

Perth and Kinross Council  
Planning & Development Management Committee – 9 May 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 2 dwellinghouses

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

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

**Summary**

This report provides clarification on two specific matters which resulted in the Committee deferring making a decision on the planning application at the meeting of the Planning and Development Committee on 14 March 2018.

**BACKGROUND**

- 1 This planning application was previously considered by the Committee at its meeting of the 14 March 2018. A copy of the previous Committee Report is appended to this report for information purposes (Appendix 1). The Committee deferred making a decision on the planning application to seek clarification on two specific issues;
  - Confirmation of land ownership & site boundaries
  - Possibility of a vehicular access to Plot 2 via Abbey Road.
- 2 The purpose of this report is to update the Committee on these two matters.

**CONSULTATIONS**

- 3 No further external or internal consultations have been undertaken. A summary of previous consultation responses is contained in the previous Committee Report.

**REPRESENTATIONS**

- 4 No re-notification of neighbours was required. All representations associated with the planning application as initially submitted are detailed in the previous Committee Report.

## **APPRAISAL**

### **Confirmation of land ownership & site boundaries**

#### Site boundaries

- 5 Further to the discussion at the previous Committee on the land ownership and site boundaries I can confirm that there was an irregularity in the previous plans which were available online, attached to the previous Committee Report, and issued to the neighbours as part of the neighbour notification process. There was a minor discrepancy in the applicant's submitted plans, which resulted in the Council incorrectly plotting the application site. However, the correct plan was the block plan which was shown to the Committee during the Council's presentation.
- 6 A full set of amended plans, taking into account the correct site boundaries and updated land ownership position have now been lodged by the applicant and these can be viewed online through the Council's *PublicAccess* portal. The relevant amended plans are numbered 17/01260/9, 17/01260/10, 17/01260/11 and 17/01260/12 and it is these which are under consideration. As the site is slightly smaller than originally shