 4 The walls on the south western end of the Lomond Inn building shall be taken down to a height of 900mm only and be retained as part of the walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority. Prior to the demolition commencing full details of the capping of this wall shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason – In order to ensure the south western end of the historic Lomond Inn remains as part of the new development in the interests of protecting the character of the Kinnesswood Conservation Area.

- 5 All slates removed from the demolished buildings shall be retained and re-used in the new development to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

## **B JUSTIFICATION**

- 1 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**

- 1 None.

## **D INFORMATIVES**

- 1 This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Background Papers: Three letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 29 September 2016

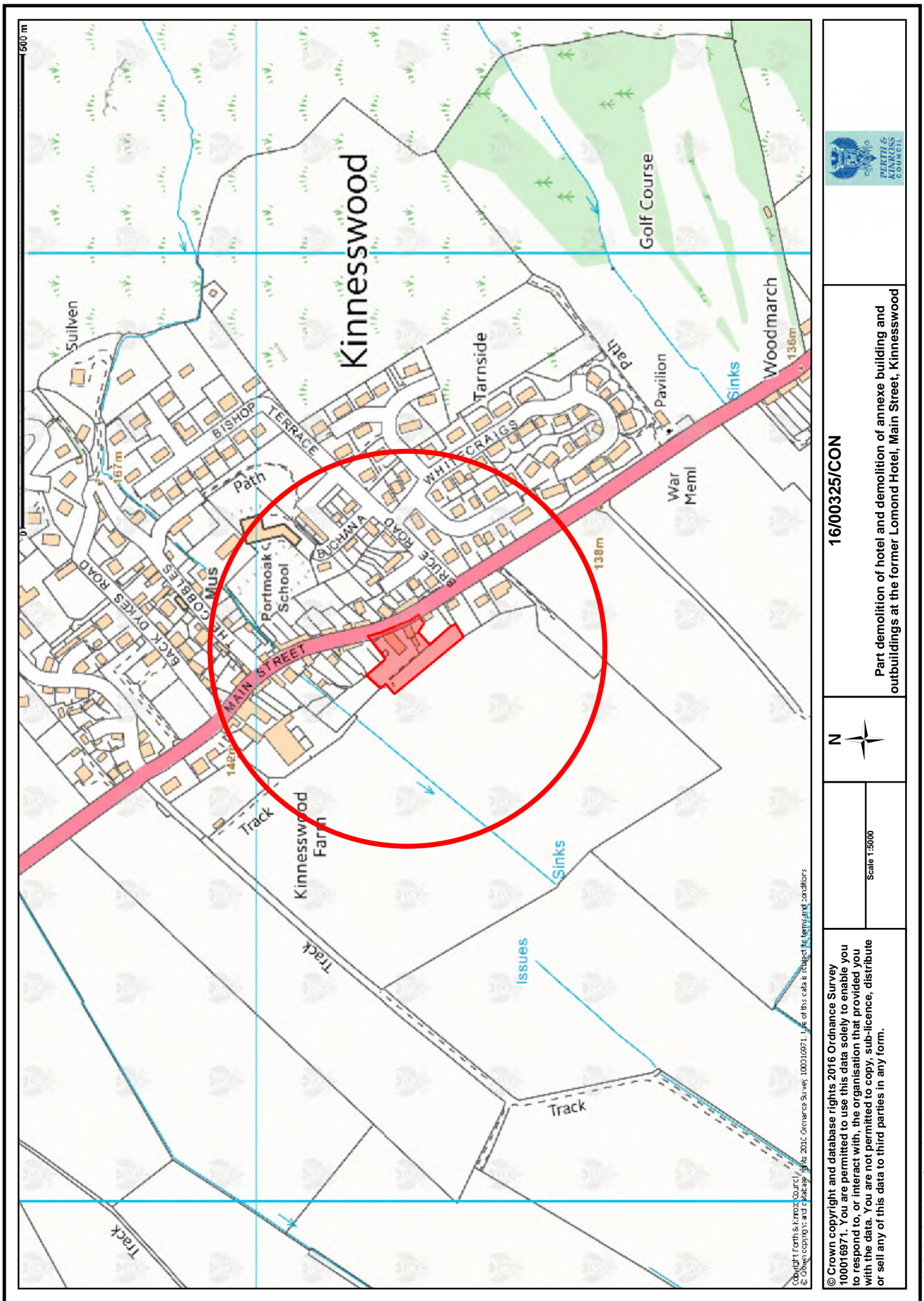
**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Erection of four dwellinghouses on land north of Willowside, Edradour

Ref. No: 16/00710/FLL  
 Ward No: N4- Highland

### **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**

- 1 Full planning consent is sought for the erection of four detached dwellinghouses at land 50 metres north of Willowside, Edradour. The application site is located within a walled garden which is associated with the adjacent Edradour House. The walled garden has a square footprint and slopes from north east to south west. There is an existing vehicular access into the walled garden adjacent to Edradour House in the north east corner of the site which is to be closed off, however a new vehicular access is proposed in the south east corner of the site which will link to an existing tree lined access drive which serves four other properties and Edradour House. An existing building (a former chapel) which is located in the south east corner is proposed to be demolished to accommodate the access and new development. The houses are proposed to be laid out in a courtyard fashion with the plots being split relatively evenly in terms of footprint. Each house is proposed to be similar in design and scale, with accommodation provided on two levels with upstairs accommodation served by dormer windows. A rear projection is proposed on each house. Detached garages are proposed on plots 3 and 4 and a semi detached garage block is proposed for plots 1 and 2. There is a large mature hedge on the south boundary which is proposed to be retained. There are a group of trees on the eastern side of the site, including an attractive Yew tree, one tree is proposed for felling in this location.
- 2 The proposed soakaway system is to be located to the south east of the site on an area of grassland.
- 3 It should be noted that the site layout has been revised following discussions with the planning officer. This revised layout was subject to re-notification and re-advertisement.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 7 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 8 The principal policies are, in summary:

#### **Policy RD3 - Housing in the Countryside**

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

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

- 10 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**

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

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

- 12 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 TA1B - Transport Standards and Accessibility Requirements**

- 13 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy NE2B - Forestry, Woodland and Trees**

- 14 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 NE3 - Biodiversity**

- 15 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 EP3B - Water, Environment and Drainage**

- 16 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

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

### **OTHER POLICIES**

- 18 Housing in the Countryside Guide 2012
- 19 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

### **SITE HISTORY**

- 20 00/01934/FUL Change of use of vacant chapel to business use at 29 January 2001 Application Permitted
- 21 08/00693/FUL Demolition of existing chapel and erection of dwellinghouse and garage 18 August 2008 Application Withdrawn

- 22 08/01659/FUL Demolition of existing chapel and erection of dwellinghouse and garage 6 October 2008 Application Permitted

## **CONSULTATIONS**

### **EXTERNAL**

- 23 **Scottish Water** – no response within statutory period

### **INTERNAL**

- 24 **Community Waste Advisor** - Environment Service
- 25 **Transport Planning** – no objection subject to condition requiring provision of additional passing place
- 26 **Contributions Officer** – no contributions required
- 27 **Environmental Health** – comments relating to private water supplies and contaminated land

## **REPRESENTATIONS**

- 28 A total of four letters of representation were received during the first advertisement period for the application, including one from the Pitlochry Community Council and have raised the following relevant issues: -
- Access/traffic generation
  - Design
  - Soakaway location
  - Waste storage/collection
  - Impact on trees
  - Residential amenity (overlooking/privacy)
  - Contrary to policy
  - Overdevelopment
  - Core Path
- 29 During the second period of advertisement, following the submission of amended plans a further two letters were received both of whom had objected during the first advertisement period. These reiterate the comments raised above.
- 30 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

31

|                                                |              |
|------------------------------------------------|--------------|
| 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          | Bat Survey   |

## APPRAISAL

### Policy Appraisal

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies are outlined in the policy section above. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### Principle

- 33 Policy RD3 refers to Housing in the Countryside where Supplementary Guidance in the form of the Housing in the Countryside Guide 2012 is relevant in this instance. This allows for residential development in the countryside provided a proposal falls into a specific category of development. Category 3 refers to "New Houses in the Open Countryside" and specifically section 3.1 (b) allows for development within walled gardens where development would not affect the integrity of the structure of the garden and may assist in the preservation of the wall. Part of the garden is utilised as storage for farm machinery and the remainder partly hardstanding and part landscaped garden. It was clear from my site visit that the walled garden was in good condition. The integrity of the wall is to be retained as part of the development with an existing opening to be utilised to provide vehicular access. The garden is well enclosed on all sides by both the existing walls and mature landscaping (all of which are to be retained) which provides for an appropriate contained site within this rural location for residential development. As such I consider the principle of residential development to meet the requirements of category 3.1 (b) of the Housing in the Countryside Guide 2012. The overall site layout, design and detail of the proposal will be considered against policies PM1A and B which relate to placemaking and against the siting criteria outlined in the Housing in the Countryside Guide 2012. Other relevant planning policies are outlined in the policy section above and relate to residential amenity, access and traffic, infrastructure contributions and bio diversity.

## **Layout**

- 34 Policies PM1A and B relate to placemaking and seek to ensure that, amongst other criteria, new development relates to the overall character and density levels within a given area. It was clear from my site visit that recent development has occurred on the land to the south of the application site with three new houses being developed in addition to the Edradour Lodge. This new development to the south has resulted in a total of four properties within an area similar in size to the application site. This extent of development, in my view, provides a clear indication of the overall character and density of development within this small grouping of buildings. The layout and density of the proposed development reflects this character by proposing a total of four plots, each of which is similar in footprint to the plots to the south resulting in a layout which is considered to successfully reflect the established character of the area in accordance with the requirements of policies PM1A and B and the criteria outlined in the Housing in the Countryside Guide 2012. The retention of the existing trees and hedging on site will also help to ensure an immediate landscape setting and containment for the site. A condition is recommended to ensure the retention and protection of these trees during construction and in perpetuity. Furthermore the vehicular access into the site is also considered to reflect the character of the development to the south as it extends into the site centrally allowing the houses to face into the site similar to the layout and access arrangements for the plots to the south. Overall I consider the layout, number of plots and overall character of the proposal to relate successfully to the established character and density levels in the area in accordance with the requirements of the above mentioned policies.

## **Design**

- 35 The proposed design of the dwellings is relatively contemporary but with traditional materials and proportions proposed. The elevations are broken up by using varying finishing materials including natural stone cladding, smooth render and timber cladding and a slate roof. These finishing materials are considered to accurately reflect the rural character and visual amenity of the area and are similar to those utilised on the new build development to the south. Overall the proportions and design of the dwellings are considered to be appropriate and therefore in accordance with the relevant policies relating to visual amenity. It is noted that concern has been expressed through letters of representation relating to each house having a very similar design. Given the appropriateness of the design I do not consider this to be a significant concern.

## **Residential Amenity**

- 36 Concerns have been expressed through letters of representation regarding the potential impact the development may have on residential amenity in terms of overlooking and overshadowing. The properties closest to the existing houses to the south are plots 1 and 2. In terms of the proposed houses the rear elevation of plot 1 faces towards the south boundary and towards Willowside. The windows on the closest part of the rear elevation are located 9.3m from the boundary. This distance is considered to meet the Council's guidance relating to window to boundary distances which requires 9m between windows and boundaries to mitigate

overlooking. Furthermore the well established mature hedge on the boundary is to be retained which will provide screening and further negate overlooking from plot 1 to the south. This distance is also considered to negate any concerns relating to overshadowing from plot 1. Whilst the garage block is located closer to the boundary, this is proposed to be single storey and given its position in relation to the rising and setting sun there is not considered to be any impact in terms of overshadowing from this block.

- 37 Plot 2 is proposed to be orientated with a gable facing south towards the neighbouring properties and specifically Arvingerne. Similar to plot 1, the windows on this elevation are positioned more than 9m from the boundary with the neighbouring property and the retained mature hedge will also provide enclosure and screening. A condition will ensure the retention of the hedge. I am satisfied that the revised layout of the site will not result in any detrimental impact on the amenity of neighbouring properties subject to conditions.
- 38 In terms of the proposed properties, as outlined in the layout section above, each property is considered to have an appropriate level of amenity space and the layout allows for appropriate distances between windows to ensure overlooking between properties is minimised. The layout does not present any concerns relating to overshadowing between the proposed plots.
- 39 One letter of representation raises concerns relating to noise generation from vehicles associated with the proposals. Whilst it is accepted that construction vehicles will generate noise this will be for a temporary period only and is therefore not considered to be significant. Furthermore it is accepted that the additional housing will generate additional traffic movements which will increase noise levels to an extent however this is not considered to be significant or to a level which would merit refusal of the application on noise grounds.

### **Access**

- 40 Access to the site is proposed along an existing vehicular access which serves the properties to the south and Edradour House. There is an existing bellmouth junction onto the public road and vehicles can turn north out of the access towards Pitlochry or turn south through Edradour and Donavoured to the A9. Whilst concerns have been expressed regarding the ability of the public road to cater for the increase in vehicles associated with this development I am satisfied that the provision for alternative routes through Moulin and through Donavoured to and from the site will ensure that the traffic numbers will be split to a certain extent along each access route, reducing the pressure of traffic through Donavoured.
- 41 The existing bell mouth onto the public road is considered sufficient to cater for the development proposed here and adequate visibility splays already existing. Transport Planning have offered no objection to the proposal subject to the provision of an additional passing place on the existing access given the increase in traffic which will result. This can be secured through a condition. Subject to this condition the proposal is considered to comply with Policy TA1B of the LDP.

## **Bio Diversity**

- 42 The Council's Bio Diversity Officer identified the site as having potential bat roosting potential and given the demolition proposed, a bat survey of the site was requested and this has been received. Whilst some evidence of bats has been identified through the survey, nevertheless, no roosting bats were found. The survey recommends that bat friendly roost features should be incorporated into the design of the new houses and recommends mitigation to allow for protection of bats. The recommended mitigation is considered appropriate and will be secured through condition. A letter of representation has asked why the bat survey is not available on public access. The survey contains sensitive information regarding the habitat of a protected species and to ensure their ongoing protection the contents of the survey have been made sensitive. This is standard practise for a survey of this nature. The proposal is therefore considered to be in accordance with Policy NE3 of the LDP.

## **Drainage**

- 43 The application form indicates that the development is to be served by a private drainage system with discharge to a soakaway and watercourse. Concerns have been expressed regarding the outflow and the potential for flooding to nearby properties given the sloping topography from the soakaway to neighbouring properties. The principle of this type of private drainage system within a rural area is considered to meet the requirements of Policy EP3B relating to foul drainage and is similar to proposals found elsewhere within rural area of Perth and Kinross. The detailed designed of the drainage system will be secured through the building warrant process to ensure its design meets Council standards.

## **Trees**

- 44 The eastern side of the site is occupied by a number of trees which contribute to the overall setting and visual amenity of the area. Whilst one tree is proposed to be felled to accommodate the development this is one of the smaller trees within the grouping and its loss is not considered to be significant in terms of visual amenity. The remainder of trees on the site and along the access drive are proposed to be retained. A condition is recommended to ensure they are protected and that the new access is installed using appropriate methods to ensure the root areas of the trees are not damaged. Subject to these conditions I am satisfied that the proposal will not be of detriment to the trees on site.

## **Waste Collection**

- 45 It was evident from a site visit that there is a small informal bin storage area adjacent to the bellmouth onto the public road. The proposed development will generate additional waste where facilities will require to be provided. Waste Services have indicated in their consultation response that an improved bin storage area will be required. An upgraded bin storage area to meet the requirements of Waste Services can be secured through planning condition. The plans indicate that the bellmouth, where the storage area is required, is within the applicant's control.



## **Core Path**

- 46 A letter of representation seeks for the developer to make a financial contribution to the core path network in the local area. There is no planning policy justification for seeking for a contribution to be made towards public access in the area for a development of this scale. The PLRY/102/1 core path is located to the south and west of the application site with part of the path located close to the vehicular access into the site. I am satisfied that a development of this scale will not have a detrimental impact on the core path and to ensure this a condition is recommended to ensure the core path is not obstructed or damaged during construction works. Subject to this condition the proposal is considered to comply with Policy CF2 of the LDP.

## **Developer Contributions**

- 47 There is no requirement for a contribution towards education infrastructure in this location and the site is located outwith the area where transportation contributions are required.

## **LEGAL AGREEMENTS**

- 48 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 49 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been **no** directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

### **A Approve, subject to the following conditions:**

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

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

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

- 3 The mature hedge on the south boundary of the site and the full extent of the wall around the walled garden shall be retained in perpetuity to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the commencement of any development on site, details of an additional passing place to be installed on the existing access to the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented prior to the commencement of residential development hereby approved to ensure the passing place can be utilised during construction operations and upon completion of the development.

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

- 5 The conclusions and recommended action points within the supporting biodiversity survey (doc ref:16/00710/11) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to the commencement of any development on site full details of an upgraded bin storage/collection area adjacent to the bell mouth of the access at the public road shall be submitted to and approved in writing by the Planning Authority. The details shall meet the requirements of Perth and Kinross Council Waste Services as outlined in their consultation response dated 4th May 2016 and shall also ensure minimal visual impact. The details, as approved in writing, shall be implemented as part of the site development and fully installed prior to any of the houses being occupied.

Reason - To ensure adequate provision for bin storage and waste collection and in the interests of visual amenity.

- 7 The asserted right of way/core path shown on approved drawing 16/00710/13 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 6 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Background Papers: Four letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 29 September 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

|                                                                                                                                                                                                                                                             |
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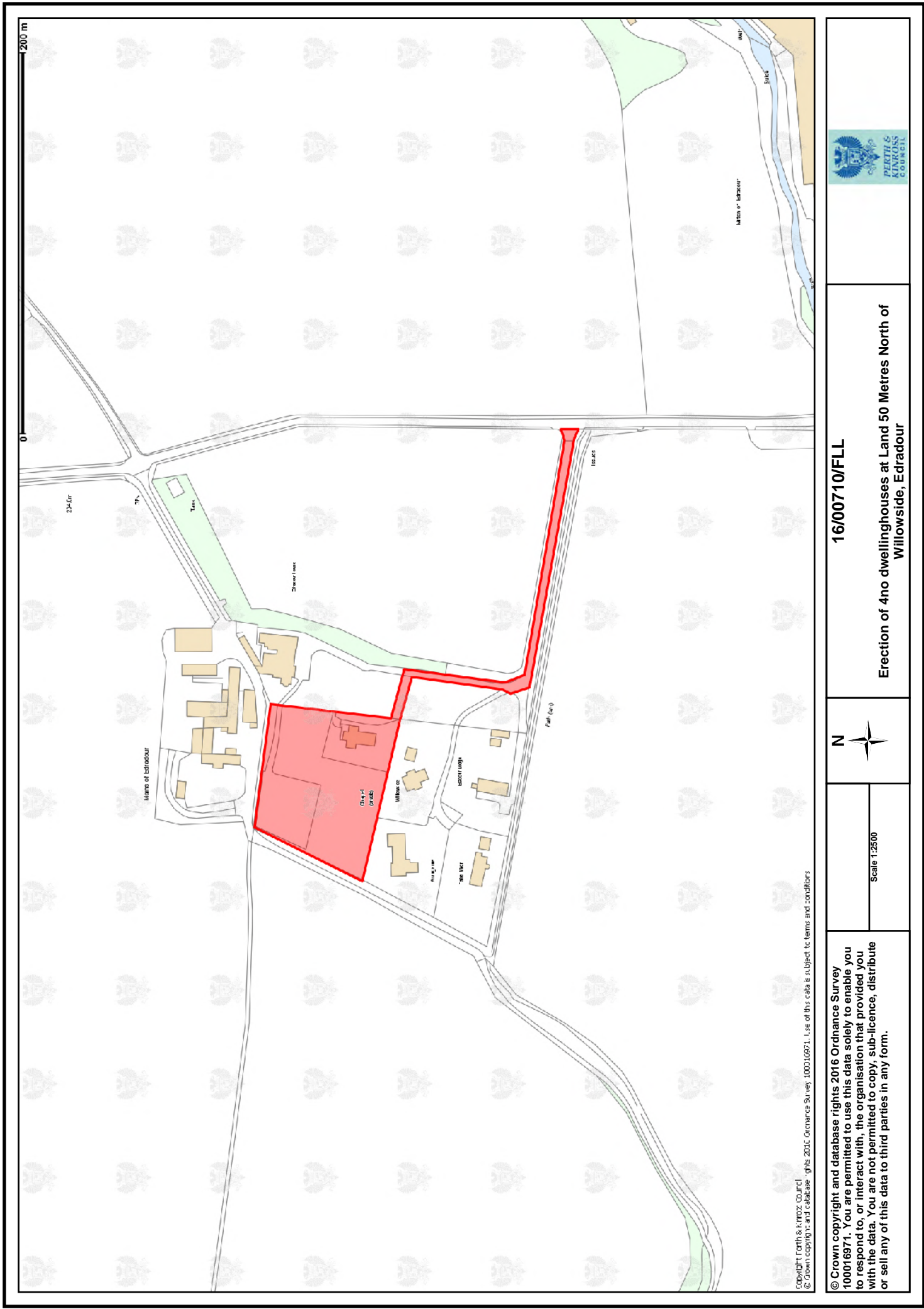
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Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

**Erection of 13 dwellinghouses and associated works at former site of Levensglenn  
Nursing Home, Glenlornond, Kinross**

Ref. No: 16/00751/FLL  
Ward No: N8 – Kinross-shire

**Summary**

This report recommends approval of the application for the erection of 13 dwellinghouses and associated works as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to the former Levensglenn Nursing Home within the small village settlement of Glenlornond, located 650m to the north of Wester Balgedie. The former nursing home closed in 2014 as it was uneconomical to operate the home and it has remained vacant since its closure. The complex of buildings comprises two single storey wings which accommodated 72 bed spaces and a number of associated buildings containing the kitchen, dining area and offices. The majority of the buildings were originally associated with the former WW1 hospital that stood at Glenlornond until the site was redeveloped for housing during the latter half of the 20<sup>th</sup> Century.
- 2 The existing built development at Glenlornond is quite varied with a wide variety of house styles ranging from bungalows and terraced cottages to more modern two storey houses built in the 1980s and 90's, and two and three storey former hospital buildings that have been converted into flats and houses. The site itself extends to approximately 0.958 ha and is bound to the north-east by the residential properties at Bishops Court and the Lime Tree House, and to the north by the flats at Lornond House. To the north-west lies a public car park, whilst to the south-west the site is open with views across the Loch Leven Basin. To the south and south-east the site is bound by dense mature shrubs and mixed woodland.
- 3 Full planning permission is being sought for the demolition of the existing complex of buildings and the erection of 13 detached dwellinghouses within the site. The proposed development will feature five different house types, all of which are two storeys and of similar design. The plots within the lower western half of the site (Plots 6 – 11) have a slightly lower ridge height with the upper floor accommodation partially accommodated within the roof space and served by dormer windows. The other remaining plots (Plots 1 – 5, 12 & 13) are full two storey dwellings. All of the units have either a single or double integral garages with the exception of Plot 13 which has a detached double garage. The finishing materials are detailed as white rendered walls, elements of natural stone, red pantile type roof tiles, and grey coloured windows, fascias and soffits.

- 4 The development will be served by one single road which will take its access from the existing road within the village directly opposite Lomond House. The applicant is also proposing to provide two new passing places on Dryside Road between Glenlomond and Wester Balgedie, the positions of which will be formally agreed with the Council prior to development.
- 5 It is proposed that all surface water will be handled on site by SUDS arrangements comprising a mixture of swales and drainage trenches. All waste water from the development will be connected to the existing private waste water treatment plant to the north of the Glenlomond which services the entire village.

## **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) was published on 23 June, 2014. It 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.
- 8 Of relevance to this application are:
  - Paragraphs 109 – 134: Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

- 9 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 10 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

- 11 Under the TAYPlan the principal relevant policy is:-

**Policy 5: Housing**

- 12 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

**PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 13 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary:

**Policy PM1A - Placemaking**

- 15 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

**Policy PM1B - Placemaking**

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

**Policy PM3 - Infrastructure Contributions**

- 17 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**

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where 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 EP3B – Water, Environment and Drainage**

- 19 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the

natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C – Water, Environment and Drainage**

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

### **Policy EP7A - Drainage within the Loch Leven Catchment**

- 21 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

### **Policy EP7B - Drainage within the Loch Leven Catchment**

- 22 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

### **Policy EP7C - Drainage within the Loch Leven Catchment**

- 23 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

### **Policy EP12 – Contaminated Land**

- 24 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Policy NE2A – Forestry, Woodland and Trees**

- 25 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B – Forestry, Woodland and Trees**

- 26 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 NE3 – Biodiversity**

- 27 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

## **OTHER POLICIES**

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

- 28 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 29 Until late 2014 the site was in use as a nursing home but due to the poor condition of the buildings and the costs involved with bringing the nursing home up to the Care Commissions standards, the home was closed as it was no longer economically viable to operate the business.
- 30 The site was then purchased by the current applicant in 2015 and a planning application was submitted for the erection of 14 houses (Ref: 15/01834/FLL). The layout of the development and detailed design of the proposed houses was not considered to be appropriate and following further discussions the applicant withdrew the application in order to redesign the proposals. The applicant also needed to undertake further surveys in relation to bats, trees and surface water drainage.

## **CONSULTATIONS**

### **External:**

- 31 **Scottish Water** – No comments received.
- 32 **Portmoak Community Council** – No objection to proposed redevelopment of site subject to the provision of three passing places of a specification that can accommodate large construction vehicles and warning signage being installed at either end of Wester Balgedie.

### **Internal:**

- 33 **Transport Planning** – No objections to the proposed development subject to the provision of two passing places, the details of which can be secured by condition.
- 34 **Environmental Health** – The proposed development is on land that is identified as having a formerly been a hospital. There is potential for the ground to be impacted by contamination from this former land use. For example, there may be areas where waste was disposed of on site, or areas of made up ground.

- 35 **Local Flood Prevention Authority** – No objection. The site is not at risk of flooding but a small un-named field drain to the south east of the development site which runs from the pond at Hillview could impede the effectiveness of soakaways during a rain event. The detailed investigations relating to infiltration rates and groundwater demonstrate that the proposed swales and infiltration trenches have the capacity to attenuate and cope with surface water run off during high rainfall events. The applicant should ensure that existing surface water drainage can cope with runoff from the increased impermeable area of the proposed development.
- 36 **Contributions Officer** – No education contribution is necessary but a contribution in lieu of on-site affordable housing amounting to £48,750 will be required.
- 37 **Community Waste Advisor - Environment Service** – This development will be on the '3 bin' system. The developer should note the requirements for refuse collection vehicle access to the site if relevant.

## REPRESENTATIONS

- 38 7 valid letters of objection have been received from 6 residents and Kinross-shire Civic Trust. The grounds of objection can be summarised as follows:
- Overdevelopment
  - Inappropriate design / scale
  - Road safety
  - Increase in traffic including large delivery vehicles
  - Existing road infrastructure not capable of accommodating additional traffic
  - Lack of parking
- 39 These issues are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

|    |                                                |                               |
|----|------------------------------------------------|-------------------------------|
| 40 | Environment Statement                          | Not required                  |
|    | Screening Opinion                              | Not required                  |
|    | Environmental Impact Assessment                | Not required                  |
|    | Appropriate Assessment                         | Not required                  |
|    | Design Statement / Design and Access Statement | Submitted                     |
|    | Report on Impact or Potential Impact           | Bat and Tree Survey Submitted |

## APPRAISAL

### Policy

- 41 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 determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which

justify a departure from policy. The most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

- 42 The proposed site is located within the village settlement boundaries of Glenlomond where Policies RD1 'Residential Areas' and PM1 'Placemaking' of the Local Development Plan are directly applicable.
- 43 Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 44 Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 45 Other relevant policy considerations are identified within the in the policy section.
- 46 For reasons stated below, and subject to restrictive conditions being imposed on any consent, I consider this detailed proposal to be consistent with all the aforementioned policies.

### **Design and Layout**

- 47 The design and layout of the proposed development is considered to be acceptable and appropriate given the variety of house styles within Glenlomond. The revised layout and reduced scale of the proposed houses is a significant improvement over the previous scheme. The staggered reduction in height of the proposed houses from east to west reflects the gentle sloping nature of the site and the layout now makes better use of both the physical dimensions of the site and also the views westwards across Loch Leven. The detailed design and finish of the proposed houses also better reflects the more traditional vernacular character of housing in the area and avoids appearing too much like a suburban addition to the village.
- 48 It is therefore considered that the scale, design and finish of the proposed extension is acceptable and in accordance with Placemaking Policies PM1A and PM1B.

### **Residential Amenity**

- 49 It is considered that the proposed layout of the development provides an acceptable level of amenity for both the residents of the proposed new houses and the existing neighbouring houses adjacent to the site.
- 50 The plots range in size across the development but the smallest plot within the development (Plot 8) will still have a rear garden extending to approximately 143sqm which is a reasonable area for a family home and comfortably exceeds the Council's normal minimum standard of 100sqm. Furthermore, most plots have

a rear garden that exceeds 180sqm which is equal to or larger than many of the neighbouring plots within Glenlomond.

- 51 In terms of neighbouring amenity, the proposed development will not result in any significant levels of overlooking or overshadowing. The nearest properties at Bishops Court lie to the north east of the site but these houses are elevated above the site and, as such, any overlooking or overshadowing will be limited. Furthermore, none of the proposed houses will have any windows with direct line of sight within 9m of the site boundary.

### **Roads and Access**

- 52 It is noted that a number of concerns have been expressed in regards to road safety both in respect to the circulation of traffic within Glenlomond and the potential increase in traffic, particularly in relation to larger vehicles, on the main road through Wester Balgeddie on the U243 Dryside Road.
- 53 The existing road that serves as the main access route to Glenlomond is a relatively narrow single lane rural road which runs from the A911 through the small village of Wester Balgedie and then up to Glenlomond. There are a number of points on the road where both width and visibility is quite restricted, particularly within Wester Balgedie itself. A number of concerns have consequently been raised regarding the ability of the existing road network to accommodate the additional type and amount of traffic generated by the development.
- 54 In the first instance, it is important to highlight that until very recently a 72 bed nursing home operated from this site and the amount and type of vehicles generated by previous nursing home will likely have been noticeably higher than the level of traffic that would be generated by this proposed residential development. This would have been particularly notable at shift times but there would have also been traffic from visiting relatives and larger service vehicles delivering provisions for the home. The majority of this traffic, if not all, would have travelled to and from the site via Dryside Road which runs through Wester Balgedie. A significant proportion of the vehicles would have also driven into Glenlomond and used the existing car park to the north west of the site.
- 55 As such, it is not considered that the proposed development of 13 dwellinghouses on this site would result in any increase the level or type of traffic generated by the previous nursing home.
- 56 Nevertheless, the applicant has noted the concerns expressed in relation to the narrow width of Dryside Road leading from Wester Balgedie to Glenlomond and, in order to improve the situation, they are willing to provide 2 passing places on Dryside Road. It was suggested that these passing places would be formed by improving two existing field accesses alongside Dryside Road and provided prior to the occupation of any house. However, it is considered that they should be formed prior to the commencement of development as this would also assist in the safe movement of construction vehicles and should therefore be secured by way of a condition of any consent.



- 57 The applicant has also noted the Community Council's comments in relation to the provision of improved signage for Wester Balgedie and has offered to make a voluntary payment towards the provision of such signage. However, the provision of any road safety signage on a public road is a separate matter that would need to be discussed and agreed with the Council as Road's Authority. It is therefore suggested that the applicant should therefore contact the Road's Authority to discuss any voluntary contribution towards road safety signage.
- 58 The Council's Transport Planner, who has also been consulted, acknowledges the concerns in relation to the existing road network nevertheless but does not consider that the proposal will add significantly to the type and amount of traffic using the local network, nor would it cause the network to operate beyond capacity. Some objectors have suggested that a by-pass be provided by the applicant from the site direct to the A911. However, planning conditions must be fair, reasonable and proportionate to the development being proposed. It is not fair, reasonable or proportionate to expect that a redevelopment of a former nursing home into 13 houses would facilitate such an increase in traffic as to justify the building of a by-pass. The Transport Planner does however agree that it would be reasonable to consider the possibility of formalising some informal passing places along the U243 as per the applicant's commitment referred to above.

### **Flood Risk**

- 59 The site is not located within any areas at risk to a 1 in 200 year flood event, as per SEPA's indicative flood maps. As such the site is not known to be at risk to flooding.

### **Surface Drainage**

- 60 The applicant has undertaken a site investigation of the existing ground conditions and submitted a Drainage Strategy Statement which details the proposed means of surface water drainage. It is proposed that all surface water will be handled on site by SUDS arrangements comprising a mixture of swales and drainage trenches within the development site.
- 61 The Council's Flood Prevention Team have reviewed the proposed drainage strategy and advised that the detailed investigations relating to infiltration rates and groundwater demonstrate that the proposed swales and infiltration trenches have the capacity to attenuate and cope with surface water runoff during high rainfall events. It is nevertheless recommended that the applicant should ensure that existing surface water drainage can cope with runoff from the increased impermeable areas of the proposed development. This matter can be satisfactorily addressed by means of a condition.

### **Waste Water Drainage – Loch Leven Catchment Area**

- 62 The site is located within the Local Leven Catchment Area where foul drainage from new proposals is strictly regulated in order to reduce phosphorus levels entering the loch. However the village of Glenlomond is served by a large private sewage treatment works which was originally constructed to serve the hospital

that previously stood on the site. Crucially the outfall from this private waste water works discharges to the River Eden 3km to the north which is located out with the Loch Leven Catchment Area.

- 63 In this instance the applicant is proposing that all the waste water from the development will be discharged to the existing private system that serves the village. It has also been confirmed that the existing system has sufficient capacity to serve the proposed development. The development will therefore not have any impact on the Loch Leven Catchment Area. However, for the avoidance of any doubt, a condition should be applied which requires all waste water to be connected to the said existing private waste water treatment works.
- 64 It is noted that concerns have previously been expressed in relation a possible leak in the outfall pipe from the private system which may result in the outfall discharging onto land within the catchment area. These concerns are unsubstantiated and no specific evidence has been submitted to support these claims. Furthermore, the licensed discharge point is identified as being to the Eden River and any issue with the operation of the system, such as a potential breach in outfall pipe, is a separate licensing matter which should be raised with SEPA. The issue has in fact been raised with SEPA and they are not aware of any problems with the outfall pipe.

#### **Presence of Protected Species - Bats**

- 65 The applicant has undertaken a Bat Survey of the existing structures within the site. The survey concluded that whilst all the buildings contain external features which could potentially offer opportunities for bat access, there was no evidence of any bats within the buildings.
- 66 Whilst the findings of this survey are accepted, it is possible that the structure could be used by bats at any point prior to development which is acknowledged within the survey. It is therefore considered prudent that the applicant should take suitable precautions to ensure that no bats are harmed during the demolition of the buildings and this should be highlighted by way of an Informative note.

#### **Retention of Trees**

- 67 The site itself does not contain any trees but there is a dense area of mixed woodland that extends the full extent of the south eastern boundary. This area of woodland is a substantial landscape feature of the both the site and the village. It provides an important level of containment to the site, particularly when viewed from the south.
- 68 Whilst none of these trees actually stand within the site, the canopy of a substantial number of these trees extends onto plots 5, 6, 12 and 13.

- 69 In order to assess the impact that development would have on the adjacent trees the applicant has undertaken and submitted a Tree Survey. In summary, the survey identifies that only one tree (a sycamore) which is located to the east of Plot 13 would be potentially affected by the proposals. All other remaining trees are assessed as either being too low down the banking to be affected, or are already in an area where the root system will be up to the foundation of the existing building. In conclusion, the survey recommends the removal of the single sycamore tree identified in order to facilitate the development of Plot 12 with the remaining trees protected as per the requirements of BS 5837 2012.
- 70 From a review of the survey and a site visit it is considered that the loss of the single sycamore tree identified will not diminish the integrity, both in terms of landscape or biodiversity value, of the adjacent woodland. I am therefore satisfied that subject to suitable protective measures, the proposed development will not have a significant impact on the trees immediately adjacent to the site boundary. As noted in the report, the existing timber fence that runs the entire length of the boundary with the woodland would provide adequate protection to the trees. However, it is nevertheless recommended that a condition be applied to ensure that adequate tree protective measures are put in place for the duration of the development.

### **Contamination**

- 71 The Contaminated Land Officer (CLO) has reviewed the proposals and advised that the proposed development is on land that is identified as having a formerly been a hospital. There is consequently potential for the ground to be impacted by contamination from this former land use. For example, there may be areas where waste was disposed of on site, or areas of made up ground. The CLO has therefore recommended a condition requiring that prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) submitted for consideration by the Council as Planning Authority.

### **DEVELOPER CONTRIBUTIONS**

#### **Education**

- 72 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 73 This proposal is within the catchment of Portmoak Primary School which presently has no capacity concerns.
- 74 No education contribution is therefore required in this instance.

## **Affordable Housing**

- 75 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 76 In this particular instance the affordable housing requirement is 3.25 units (13 x 25%). On this occasion, a commuted sum payment is considered acceptable in lieu of onsite provision. The commuted sum for the Kinross Housing Market Area is £15,000 per unit. The total commuted sum payment in lieu of affordable housing is therefore £48,750.

## **ECONOMIC DEVELOPMENT**

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

## **LEGAL AGREEMENTS**

- 78 It is possible that a s75 legal agreement may be required to secure the payment of the required affordable housing contributions if the applicant chooses to defer the payment.

## **DIRECTION BY SCOTTISH MINISTERS**

- 79 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in, or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the commencement of the development hereby approved, samples of all external finishing materials shall be submitted to and agreed in writing by the Council as Planning Authority. The finishing materials as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

- 4 Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 5 Prior to the commencement of works on site, the applicant shall agree in writing a scheme of localised road widening on the U243, to the satisfaction of the Council as Roads Authority. The approved works shall then be undertaken prior to the commencement of any development on the application site.

Reason - In the interests of road safety.

- 6 All foul waste water from the proposed development shall be discharged to the existing private waste water treatment plant that serves Glenlomond village.

Reason – In order to ensure that all waste water is discharged to the existing system and in the interests of protecting the qualifying interests of the Loch Leven.

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

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

- 8 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

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

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

- 10 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.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the

application may be refused under delegated powers without any further discussion with the applicant.

## **D INFORMATIVES**

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 This 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).
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

- 8 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 7 letters of representation  
Contact Officer: David Niven – Ext 75345  
Date: 4 October 2016

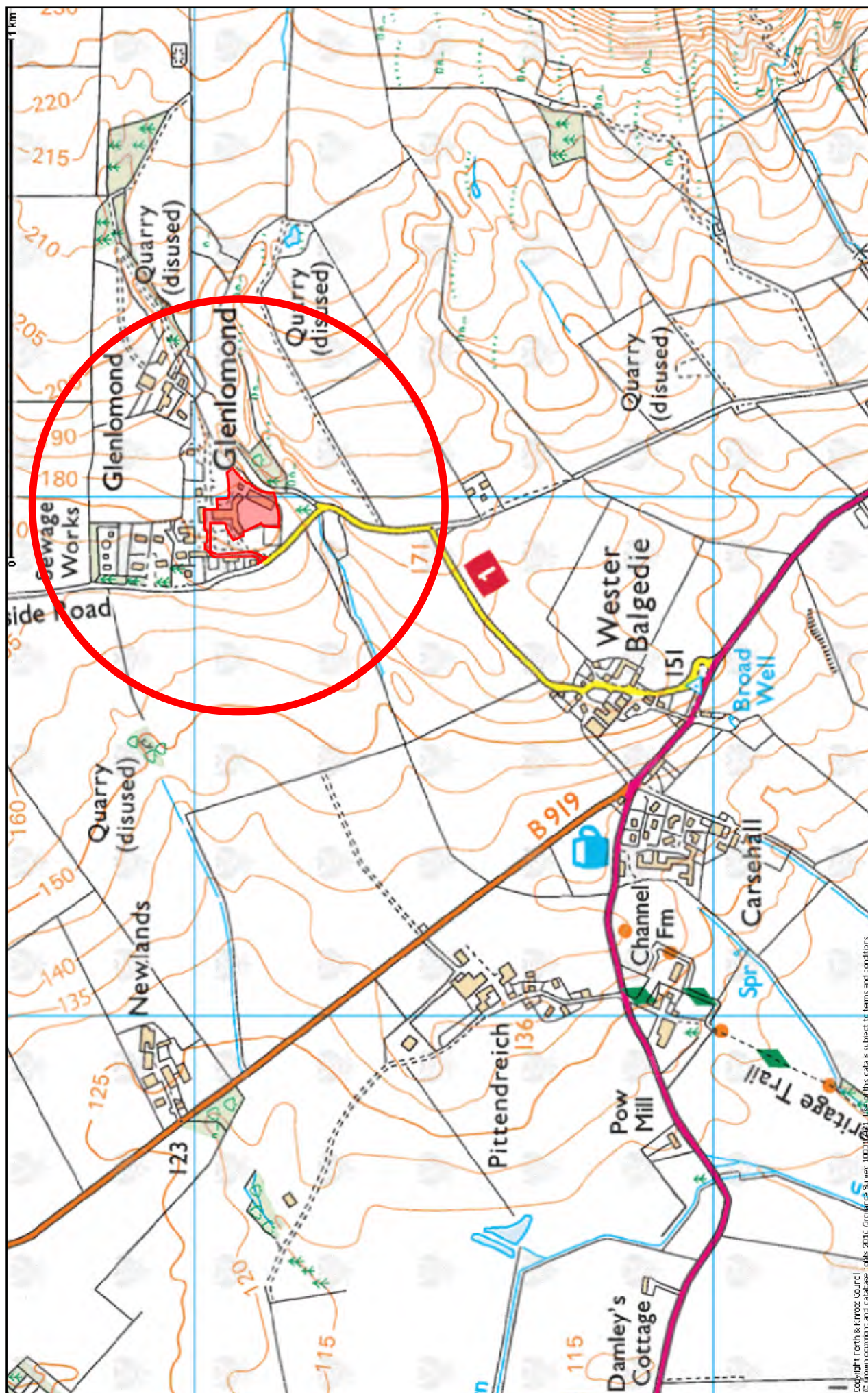
**Nick Brian**  
**INTERIM HEAD OF PLANNING**

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Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse at Land 40 Metres South East Of The South Steading  
Camserney, PH15 2JE

Ref. No: 16/00842/FLL  
Ward No: N4 - Highland

**Summary**

This report recommends approval of a detailed planning application for the erection of a single dwelling on an infill site within the highland village of Camserney, as the development is considered to comply with the Development Plan and there are no material reasons which would justify refusing the application.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks detailed planning permission for the erection of a dwelling within the small highland village of Camserney. Camserney is located to the north of the B846, approx 3 miles west from Aberfeldy, and is a primarily residential village with a village hall, together with pockets of agricultural land and grazing paddocks.
- 2 The site is distinctly linear in its shape with a width (east to west) of approx. 19m and a length of approx 60m, giving an overall site size of approx 980sq m. The site is currently grassed, although the applicant has indicated that the site is not currently in use either for domestic or agricultural purposes. The site slopes gently from south to north and is framed by existing private accesses to the south, east and north, which are themselves flanked by fences. To the west, the site is separated from neighbouring private amenity ground by a post and wire fence.
- 3 The proposed dwelling is of a contemporary design, which is modest in its scale and incorporates simple features. The dwelling is to be located in a central position on the plot and will offer living accommodation over one level only. An associated detached garage is also proposed at the southern end of the plot. The majority of the private amenity space will be located at the northern end of the site. Natural slates are proposed for the roof finish, with the external finishes being a mix of timber, render and stone features. Vehicular access to the dwelling is to be via a partly surfaced private access.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are:

## **Scottish Planning Policy 2014**

- 5 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.
- 6 Of relevance to this application are Paragraphs 109 – 134, which relate to enabling the delivery of New Homes

## **DEVELOPMENT PLAN**

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

## **TAYplan Strategic Development Plan 2012**

- 8 Whilst there are no specific strategies or policies which are directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*

## **Adopted Perth Local Development Plan 2014**

- 9 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance. Within the LDP, the site lies within the settlement boundary of Camserney where the following policies are directly applicable:

### **Policy RD1 – Residential Areas**

- 10 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

### **Policy PM1A - Placemaking**

- 11 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM3 – Contributions**

- 12 Where the cumulative impact of new developments will exacerbate a current or generate a future 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 EP3B - Foul Drainage**

- 13 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks.

### **Policy EP15 – Development within the River Tay Catchment Area**

- 14 The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment area. In order to ensure no adverse effects on the River Tay Special Area of Conservation, all of the following criteria will apply to development proposals at Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grantully/Strathray/Little Ballinluig, Logierait, Tummel Bridge, Concraigie, Craigie and Kinloch, and criteria (b) and (c) to development proposals at Bankfoot and Kirkmichael.

(a) Drainage from all development should ensure no reduction in water quality.

(b) A Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment.

(c) Where the development site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required.

### **Policy CF1A – Existing Areas of Open Space**

The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted

### **OTHER COUNCIL POLICIES**

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

- 15 This document sets out the level of Developer Contributions in relation to Primary Education, Transport Infrastructure and also A9 Junction Improvements, as well as Affordable Housing provision for new developments.

## **SITE HISTORY**

- 16 None.

## **CONSULTATIONS**

### **EXTERNAL**

- 17 **Scottish Water** – No response

### **INTERNAL**

- 18 **Transport Planning** – No objection to the proposal in terms of the proposed vehicular access arrangements or parking arrangements.
- 19 **Environmental Health** – No objection to the proposal in terms of contaminated land issues or air quality issues associated with the proposed stove, subject to conditions.
- 20 **Community Waste Advisor** – No objection to the proposal in terms of waste collections.
- 21 **Developer Negotiation Officer** – A Developer Contribution for Primary Education is required.
- 22 **PKHT** – No archaeology evaluation required.

## **REPRESENTATIONS**

- 23 Ten letters of representations have been received, all raising concerns over the development proposed. The main issues raised by the individual objectors are,
- Proposal is contrary to the Development Plan
  - Impact on existing residential amenity
  - Impact on existing visual amenity
  - Concerns over the safety of the access
  - Concerns over traffic movements
  - Impact on Archaeology
  - Loss of open space
  - Concern over drainage arrangements
- 24 These issues are all addressed in the Appraisal section of the report.



## ADDITIONAL STATEMENTS

|                                                |                             |
|------------------------------------------------|-----------------------------|
| Environment Statement                          | Not required                |
| Screening Opinion                              | Not required                |
| Environmental Impact Assessment                | Not required                |
| Appropriate Assessment                         | Carried out by the Council. |
| Design Statement / Design and Access Statement | Submitted                   |
| Report on Impact or Potential Impact           | Not required                |

## APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 26 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted LDP. In terms of other material considerations, this includes consideration of the Councils other approved policies, namely those which relate to developer contributions.

## Policy

- 27 The key land use policies are contained within the LDP. Within the LDP, the site lies wholly within the settlement boundary of Camserney where *Policy RD1* is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned are not adversely affected by the development proposed. In addition to this, *Policy PM1A* is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 28 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

## Land Use

- 29 In terms of land use issues, the site has been identified within the LDP settlement boundary of Camserney. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only, I consider the proposed residential use to be entirely compatible with the existing uses and ultimately consider the key consideration for this proposal to be whether or not the layout, house type and access arrangements are acceptable in this location.

## **Design and Layout**

- 30 In terms of the design of dwelling, I note that within the letters of representations, some concerns have been raised that the house type proposed is inappropriate for this semi-rural location, and that the dwelling would be out of character with the existing area. Within the surrounding area there are a range of different house types and architectural styles, with no degree of absolute uniformity. The dwelling proposed is of a good quality in architectural terms, is fairly modest in its scale and is simple in its design. To this end, I'm of the opinion that the proposal would not have an adverse impact on the character or visual amenity of the area.
- 31 In terms of the layout, the plot is linear in its shape and the layout of the dwelling, its central location on the plot and its orientation reflects that. However, the size and position of the house on the plot will mean that suitable private amenity space would be available for future occupiers, as well as adequate parking and turning facilities. To this end, I have no concerns regarding the proposed design or layout proposed.

## **Impact on residential amenity**

- 32 Within the letters of representation concerns have been raised regarding the potential for overlooking and loss of privacy to occur, particularly in relation to 'The South Steading' which is located to the north, and which has amenity ground to the west of the site. The location and window placement of the proposed dwelling is such that there should be little direct window to window interaction between the proposed house and the existing property which is located to the north of the site.
- 33 To the west of the site there is an area of private amenity space which I understand is associated with 'The South Steading'. The owners of this property have raised an objection to the proposal on the grounds (amongst other things) of direct overlooking of their amenity space. The original planning application was lodged with no additional, landscaping or boundary treatments along the western edge of the site which, even bearing in mind the single storey nature of the dwelling would have resulted in a clear potential for direct overlooking to occur from both the dwelling and also the garden ground – particular as a set of patio doors would be within 9m of the boundary.
- 34 To address this, the applicant has shown a willingness to introduce landscaping along the western boundary, which would be introduced prior to the dwelling being occupied and this has been reflected in an amended site plan. In addition to this, I see no reason why the existing post and fence along the western boundary could not be also be replaced with a 1.8m slatted timber fence which, in combination with new landscaping would offer sufficient screening from the dwelling and associated garden area. It would remain the case that some windows would be within 9m from the neighbour's boundary. However I am comfortable with this arrangement bearing in mind the single storey nature of the dwelling, together with the proposed landscaping and boundary treatments which can be introduced and controlled via conditions.

## **Visual Impact**

- 35 In terms of the impact on the visual amenity of the area, the location of the site is at the end of a fairly long vehicular access track which goes some way to reducing its visibility and prominence when viewed from the main public road that runs to the south. In any event, as the site is an infill opportunity which would be set within the context of existing buildings of varying designs and scales, I do not consider the erection of this dwelling would have a negative impact on the visual amenity of the area.

## **Contamination Land Issues**

- 36 There are no known contaminated land issues associated with this site. However, as the previous use(s) of the land is unknown, an Informative should be attached to any consent which advises the applicant to contact the Council in the event that they find any possible contaminants during the construction phase.

## **Impact on Wildlife**

- 37 There are no known protected species or local wildlife which are directly affected by this proposal. The location of the site is such that there is no requirement for an otter survey, as is suggested in *Policy ER15* of the LDP in relation to the River Tay Catchment Area.

## **Road Related Issues**

- 38 Within the letters of representations road safety issues have been raised, in particular the suitability of the current access with the public road, and the suitability of the private road to serve this development. My colleagues in Transport Planning have reviewed the proposals, and are of the view that the access from the B846 public road is suitable to accommodate the development proposed and the existing stone wall does not hinder visibility to an unacceptable degree and I agree with this position. It is also my view that the minimal amount of traffic generated by one additional house would not constitute a significant road safety hazard for the existing private access. To this end, I have no concerns regarding roads related matters.

## **Foul Drainage**

- 39 The site lies outwith a public sewered area, so foul and surface water drainage would be provided via a private system as per the requirements of *Policy EP3B* of the LDP, and which in turn would need to accord with the Scottish Building Standards Agency Technical Handbook. The area is within the River Tay Catchment area, where the Council, through *Policy EP15* of the LDP seeks to protect and enhance the nature conservation interests associated with the River Tay, which is a Special Area of Conservation.

- 40 Some initial foul drainage details have been submitted by the applicant, however to ensure that this development has no adverse effects on the River Tay Special Area of Conservation (SAC), I propose to attach a standard pre-commencement condition which will require the submission of full technical drainage details prior to works commencing on site. Subject to this, I am confident that drainage details can be progressed which will ensure that there will be no reduction in water quality of the water courses within the River Tay Catchment within land which is within the control of the applicant.

### **Flooding / Surface Water Drainage**

- 41 The site does not lie within an area which has been identified by SEPA as being at risk of flooding. However, precise details of the proposed means of the disposal of surface water will be required prior the commencement of any works, and these details will be subject of prior approval by the Council's to ensure that local surface water flooding does not arise from this development which may affect others or the public road.

### **Impact on the SAC / Pollution Control**

- 42 To ensure that the construction phase does not adversely impact on the River Tay, a Construction Method Statement (CMS) will be required to be lodged prior to any works commencing. This CMS should demonstrate the protection of all watercourses from the potential impact of pollution and sediment during the construction phase.

### **Trees / Landscaping**

- 43 There are no trees within the site which are directly affected by the proposal. There are some trees within the private amenity to the west, however these will be unaffected by the development proposed.

### **Archaeology Issues**

- 44 Whilst there is some known archaeology in the surrounding area, it is the view of PKHT that there is no requirement for any archaeology evaluation to take place because of the scale of the development proposed, and also the distance from the known archaeological sites.

### **Collection of Waste**

- 45 The collection of waste and recycling will take place at the end of the private access, which is an acceptable arrangement for the Council.

### **Air Quality**

- 46 A proposed wood burning stove is included as part of the proposals. However, subject to a standard condition, I am satisfied that the stove will not have an adverse impact on the air quality of the area.

## **Loss of Open Space**

- 47 Within the representations, concerns have been raised that the proposal would result in an unacceptable loss of open space. Whilst the site is currently undeveloped, the site has not been identified within the LDP as an area of land which has a value to the community for either recreational or amenity purposes. To this end, I do not consider its loss to create any conflict with the aims of Policy CF1A of the LDP which seeks to protect key areas of open space.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

- 48 As the development comprises less than 5 residential units, there is no requirement for any developer contributions (or onsite provision) in relation to affordable housing.

### **Transport Infrastructure**

- 49 The site lies outwith the catchment area for transport Infrastructure contributions there is therefore no requirement for any associated developer contributions.

### **Primary Education**

- 50 As the local primary school is operating at over 80% of its capacity there is a requirement for an associated developer contribution in relation to Primary Education.

## **ECONOMIC IMPACT**

- 51 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

## **LEGAL AGREEMENTS**

- 52 A legal agreement may be required if the applicant opts to delay payment of the required Developer Contribution.

## **DIRECTION BY SCOTTISH MINISTERS**

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 54 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. The sites inclusion identified within the LDP is considered to be an opportunity for new development, and as the development proposed is compatible with the existing uses and would not have an adverse impact on the character or amenity (visual or residential) of the existing area, it is considered to be acceptable subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 The proposed stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

Reason – In order to ensure that the stove does not create unacceptable nuisance.

- 3 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed prior to the occupation of the dwelling, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

Reason – In order to ensure that existing residential amenity is protected.

- 4 Prior to the occupation of the dwelling, the existing post and fence along the western boundary of the site shall be replaced with a 1.8m slatted timber fence. Precise details of the fence shall be submitted prior to any works commencing for the approval in writing and thereafter, the approved details shall be implemented in full.

Reason – In order to ensure that existing residential amenity is protected.

- 5 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with SNH and SEPA. The CMS shall identify measures to prevent harmful materials entering the River Tay SAC which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason – In order to ensure that the River Tay is not adversely affected during the course of construction

- 6 Prior to the commencement of any works on site, precise details of the proposed foul drainage which ensures that the water quality of the River Tay is not adversely affected shall be submitted for the approval in writing by the Council as Planning Authority and the approved scheme shall thereafter be implemented in full.

Reason – In order to ensure that the site is adequately drained and that the environmental interests of the River Tay are suitably protected.

- 7 Prior to the commencement of any works on site, precise details of the proposed means of surface water disposal shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that surface water is disposed of in an acceptable manner.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not;

- a) Make the required payment upfront within 14 days of the date of the committee decision, or
- b) Complete a legal agreement for its delayed payment within a 4 month period, then the application may be refused under delegated powers.

## **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 An application for Building Warrant will be required.
- 5 The Council must be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

|                    |                               |
|--------------------|-------------------------------|
| Background Papers: | Ten letters of representation |
| Contact Officer:   | Andy Baxter – Ext 5339        |
| Date:              | 2 October 2016                |

**Nick Brian**  
**Interim Head of Planning**

|                                                                                                                                                                                                                                                             |
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Perth and Kinross Council  
Development Control Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Part change of use from retail (class 1) to retail (class 1) and cafe/restaurant (class 3) and alterations at 1-3 High Street, Crieff, PH7 3HU

Ref. No : 16/00906/FLL  
Ward No: N6 – Strathearn

**Summary**

This report recommends approval of a detailed planning application for the change of use of an existing building in the centre of Crieff from a predominantly retail premises to a retail (class 1) and café/restaurant (class 3) use, as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The site relates to an existing, fairly modern building which is located on the corner of High Street / James Square in Crieff. The site is located within the town's Conservation Area, and is close to a number of listed buildings. The existing building offers floor space over three levels and was formerly used primarily for retail purposes, but has recently become vacant. The ground floor (as seen from James Square) was the main retail space, whilst the 1<sup>st</sup> floor level offered some additional retail space as well as associated retail storage. The floor space on the upper level was split between further storage and staff facilities.
- 2 This proposal proposes a new café / restaurant area on the ground floor with approx. 54 covers together with ancillary retail. On the first floor (accessed via the High Street level) a new coffee shop (which will operate separately from the ground floor café), general storage and the catering kitchen for the ground floor café are proposed. No changes are proposed to the upper floors. It should also be noted that due to the levels of surrounding streets, both the ground floor and first floor levels have level street frontages to the north (facing High Street) and to the west (facing James Square).
- 3 As part of the proposals, a new decked area is proposed within an existing covered entrance area on the west elevation facing James Square. This new area is to be enclosed by a new timber rail and is proposed to be used for outside seating associated with the café/restaurant. With the exception of some re-painting of the existing render, the only other external physical change proposed to the building is new signage on the west and north elevations, however this will be controlled under the Control of Advertisement Regulations.

## **NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of specific relevance to this proposal is

### **Scottish Planning Policy 2014**

- 5 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
- The determination of planning applications and appeals.

- 6 Of relevance to this application are:

- Paragraphs 58 – 73, which relate to Promoting Town Centres
- Paragraphs 135 – 151, which relate to valuing the Historic Environment

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

### **TAYplan: Strategic Development Plan 2012-2032**

- 8 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”* In terms of TAYplan policies, the following policies are applicable to this proposal,

### **Policy 3 (Managing TAYPlan's assets)**

- 9 This Policy seeks to ensure that all new developments do not have an adverse impact on our cultural heritage.

## **Policy 7 (Town Centres)**

- 10 This policy sets out the importance of locating businesses, services and facilities in town centres in order to achieve the Scottish Government's aim to protect and enhance town centre vitality and viability. The application site is within the boundary of Crieff town centre, which is identified in the policy as one of the smaller town centres. The policy directs Local Development Plans to support a mix of uses in town centres that will encourage their vitality and the diversity of economic and social activity in both the day and the evening.

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

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance
- 12 Within the LDP, the site lies within the town centre of Crieff and within the Conservation Area where the following policies are applicable,

### **Policy PM1A - Placemaking**

- 13 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**

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

## **Policy RC1 - Town and Neighbourhood Centres**

- 15 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out.

## **Policy HE2 – Listed Buildings**

- 16 Seeks to ensure that listed buildings and their settings are not adversely affected by new, inappropriate developments.

## **Policy HE3A - Conservation Areas**

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

## OTHER COUNCIL POLICIES

### Developer Contributions and Affordable Housing, April 2016

- 18 This document sets out the level of Developer Contributions in relation to Primary Education, Transport Infrastructure and also A9 Junction Improvements, as well as Affordable Housing provision for new developments.

## SITE HISTORY

- 19 An application seeking advertisement consent for the signage (as shown on the drawings submitted) has already been refused permission on the grounds that it was considered to be inappropriate within a Conservation Area and also within the setting of listed buildings.

## CONSULTATIONS

### EXTERNAL

- 20 **Scottish Water** – No response.

### INTERNAL

- 21 **Environmental Health** – No objection to the proposal in terms of noise or odours, subject to standard conditions being attached to the consent.
- 22 **Transport Planning** – No objections in terms of parking provision or the impact in the local road network.
- 23 **Community Waste** – No objection in principle, subject to further details being submitted for approval.
- 24 **Strategy and Policy** – Indicates that the proposal is supported by the Development Plan policies.

## REPRESENTATIONS

- 25 Sixteen letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the letters of representations are,
- Loss of openspace
  - Adverse Impact on existing businesses
  - Over intensification of coffee shops in the local area
  - Loss of car parking
  - Insufficient car parking
  - Adverse Impact on traffic congestion
  - Adverse Impact on residential amenity
- 26 These issues are addressed in the Appraisal section of this report.



## ADDITIONAL STATEMENTS

|    |                                                |                |
|----|------------------------------------------------|----------------|
| 27 | Environment Statement                          | Not required   |
|    | Screening Opinion                              | Not required   |
|    | Environmental Impact Assessment                | Not required   |
|    | Appropriate Assessment                         | Not required   |
|    | Design Statement / Design and Access Statement | Submitted      |
|    | Report on Impact or Potential Impact           | None submitted |

## APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted LDP. In terms of other material considerations, this includes considerations of the Councils other approved policies, namely those which relate to Developer Contributions.

### Policy

- 29 The key land use policies are found within the LDP. Within the LDP, the site is located within the settlement of Crieff, within an area identified for town centre uses where *Policy RC1* is directly applicable. In addition to the core town centre uses associated with Class 1 (retail), this policy also encourages (new) ground floor uses that fall within Classes 2 and 3 (building societies, estate agents, restaurants and cafes etc) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and leisure, entertainment, recreation, cultural and community facilities, provided that they contribute to the character, vitality and viability of the retail area.
- 30 In addition to this *Policy PM1A* of the LDP seeks to ensure that all new developments do not have an adverse impact on the character or amenity of the area concerned, whilst *Policies HE3/HE2* of the LDP both seek to protect our cultural heritage assets from inappropriate new developments.

### Land Use Acceptability

- 31 In terms of land use acceptability of this proposal, the proposed uses are compatible with the requirements of *Policy RC1* of the LDP which encourages (new) ground floor uses that fall within Classes 1, 2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 providing a number of specific criteria can be met.
- 32 However, a number of concerns have been raised within the letters of representations which suggest that this proposal would adversely impact on the economic viability of other existing cafes, restaurants and retail premises in the town centre area. Likewise, some of representations also suggest that the town centre is already adequately catered for by similar establishments, and perhaps over saturated.

- 33 In terms of material considerations when determining planning applications, it is widely recognised that the potential loss of trade or increased competition for a specific product or service are not valid planning considerations as these are typically personal circumstances which the planning system is not designed to protect. What however is a planning issue (for developments within town centres) is the potential impact that new proposals would have on the character, vitality and viability of the town centre area as a whole and whether or not from a land use perspective, the proposal is compatible with the surrounding uses.
- 34 The building at present is currently vacant, and is located within a very prominent location in the town centre. Empty properties within the town centre do not contribute positively towards vitality, and will not encourage public movement or generate footfall to the area. One of the specific criteria for acceptable uses within the town centre is to ensure that there is a high degree of public contact involved in the day to day running of the use proposed. In my opinion, the day to day running of the café/restaurant and coffee shop would result in a high degree of public contact and the footfall of customers, and as such the proposal would contribute positively to the overall vitality of the town centre.
- 35 From a land use point of view I do not consider the proposed development will have an adverse impact on the character, vitality and viability of the town centre/retail area which is the key objective of *Policy RC1* of the LDP. I therefore consider the proposal to be entirely compatible (in land use terms) with the existing town centre uses

#### **Impact on Conservation Area / Listed Buildings**

- 36 The site is located within the Crieff Conservation Area, and lies adjacent to a number of listed buildings. Minimal external works are proposed to the existing building, with the most significant proposed addition being new signage. Following the refusal of the signage shown on the submitted drawings (but not forming part of the application under consideration) the applicant is currently looking at an alternative arrangement which would be acceptable within this sensitive location. The revised signage would be subject to a separate advertisement consent application.

#### **Residential Amenity**

- 37 The proposal is located within the town centre where there are some residential uses present, largely on the upper floors. Whilst the proposed use of an outdoor area for café/restaurant seating could introduce the potential for conflict with existing residential amenity, I am satisfied that this can be adequately controlled by appropriate conditions covering issues such as general noise, movement of furniture, hours of operation / deliveries and the means of extraction for kitchen equipment. Based on these matters being suitably controlled via pre-commencement conditions, on any consent, I have no concerns over the impact on existing residential amenity.

## **Waste / Recycling Collection Services**

- 38 It is the case that the previous use had existing commercial waste collection provision in place. However, for clarification purposes precise details of the proposed new waste and recycling provision would be sought through a condition on any consent prior to any works commencing on site to ensure that it complies with the Council's standards.

## **Roads and Access**

- 39 It is noted that within the letters of representations that a number of concerns have been raised relating to the impact that this proposal would have on the local road network and on the existing parking provision within the centre of Crieff. My colleagues in Transport Planning have reviewed the proposals and raised no concerns in relation to either aspect. I share this view, particularly bearing in mind the previous use which would have generated a similar level of traffic and parking provision.
- 40 Within the letters of representations concerns have been raised that this proposal would result in the loss of car parking provision. However, this proposal will result in no loss of any existing car parking spaces.

## **Flooding and Drainage**

- 41 The proposal raises no issues in terms of flooding or drainage matters.

## **Loss of Open space**

- 42 Within the letters of representations, concerns have been raised regarding the potential loss of the outside canopy area. This area is to be resurfaced (with decking) and enclosed with railings to allow for outside seating. Whilst I accept that this area has in the past been used informally by the local community i.e. to shelter from the adverse weather, I do not regard this as an area of public open space. I therefore do not consider that this proposal will result in the loss of any public open space.

## **Impact on Air Quality**

- 43 The application site is in the Crieff Air Quality Management Area, and Policy EP11 of the LDP presumes against locating development catering for sensitive receptors in these areas, which may result in exposure to elevated pollution levels. However, as the proposed retail and restaurant/café uses are not normally classed as sensitive receptors, I have no concerns in terms compliance with EP11 of the LDP.

## **Economic Development**

- 44 The proposal has the potential to have a positive economic benefit on the local economy through the creation of jobs and provision of services.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

- 45 As the proposal does not involve the creation of any new residential units, there is no requirement for any affordable housing provision contributions.

### **Primary Education**

- 46 As the proposal does not involve the creation of any new residential units, there is no requirement for any Developer Contributions in relation to Primary Education.

### **Transport Infrastructure/A9 Junction Improvements**

- 47 The site is located outwith the catchment area for both Transport Infrastructure and A9 Junction Improvements Developer Contributions and therefore no contributions would be required .

## **LEGAL AGREEMENTS**

- 48 None are required

## **DIRECTION BY SCOTTISH MINISTERS**

- 49 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 50 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Despite the level of representation received, the proposal complies with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and find none that would justify overriding the Development Plan, and to this end I recommend the planning application for an approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the commencement of any works on site, precise details of the proposed means of waste and recycling provision shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full prior to the use commencing.

Reason – In order to ensure that the site has adequate waste and recycling provision.

- 3 The hours of operation of all external areas shall be restricted to 0800 hours to 2000 hours daily and any furniture associated with the external pavement café, including all tables, chairs and screens shall not be laid out before 0800 hours and shall be removed each day by 2000 hours to the satisfaction of the Council as Planning authority

Reason – In order to protect existing residential amenity.

- 4 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason – In order to protect existing residential amenity.

- 5 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason – In order to protect existing residential amenity

- 6 All plant or equipment 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 property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

- 7 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. The system shall be satisfactorily maintained thereafter.

Reason – In order to protect existing residential amenity.

- 8 Prior to its installation, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme unless otherwise agreed in writing with the Council as Planning Authority.

Reason – In order to protect existing residential amenity.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (*See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 For the avoidance of doubt, no signage is approved under this permission. The proposed signage would be controlled separately under the Advertisement Regulations.
- 6 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. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

Background Papers: 16 letters of representation  
Contact Officer: Andy Baxter – Ext 75339  
Date: 2 October 2016

**Nick Brian**  
**Interim Head of Planning**

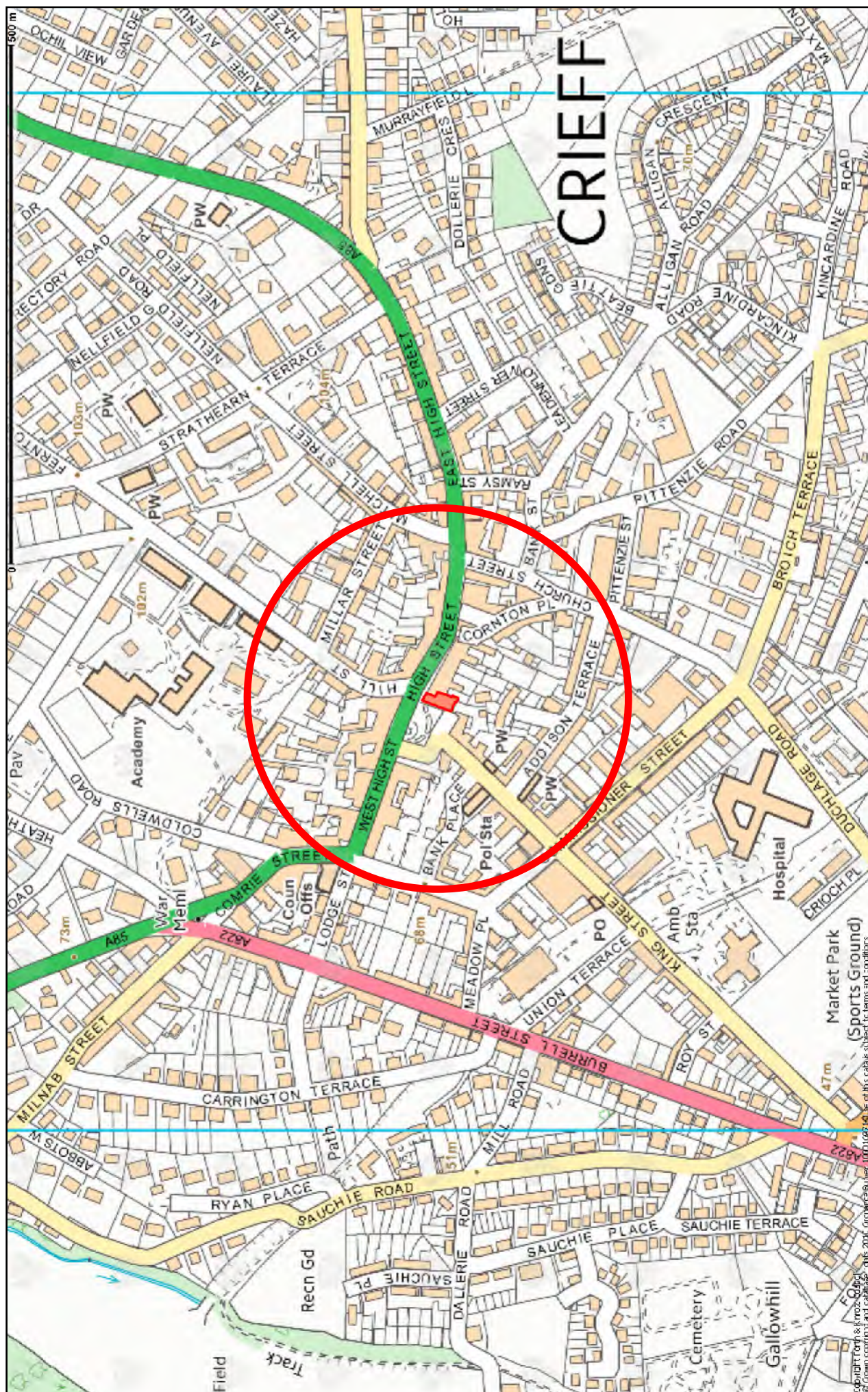
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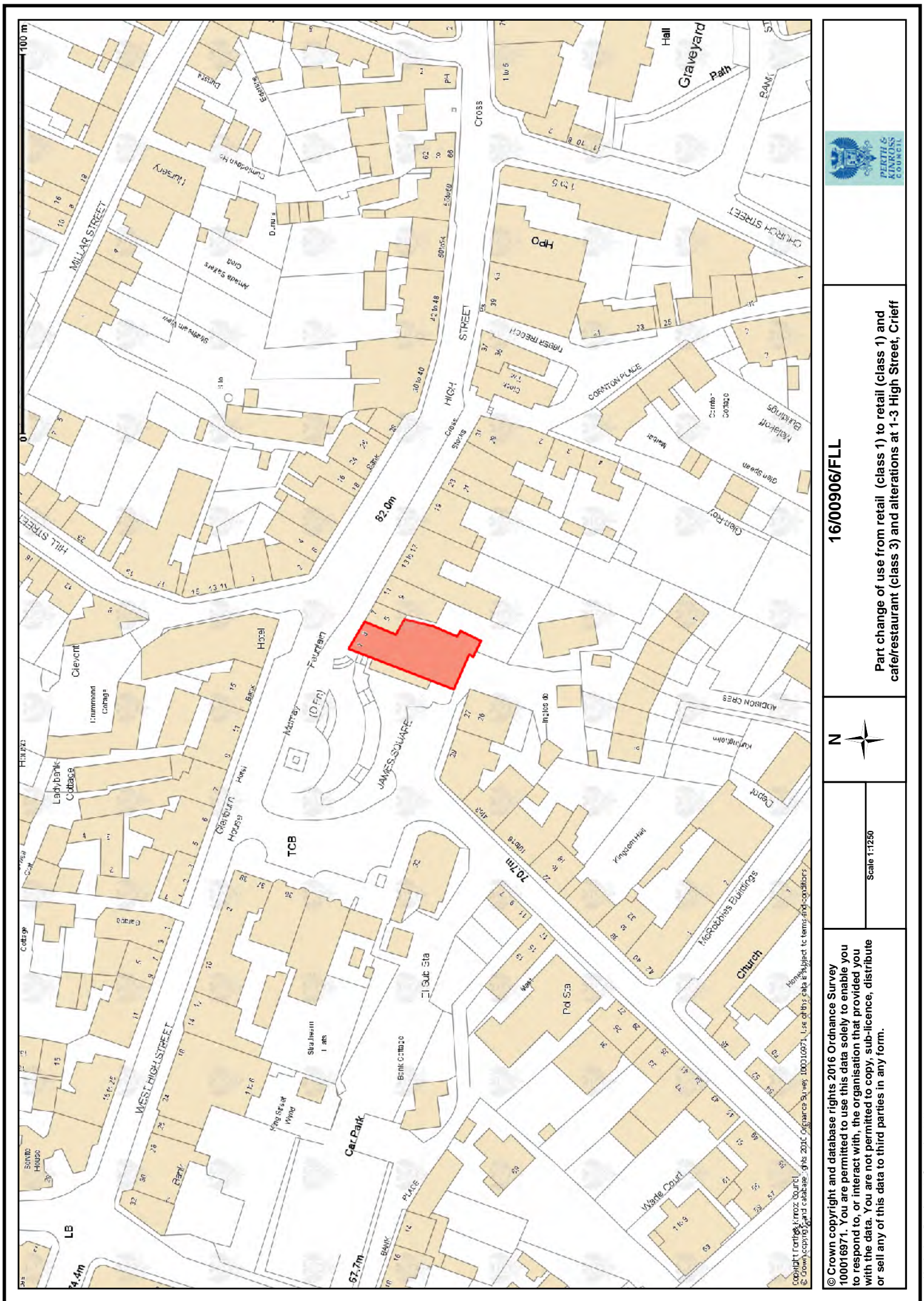














Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

|                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Erection of a restaurant with associated staff accommodation, parking, servicing and landscaping, Land 70 Metres North West Of Earn House, Lamberkine Drive, Perth |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Ref. No: 16/01187/FLL  
Ward No: 10– Perth City South

### **Summary**

This report recommends approval of the application for erection of a restaurant with associated staff accommodation. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan, it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. There is also an extant consent on the site for a similar proposal which is considered to be a key material consideration.

### **BACKGROUND AND DESCRIPTION**

- 1 The application site is located at Broxden Business Park, Perth. Broxden Business Park has several established office units, and expansion is proposed on land to the west and north of the developed area, adjacent to the A9. The site is located in the south of the planned area of expansion, sandwiched between the A9 and Lamberkine Drive. Existing road infrastructure is in place within the business park from which access will be taken into the site.
- 2 The surrounding area comprises a mix of uses. The developed area of Broxden Business Park is located to the immediate east of the application site and comprises several modern office buildings, associated parking and landscaping. A further building, the Broxden Dental Centre, is located north of the site, separated from the site by vacant land.
- 3 A residential area is located to the north east of the site and is visually separated from the site by a strip of maturing landscape which includes trees and shrubs, and a row of young trees which have been provided as part of the business park's landscaping.
- 4 Planning consent exists on this application site for the erection of a public house/restaurant and coffee drive thru facility (14/01356/FLL) granted on appeal by the DPEA following an officer recommendation of approval and then refusal at the Development Management Committee.

- 5 Broxden Services is located to the south east of the site on the southern side of the A93. This includes an Esso petrol filling station, Travelodge hotel, McDonald's restaurant and Harvester restaurant. A Park & Ride facility is located to the immediate south of the petrol filling station.
- 6 This application seeks to revise the previous consent by altering the design the restaurant building and changing the use from public house/restaurant to solely a restaurant. The proposal relates specifically to the eastern part of the site only with the coffee drive thru facility not included within the red line boundary as it is to remain as consented.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 9 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 10 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 The principal policies are, in summary:

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

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

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

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

- 14 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy ED1A - Employment and Mixed Use Areas**

- 15 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 16 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy NE3 - Biodiversity**

- 17 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 EP5 - Nuisance from Artificial Light and Light**

- 18 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 19 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.

### **Policy EP11 - Air Quality Management Areas**

- 20 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

## **Policy EP12 - Contaminated Land**

- 21 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **Policy CF2 – Public Access**

- 22 Development proposals which would have an adverse impact on the integrity of any core path or right of way will be refused.

## **OTHER POLICIES**

- 23 Supplementary Guidance Development Contributions Transport Infrastructure August 2014
- 24 Perth City Plan – seeks to ensure the successful development of the city to meet the needs of residents and businesses.

## **SITE HISTORY**

- 25 07/02592/FUL Erection of a 3 storey headquarters office building with ancillary car parking and access roads plot 4 – Approved April 2008 and partially implemented on site due to formation of access road.
- 26 14/01356/FLL Erection of a restaurant and pub with associated staff accommodation, coffee drive thru, car parking, landscaping and servicing 23 December 2014. Application refused by the Development Management Committee and subsequently granted on appeal by Directorate of Planning and Environmental Appeals (DPEA).

## **CONSULTATIONS**

### **EXTERNAL**

- 27 **Transport Scotland** – No objection subject to conditions
- 28 **Scottish Water** – No response within statutory period

### **INTERNAL**

- 29 **Contaminated Land Officer** – condition recommended to deal with potential contaminated land.
- 30 **Environmental Health** –Condition regarding delivery hours, dust control and noise recommended.
- 31 **Transport Planning** –Transport Statement considered acceptable



- 32 **Developer Contributions Officer** – contribution not required as contribution towards extant consent already made

## REPRESENTATIONS

- 33 None received

## ADDITIONAL STATEMENTS

34

|                                                |                                                                                                           |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not required                                                                                              |
| Screening Opinion                              | Not required                                                                                              |
| Environmental Impact Assessment                | Not required                                                                                              |
| Appropriate Assessment                         | Not required                                                                                              |
| Design Statement / Design and Access Statement | Yes                                                                                                       |
| Report on Impact or Potential Impact           | Transport Statement, Drainage Statement, Economic Impact Statement, Ground Investigation Report submitted |

## APPRAISAL

### Policy Appraisal

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy in terms of the principle of the proposal is Policy ED1A Employment and Mixed Use Areas. This states that areas identified for employment uses shall be retained for such use. Development within these areas must be compatible with surrounding land uses. The policy also identifies a number of criteria which all development should be assessed against and these will be considered in detail within this report. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below. The extant consent for a restaurant/public house on this site is a key material consideration in the assessment of this revised scheme.

### Principle

- 36 As outlined above Policy ED1A relates to employment and mixed use areas. It states that development must be compatible with surrounding land uses. It is noted that the original intentions for this site and surrounding plots are for Class 4 office uses and it is evident that the adjacent plots to the east are occupied by office development. The site has been marketed for some time by Perth and Kinross Council. Some

market commentary was provided with the previous application which indicates that the vast majority of enquiries received regarding this site related to employment uses such as dental or veterinary practices or nursery use and that there has been limited interest from office owner occupiers. The commentary stated that there has been high demand for alternative complimentary uses such as a pub/restaurant and coffee shop which is intended to provide supporting services to the wider business park.

- 37 The Reporter on the previous application indicated that they considered the proposed public house/restaurant use would serve as a catalyst for further development within this employment area and granted consent on that basis. I am satisfied that an alteration to the overall use to provide solely a restaurant rather than a public house/restaurant would still provide the same complimentary use to the wider employment land allocation and would similarly act as a catalyst for further development.

### **Economic Impact**

- 38 An Economic Impact Statement (EIS) accompanied the previous application and remains relevant to this revised proposal. An update has also been provided to reflect this revised submission. One of the main elements of the LDP is to deliver sustainable economic growth to Perth and Kinross and the provision of employment land is a key element in the delivery of this. It encourages sustainability and sites where new employment allocations are proposed to be linked to residential areas and the public transport network.
- 39 The applicant argues that the proposed development will compliment the existing business park development by providing associated facilities which will be within easy access of the existing office developments and will also help to potentially encourage the development of the remaining lots within the business park. It goes on to emphasise the applicant is committed to employ and train local people on the site.
- 40 The National Planning Framework 3 (2014) and Scottish Planning Policy (2014) requires Local Authorities to apportion appropriate weight on the economic growth implications of development proposals within the planning system and incorporate a presumption in favour of economic development. In this instance I believe the restaurant, similar to the extant consent will act as a complimentary use to the established office uses and nearby residential area. It is noted from the evidence submitted that the demand for owner/occupier office uses on this site is limited and this proposal presents an opportunity for the site to be developed by a use which does compliment the existing uses and provides benefit to the local economy through job creation. Furthermore it will provide additional amenity to the business park and nearby residential area, together with attracting passing trade from the nearby by trunk road network and will potentially stimulate demand from investors in other vacant parcels of land at the business park.
- 41 There will also be economic benefit associated with the construction phase of the development which is outlined in detail within the EIS. Furthermore there will be

associated indirect benefits from construction with materials, goods and services being required.

## **Employment**

- 42 The application indicates that the proposed restaurant will generate 31 full time equivalent (FTE) jobs, which is similar to the level indicated in the extant consent. This is coupled with 19 direct FTE jobs during the construction phase.
- 43 It is therefore evident that the proposed development will contribute significantly to economic growth with Perth and Kinross and be of benefit as a whole to the local economy, similar to the extant consent and meet the over arching requirements of the Perth City Plan which seeks to support growth of the city and surrounding region. As such the proposal is considered to meet the overarching requirements of the NPF 3 and SPP 2014 in regard to sustainable economic growth. Whilst the proposal does not specifically relate to the established uses within the existing business park it will provide a complimentary facility and also cater for the nearby residential area. Given the location of the development it also considered to serve a specific catchment and will therefore not have any significant detrimental impact on the city centre where similar uses exist. As such this type of use within an area designated for employment uses is considered to be appropriate in this particular instance. As outlined above Policy ED1A requires the proposal to meet a number of criteria in relation to issues such as residential amenity, access and transport, sustainable transport links, and bio diversity. Each of these criteria and other relevant issues will be assessed in detail in the paragraphs below.

## **Residential Amenity (Noise)**

- 44 Policy ED1A requires proposals not to detract from the amenity of adjacent residential areas. Similarly Policy EP8 refers to noise pollution and states that there is a presumption against the siting of development which is likely to generate a high level of noise adjacent to noise sensitive land uses. Policy PM1A also requires development to respect the amenity of the place where development is proposed. The proposed public house/restaurant will generate noise and there are noise sensitive residential properties located to the north east on Coldstream Avenue. These houses are separated from the application site by Lamberkine Drive and a landscape belt. There is likely to be a relatively high level of background noise at this site due to the adjacent Broxden roundabout and motorway network and as such I believe noise levels generated by plant and machinery associated with the development are unlikely to be of a level which would result in disturbance to neighbouring residential properties. Furthermore the level of noise from this equipment can be adequately controlled by using a condition on any consent given. Similarly a condition can control the times for deliveries to the restaurant similar to the extant consent to ensure these do not take place at times which would cause disturbance to residents.
- 45 The proposed delivery and service yard is located on the eastern side of the building in the corner of the site and will be partially enclosed by the proposed building and the adjacent office building. The distance of the delivery and service area from the

residential properties (approximately 80 metres) will also help to negate any noise impact.

### **Anti-Social Behaviour/Litter**

- 46 I appreciate that this type of use often results in local anxiety, mostly relating to anti-social behaviour, noise outside the premise and litter issues, however these matters do not normally fall within the controls of planning and are not considered to be valid material considerations. There is no certainty that the proposed use would give rise to such problems or alter the status quo significantly. In any case I consider Perth and Kinross Council and other appropriate bodies, such as the police, have separate statutory duties to investigate any such problems and to take appropriate action to control these issues where they are found to exist.

### **Access/Traffic/Transport**

- 47 Policy TA1B of the LDP requires new development to be well served and easily accessible by all modes of transport. A Transport Statement accompanies the application. This provides an assessment of the impact of the proposed development on the local road network together with the adjacent trunk road network. It also provides a consideration of the proposed parking arrangements, particularly given the concerns expressed by residents regarding the limited parking facilities which exist for the adjacent office uses and the parking which previously occurred within the neighbouring residential area.

### **Parking/Trip Generation**

- 48 The car park layout remains similar to the consented scheme. A revised Transport Statement outlines the likely trip generations created by the proposed restaurant.
- 49 Having consulted within the Council's Transport Planners it is considered that the level of car parking proposed would meet the Council's requirements based upon the floor area of the proposed buildings.
- 50 The revised Transport Statement (TS) which accompanies the application indicates the likely trip generations associated with the proposal. The proposed restaurant is proposed to result in 60 generated trips in total during a weekday PM peak and on a Saturday peak it will generate 43 trips in total. There will also be people walking to the site from the nearby residential areas.
- 51 This proposal replaces an extant restaurant/public house consent and the trip generation is considered to be similar to that consent. The type of development is also likely to allow trips to be spread out more evenly throughout the day rather than being focussed on AM and PM weekday peak periods. It is noted that the proposal will generate more weekend traffic, but the existing road network is considered to be capable of accommodating this traffic during the weekend, particularly given that the adjacent office uses will be less busy during the weekend.

### **Servicing**

- 52 As outlined above a designated service area is proposed on the eastern side of the site with access take through the proposed car parking area for the wider development. There is adequate room within the site to accommodate service vehicles and a swept path analysis has been provided to demonstrate this.

#### Cycling

- 53 There is a local Sustrans cycling route which begins at Lamberkine Drive and follows a mainly traffic free route to the junction of the A93 and B9112. This route is located to the north of the development site along Lamberkine Drive. In order to cater for cyclists on the site I intend to recommend a condition to ensure adequate covered cycle parking facilities are provided on site.

#### Walking

- 54 There is an existing footpath along the north and south sides of Lamberkine Drive which the development will connect into utilising a new footpath into the north side of the site. The existing footpaths on Lamberkine Drive will connect into the wider footpath network serving the surrounding area and Perth. The proposed coffee outlet, in particular, is likely to generate pedestrian footfall from both the adjacent offices and residential area. As such pedestrian access to the site is considered to be well catered for.

#### Public Transport

- 55 There are two bus stops, one on Lamberkine Drive (to the east) and one on Cedar Drive (to the north) within close proximity to the site which provide frequent links to the city centre and Scone. These are both located within the recognised 400 metre walking distance threshold from the application site. There are also bus stops on Glasgow Road which provide services to Auchterarder and cater for Citylink services, which, whilst outwith the 400m threshold walking distance could potentially be used for employees to get to and from the application site.

#### Travel Plan

- 56 Following discussions with Transport Planning a Travel Plan is to be prepared which outlines the proposed travel arrangements for staff who will utilise the development should consent be granted. This can be requested through a suitably worded planning condition.

## Trunk Road Network

- 57 The A9 trunk road is located to the west of the site which connects onto the Broxden Roundabout which has links to the M90 to Edinburgh, A9 to Stirling and A90 to Dundee. The application site is therefore considered to be well catered for in terms of vehicular access. Transport Scotland have been consulted on the proposal in terms of potential impact on the trunk road network and offered no objection subject to conditions which protect the existing trunk road network. These include the provision of an unclimbable barrier and screening between the site and the trunk road which has now been added to the layout plan. The other conditions recommended include ensuring lighting does not spill onto the trunk road and ensuring that no drainage is connected to the trunk road drainage system and that no advertising signs are erected. The display of signage is controlled by separate Display of Advertisement regulations and therefore it is not considered necessary for a condition to be imposed in that regard.
- 58 The proposal is therefore considered to comply with the requirements of Policy TA1B of the LDP.

## **Waste Collection**

- 59 A service yard and bin storage area are proposed on the eastern side of the site which will provide adequate access for refuse vehicles to enter the site in a forward gear.

## **Drainage**

- 60 A Sustainable Urban Drainage System (SUDS) is proposed with surface water run off from external hard surfaces draining to stone attenuation chambers via permeable paving within the car parking areas and filter trenches. Controlled discharge, after treatment, is proposed to a nearby water course. The site is proposed to connect to the public waste water drainage system. The proposed drainage arrangements are considered to meet the requirements of the LDP.

## **Design/Layout**

- 61 The design of the restaurant is contemporary and similar to the extant consent on the site although the footprint of the building is now greater. It also results in a larger and more imposing north elevation. Following discussion with the applicant's agent the materials on this elevation were altered to help to break up its extent and help to reduce its overall mass and bulk. Whilst the scale of the building is greater than the extant consent I am satisfied that it can be successfully accommodated on the site without detriment to the visual amenity of the area.
- 62 The building is proposed to have varying ridge heights which will help to break up its overall mass. The tallest part of the building, which is located in the north east corner of the building and will act as the main pedestrian access into the building, is to be 8m in height. It will act as the focal point for the building with all other elements having a lower ridge height. The adjacent office building is approximately 10.8m tall

at its highest point and as such the height of the proposed building is considered to relate relatively well to its surroundings.

- 63 Similar to the extant consent, the principle elevations of the building are proposed to face north and east. The orientation of the building is considered to be appropriate with the principle elevations facing the main approaches to the building from the local road network on Lamberkine Drive but also towards the south bound A9 trunk road. The position of the restaurant in the south corner of the site allows it to relate to the building line established by the adjacent office buildings. As the site acts as a corner plot within the wider development, I believe the positioning and orientation of the building works successfully, enabling the building to relate to both the road network and the building line of the offices.
- 64 I am satisfied that the design of the proposed building meets the requirements of Policy PM1B which relates to Placemaking and requires development to relate to the area in terms of appearance, height, scale, massing, materials, finishes and colours.

### **Air Quality**

- 65 The application site is located within the Perth Air Quality Management Area where policy EP11 of the LDP applies. This states that development proposals which would adversely affect air quality may not be permitted. As such an Air Quality Assessment was submitted as part of the previous application. Environmental Health have confirmed that they are satisfied with the assessment made and that it remains relevant to this proposal subject to the same conditions to secure appropriate mitigation.

### **Developer Contributions**

- 66 This site has extant consent for a restaurant/pub under 14/01356/FLL. A contribution towards Transport Infrastructure was paid in relation to this development. No contribution towards Transport Infrastructure is required.

### **Bio Diversity**

- 67 Policy NE3 relates to bio diversity and seeks to protect and enhance all wildlife and wildlife habitats whether formally designated or not. The submission includes an updated Habitat Survey. This concludes that there are bat species and schedule 1 birds located within 1km of the site. Badgers were recorded within 1km of the site. No other mammals were recorded. It is clear that there are hedgerows, trees and landscaped areas which could accommodate wildlife habitat and as such recommendations are contained within the habitat survey regarding timing of works and control of silt and run off to the adjacent watercourse. The recommendations will be included as a condition on any consent given. Subject to this condition it is considered that the proposal will meet the requirements of Policy NE3 of the LDP.

## **Lighting**

- 68 The car park area is proposed to be illuminated and a car park lighting report accompanies the application. The extent of lighting for the car park is considered appropriate and is similar to the lighting arrangements within car parking areas on the adjacent office buildings. Transport Scotland have recommended a planning condition to ensure there is no light spillage to the trunk road. I am also satisfied that there is sufficient distance from the application site to the residential properties to ensure there is no significant light spillage into that area. I am therefore satisfied that the proposal meets the requirements of Policy EP5 which refers to light pollution.

## **Contaminated Land**

- 69 A site investigation report has been submitted with the application which has identified elevated levels of carbon dioxide in the ground gas. Gas protection measures are recommended within this investigation and the Contaminated Land Officer has recommended that these protection measures are secured by condition.

## **Flooding**

- 70 Having examined SEPA's flood maps it is considered that the application site is located outwith areas which are susceptible to flood risk.

## **Right Of Way**

- 71 There is a recognised right of way on the eastern boundary of the site which links Lamberkine Drive with the south boundary of the site. There is no provision for access along this route in the submitted plans. It is clearly evident from a site visit that this right of way does not provide pedestrian access to the south onto Broxden due to the existing boundary treatments, planting and topography at the southern end of the site. I consider there to be adequate pedestrian access along Lamberkine Drive and also along the designated CTYS/112/1 towards the other facilities in the Broxden area and do not consider it to be necessary for this route to be included within the detailed plans for the site.

## **LEGAL AGREEMENTS**

- 72 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 73 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.



## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 74 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan it will generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. Furthermore there is an extant consent on site for a very similar proposal which is considered to be a significant material consideration in the assessment of this proposal. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve subject to the following conditions:**

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

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

- 2 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved 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 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 unless otherwise agreed in writing by the Council as Planning Authority.

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

- 4 No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the

measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To ensure an adequate travel plan is provided and to encourage the use sustainable modes of transport.

- 5 Prior to the completion or bringing into use of any part of the development the agreed gas protection measures shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented shall be submitted to and approved in writing by the Planning Authority.

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

- 6 The dust control measures as outlined in Appendix 2 - Dust Control Measures During Construction of the Airshed report dated 24 September 2014 submitted with application 14/01356/FLL shall be strictly adhered to during construction operations, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect air quality.

- 7 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

- 8 All plant or equipment 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 9 The delivery of goods to the premises shall take place between 07.00hrs to 19.00hrs Mondays to Saturdays and 09.00hrs to 17.00hrs on a Sunday

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

- 10 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

- 11 There shall be no drainage connections to the trunk road drainage system.

Reason - To ensure the efficiency of the existing trunk road drainage network is not affected.

- 12 There shall be no advertisements within or adjacent to the trunk road boundary.

Reason – To ensure that there will be no distraction or dazzle to driver on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 13 Prior to the commencement of any development details of an unclimbable barrier along the boundary of the site adjacent to the trunk road shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. The barrier shall be installed prior to the development being brought into use and maintained in perpetuity.

Reason – To ensure the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

- 14 The staff accommodation at first floor level within the restaurant building, hereby approved, shall be occupied solely by individuals employed at the restaurant building to the satisfaction of the Council as Planning Authority.

Reason - To control the occupancy of the accommodation given the proximity to the commercial operations.

- 15 Prior to the commencement of any development, details of the location and design of a covered cycle parking facility for 12 cycles shall be submitted for the written approval of the Planning Authority. The cycle parking facility, as approved, shall be implemented and completed as part of the site development programme to the satisfaction of the Council as Planning Authority.

Reason - In order to provide adequate cycle parking facilities on site and to encourage sustainable modes of transport.

## **B JUSTIFICATION**

The proposal is considered to comply with the approved TAYplan 2012. Whilst the development does not comply entirely with Policy ED1A (Employment Areas) of the Local Development Plan it will, nevertheless, generate employment opportunities both during construction and operation and will likely contribute to the further development of the surrounding business park and contribute to sustainable economic growth in line with the requirements of government policy and guidance. Furthermore the proposal is considered to meet the main criteria outlined in Policy ED1A and complies with other relevant policies contained within the Development Plan. There is also an extant consent for a similar proposal on this site which is considered to be a significant material consideration.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent.

Background Papers: None.

Contact Officer: John Williamson – Ext 75360

Date: 29 September 2016

**NICK BRIAN**  
**Interim Head of Planning**

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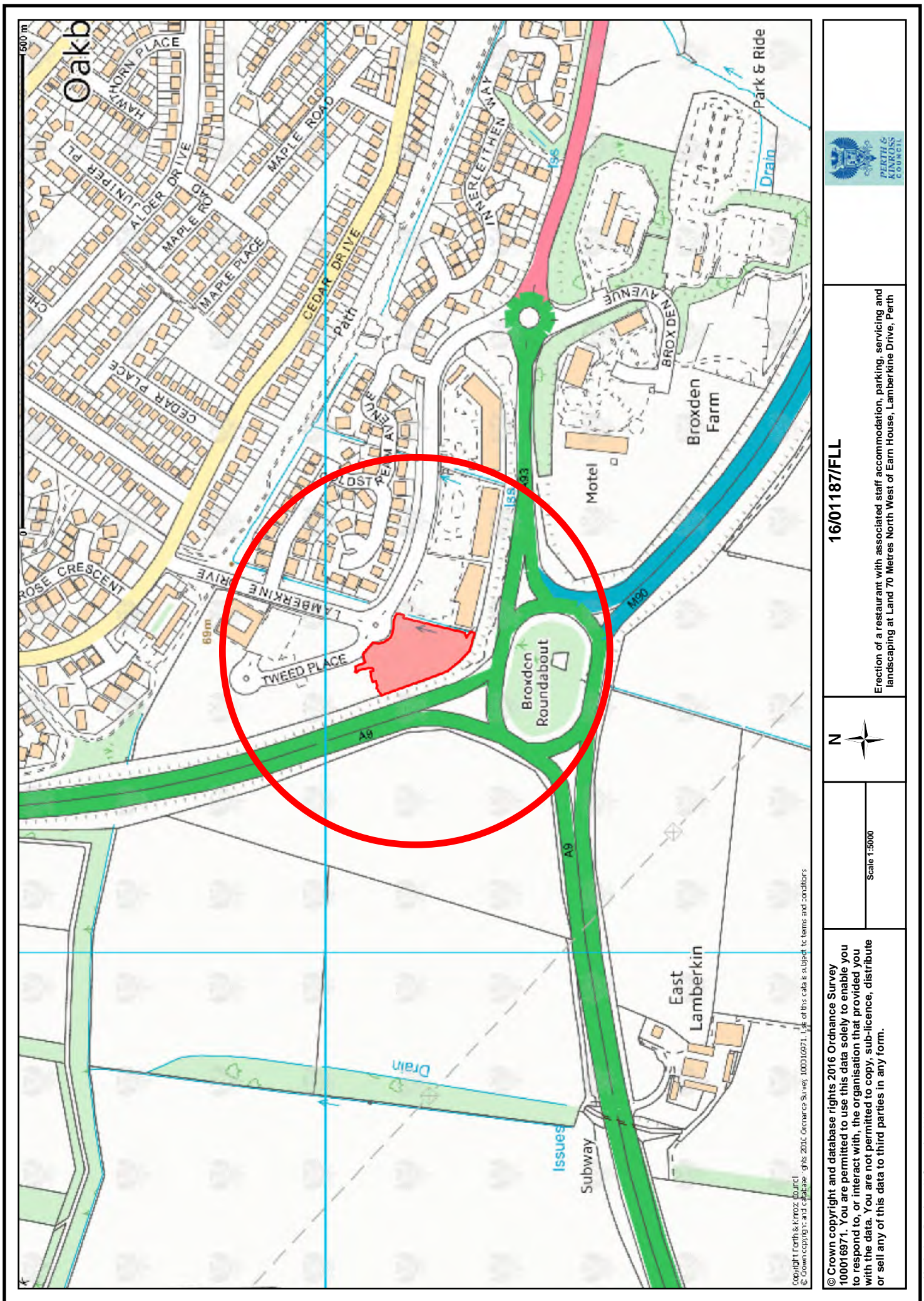
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Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

Erection of 12 dwellinghouses, garages and associated works at Marlefield Grove,  
Tibbermore

Ref. No: 16/01318/FLL  
Ward No: N9 - Almond and 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 which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The site is located in a rural location at Tibbermore around 3.5 kilometres to the west of Perth with an access through Marlefield Grove to the C410 public road. The site sits to the rear of Marlefield Grove, an existing housing estate comprising detached single storey dwellinghouses. There is a mature hedge along the southern boundary with the existing development and a less substantial field boundary along the northern edge of the site, where it borders farmland. A mature hedge is to the eastern boundary with a post and wire fence to the west. There are open views to the north and west to the surrounding countryside. The site is relatively level and grassed and is part of the historic battlefield of Tippermuir.
- 2 The application is in full and is for 12 detached dwellinghouses in a mix of three styles. A previous application (15/01007/FLL) was refused by the Development Management Committee at its meeting on 14 October 2015 for the following reasons:
  - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1A as the density of the proposed development does not respect the character and amenity of the place. The proposal constitutes overdevelopment of the site.
  - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy PM1B(c) as the density of the proposed development will not complement its surroundings in terms of appearance and height. The proposal constitutes overdevelopment of the site.
  - The proposal is contrary to the Perth and Kinross Local Development Plan 2014, and Designing Streets: A Policy Statement for Scotland, 2010 in that the proposed single internal access road is not compatible with the amenity of the area.
- 3 An appeal against the refusal decision was upheld by a Reporter from the DPEA in March 2016. This new application has been revised to address the concerns of the Reporter and the Development Management Committee.

## **NATIONAL POLICY AND GUIDANCE**

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

### **Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.
- 6 Of relevance to this application are:
- Paragraphs 74 – 84: Promoting Rural Development
  - Paragraphs 135 – 151: Valuing the Historic Environment
  - Paragraphs 193 - 218: Valuing the Natural Environment

### **Designing Streets – Scottish Government**

- 7 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 9 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 10 The principal policy is, in summary:

### **Policy 3: Managing TAYplan's Assets**

- 11 This recognises the importance of cultural and natural heritage and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

### **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 12 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal relevant policies are, in summary:

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

- 14 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 PM2 - Design Statements**

- 15 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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

- 16 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

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

- 17 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **Policy EP3B - Water, Environment and Drainage**

- 18 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no

public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### **Policy EP3C - Water, Environment and Drainage**

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

#### **Policy HE5 - Protection, Promotion and Interpretation**

- 20 Battlefields included on the Inventory of Historic Battlefields will be protected.

#### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 21 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### **Policy NE5 - Green Belt**

- 22 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

### **OTHER POLICIES**

#### **Developer Contributions August 2014**

- 23 Section 4 of this guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

#### **Transport Infrastructure Developer Contributions Supplementary Guidance August 2014**

- 24 The Transport Infrastructure Developer Contributions Supplementary Guidance is about facilitating development. It sets out the basis on which Perth and Kinross Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and support the growth of Perth and Kinross. The statutory Supplementary Guidance was adopted in October 2014.

## **Affordable Housing Supplementary Guidance August 2014**

- 25 The Affordable Housing Guide has been produced to give advice and information to all those with an interest in affordable housing, and was adopted as statutory Supplementary Guidance in October 2014.

### **SITE HISTORY**

- 26 97/00978/FUL Erection of a 1.8m timber fence. Application refused by Development Control Committee in December 1997
- 27 05/01933/FUL Erection of 3 dwellinghouses and garages. Application permitted by Development Control Committee in May 2006
- 28 11/00781/FLL Erection of 3 No. dwellinghouses and garages (Renewal of 05/01933/FUL). Application permitted under delegated powers in July 2011.
- 29 12/01510/FLL Erection of a dwellinghouse and detached garage 28 September 2012. Application Withdrawn
- 30 15/01007/FLL Erection of 12 dwellinghouses Land At Marlefield Grove Tibbermore - refused by Development Management Committee in October 2015

### **CONSULTATIONS**

#### **External**

- 31 **Scottish Water** – Scottish Water previously did not object but noted that a connection to Scottish Water infrastructure cannot be guaranteed until the appropriate application and technical details are received. As the proposal is for more than 10 units a Development Impact Assessment will need to be submitted.
- 32 **Historic Environment Scotland (HES)** – Previously commented that the proposals do not raise issues of national significance and therefore HES would not object. .
- 33 **Perth And Kinross Heritage Trust** - In respect to the historic environment and the planning process, as outlined by Scottish Planning Policy paragraphs 135-151, the proposed development does not raise issues for the historic environment. No archaeological mitigation is required.

#### **Internal**

- 34 **Transport Planning** – No objections to this application subject to conditions being attached including the development being compliant with Roads Standards and the provision of appropriate pedestrian access.

- 35 **Education and Children's Services** - This development falls within the Methven Primary School catchment area. Education & Children's Services currently have no capacity concerns in this catchment area.
- 36 **Contributions Officer** -. No developer contribution is required with regard to primary education provision. A contribution is required with regard to Affordable Housing: £79,500 (3 x £26,500) and Transport Infrastructure: £31,941 (9 x £3,549), £5,325 (3 x £1,775). Total developer contributions of £116,766 is therefore required.
- 37 **Community Waste Advisor - Environment Service** - No objection but proposals will require waste and recycling facilities to Council standards.
- 38 **Biodiversity Officer** – No objection subject to conditions.

## REPRESENTATIONS

- 39 There have been three letters of objection lodged which have raised the following issues:-
- Traffic and road safety
  - Drainage and flooding
  - Flooding and surface water drainage – will exacerbate existing problems
  - Lack of neighbour notification
- 40 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report. The comment with regard to neighbour notification has been addressed and clarified separately.

## ADDITIONAL STATEMENTS

41

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

## APPRAISAL

### Policy Appraisal

- 42 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 most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.



## **Principle**

- 43 The site is located within the settlement boundary for Tibbermore as identified in the LDP. Planning permission has previously been granted to develop an adjacent site to the west and south of the application site, and the LDP introduced a settlement boundary at Tibbermore under Policy RD1 to allow some further development. This policy generally encourages infill residential development at a density that represents the most efficient use of the site while respecting its environs. It is also supportive of proposals that will improve the character and environment of the area.

## **Economic Impact**

- 44 The development of 12 new houses should have some positive economic impact. Although Tibbermore has none of the facilities that one would expect of even a small settlement, there are existing businesses in the vicinity that may benefit from additional residents in the area. There will also be some economic impact during the construction period.

## **Residential Amenity**

- 45 There were objections to the previous application from neighbours concerned with the impact of the development on residential amenity in terms of overlooking. The Reporter also had concerns in this regard. In order to mitigate any potential overlooking of existing residential properties, the two storey properties on plots 12 – 15 have been replaced with single storey properties. The position of the houses within the plots has also been adjusted to create a less regular arrangement.
- 46 The Reporter commented with regard to the bathroom window on house type B, plot 11. It was suggested by the Reporter that a condition could be attached requiring this to be obscure glazed and I have recommended that such a condition be attached.
- 47 I am satisfied that the revised site layout does not cause any concern with matters of residential amenity.

## **Access**

- 48 The proposed access is through Marlefield Grove (an adopted road) to the C410 public road. The Transport Planner does not object subject to a number of conditions including the provision of a pedestrian link from the C410 to the development site and a 1.8m wide footway west along the C410 from the proposed pedestrian access point to tie in with the existing footway. A bus pick up and drop off area along the south side of the C410 opposite the pedestrian access point is also required.

- 49 There are still concerns from residents with the increased volume of traffic that would use Marlefield Grove. However, it is noted that the design includes provision to create a second access to the west should previously approved development proposals on the adjacent site to the west be brought forward. This will hopefully also alleviate the Committee's original concerns about there being only one vehicular access into the development site.
- 50 It has also been suggested by an objector that during construction the site could be accessed using the field access. This is something that would be for the developer to consider and may depend on agreement being reached with any neighbouring land owner. It is not something that can be conditioned as part of this planning application.

### **Waste collection**

- 51 The Council's Waste Advisor has commented on the proposals and requires provision to be made for bin collection and recycling. An Informative note will be added to any permission to ensure that the developer agrees waste collection provision with the Waste Advisor.

### **Drainage and Flooding**

- 52 The site will be served by a private waste water treatment plant. There has been one objection to this application with regard to surface water disposal. The proposals in this regard have not changed since the previous application. Surface water is discharged via a driveway filter treatment together with the roadway culminating in storage attenuation in plots 8-9 before final discharge into the existing outfall northwards across the adjoining field before final discharge to a watercourse. The objector is concerned that the surface water will be discharged through a pipe into the neighbouring field leading to flooding of the adjacent farm land. The objector also suggests that the developer does not have permission to do this although this is more of a legal issue rather a planning matter. Following discussion with the agent I understand that the applicant has been in touch with the objector and that a legal agreement is in place for the development to connect to this existing pipe. The project engineers have also confirmed that the pipe diameter allows for more capacity than required from this development and that the SUDS scheme is designed to prevent excessive amounts of water being drained from the site. From the information supplied I do not consider that the field drainage issue is likely to be problematic and in any event, full drainage details will be required that meet Scottish Water and SEPA design criteria. It is recommended that a condition with regards SUDS provision is attached to any planning permission. An Informative note with regard to Scottish Water's requirements will also be attached to any permission.

### **Design/Layout**

- 53 The proposal is for 12 detached dwellinghouses comprising a mix of single and two storey properties. The houses will be finished with a slate roof, timber windows and doors and rendered walls with stone base course. There is also some limited stone facing mainly on the single storey properties.

- 54 There were previously concerns that the proposed design was out of keeping with the existing development and that consideration should be given to positioning the houses in a more random fashion so that they do not have such a regimented look.
- 55 The Committee refused the application citing placemaking policies PM1A and PM1B(c) as it considered that the proposed development did not respect the character and amenity of the place and that the proposal constitutes overdevelopment of the site. Furthermore they considered that the proposal was contrary to the LDP Policy PM1B(c) as the density of the proposed development would not complement its surroundings in terms of appearance and height. However the Reporter did not have such concerns and considered that the development style and materials was consistent with others in the locality. The Reporter concluded that the proposal would not be inconsistent with, or harmful to, the character of the locality in terms of appearance, height, scale, massing, materials, finishes or colours. As a consequence, there would be no conflict with policy PM1B(c) of the LDP, which seeks to ensure that new development complements its surroundings in these respects.
- 56 The Reporter further considered that the 12 dwellings proposed would give rise to a residential density higher than that of the existing Marlefield Grove development, but not to a significant extent. Plot sizes would not be significantly different from those in the Tibbermore settlement as a whole. In conclusion the Reporter stated that the proposed development would not conflict with the provisions of policy PM1A with regard to density, and would not result in an unacceptable overdevelopment of the site.
- 57 Since the Reporter's decision the layout has been revised and now has a more random appearance, which is more reflective of the existing housing in the area. The plot sizes are the same as previously submitted.

### **Landscaping and visual impact**

- 58 The site is within a settlement boundary bordering the Green Belt. There is an existing mature hedge to the east of the site which would help to screen that side of the development. The northern boundary with the Green Belt is currently relatively open. The site plans show a post and wire fence and random tree planting within the plots. Whilst any development on this site is going to be relatively visible from the surrounding area this can be mitigated with appropriate landscaping. Further details of landscaping will be required by condition on any permission.

### **Biodiversity**

- 59 The Biodiversity Officer notes that as the proposal involves the development of a greenfield site in a rural location there is a higher possibility that animals could occasionally be present in the site of the proposals. There is no requirement for a full ecological impact assessment of the site however conditions are recommended to limit the potential to harm wildlife.

## **Impact on cultural heritage**

- 60 The proposed dwellinghouses are located within the site of the Battle of Tippermuir (01 September 1644). Historic Environment Scotland and the Perth and Kinross Heritage Trust have both been consulted but do not raise any concerns with regard to this.

## **DEVELOPER CONTRIBUTIONS**

### **Primary Education**

- 61 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Methven Primary School.
- 62 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contribution is required with regard to primary education provision.

### **Transport Infrastructure**

- 63 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. This site is within the full contribution area and will require a contribution of £3,549 per unit.

### **Affordable Housing**

- 64 In line with Council's Affordable Housing Policy 25% of the total number of houses, above a threshold of 5 units, is to be in the form of affordable housing.
- 65 The affordable housing requirement for this development is therefore 3 units (12 x 0.25). A commuted sum payment will be accepted in lieu of on-site provision. The commuted sum for the Perth HMA is £26,500 per unit. In this case a commuted sum is appropriate.

### **Total Contributions**

- 66 The following developer contributions are required should planning permission be approved.

Affordable Housing: £79,500 (3 x £26,500)

Education: £0

Transport Infrastructure: £31,941 (9 x £3,549)

£5,325 (3 x £1,775)

**Total: £116,766**

## **LEGAL AGREEMENTS**

- 67 It is likely that a section 75 legal agreement will be required if the applicant chooses to defer payment of the required developer contributions.

## **DIRECTION BY SCOTTISH MINISTERS**

- 68 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the further approval of the Council as Planning Authority. The scheme as approved shall be implemented prior to the completion or bringing into use of the development.

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

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

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

- 4 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

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

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

- 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 to the satisfaction of the Council as Planning Authority.

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

- 7 Prior to the occupation of the first house, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

- 8 Prior to the occupation of the first house, a pedestrian link from the C410 to the development site shall be provided to the standards required by the Council as Roads Authority.

Reason - In the interests of road safety.

- 9 Prior to the occupation of the first house, a 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the C410 from the proposed pedestrian access point west to tie in with the existing footway.

Reason - In the interests of road safety.

- 10 Prior to the occupation of the first house a 'Pick up and drop off' area for school children / bus passengers shall be provided on the south side of the C410 opposite the pedestrian access point to the site. The area shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.

Reason - In the interests of road safety.

- 11 Prior to the occupation of the first house, a street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed with the Council as Planning Authority.

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

- 12 Prior to the occupation of the house on plot 11 the rear bathroom window shall be finished in obscure glazing.

Reason - In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

- 13 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 14 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

## **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 a building warrant has been submitted and approved.



- 5 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste. It is recommended that the developer contact the Community Waste Team to discuss waste requirements for this site.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
- 8 The developer is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets and is advised to note the contents of comments made on this planning application dated 30 September 2015. Scottish Water reference: 724991. If the developer requires any further assistance or information with regard to this planning application please contact Anne MacNeil on 0141 414 7660 or alternatively additional information is available on the Scottish Water website: [www.scottishwater.co.uk](http://www.scottishwater.co.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.

Background Papers: 3 letters of representation.  
 Contact Officer: Persephone Beer – Ext 75354  
 Date: 29 September 2016

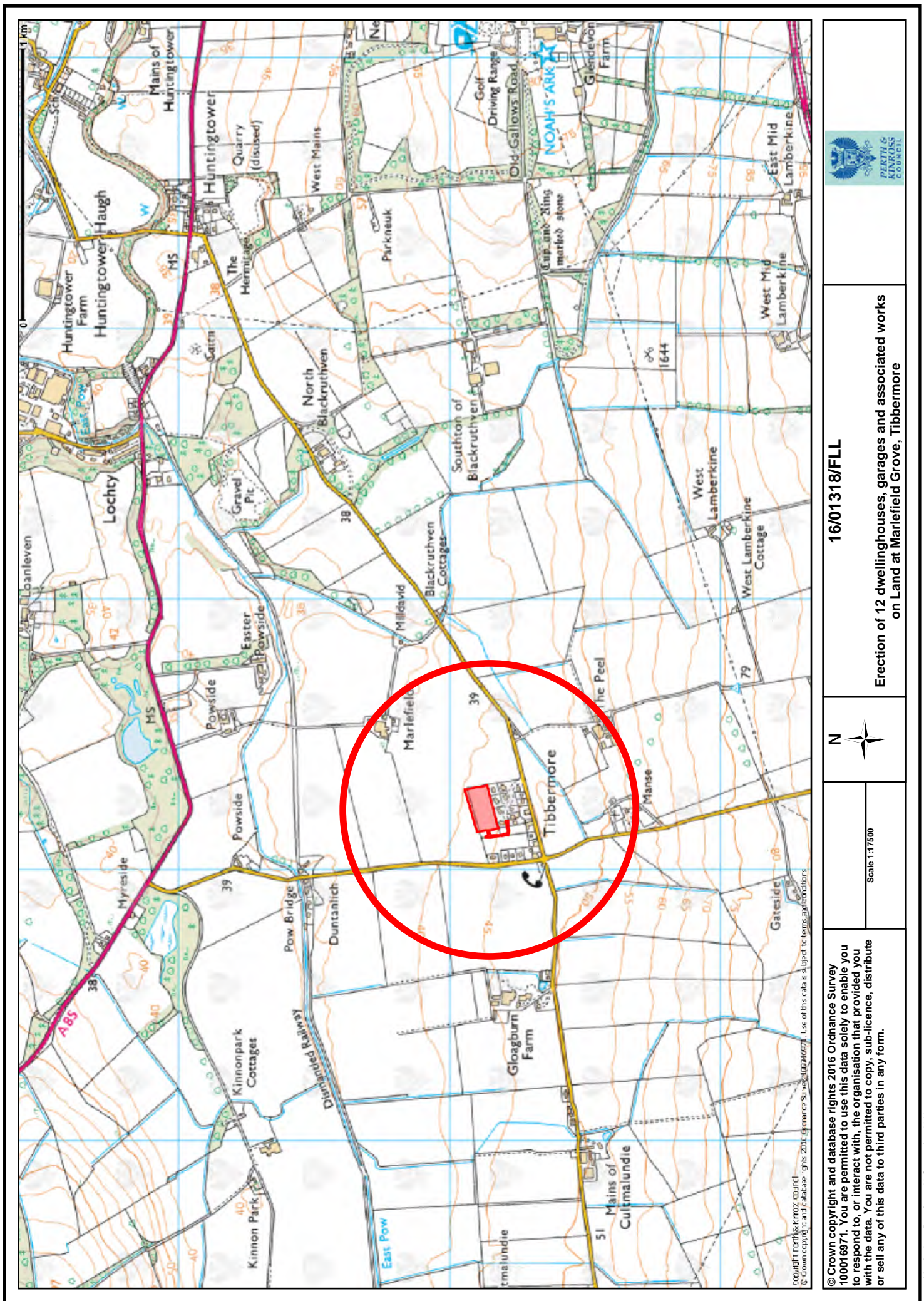
**NICK BRIAN  
 INTERIM HEAD OF PLANNING**

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16/01318/FLL

Erection of 12 dwellinghouses, garages and associated works  
on Land at Marfield Grove, Tibbermore



Scale 1:17500

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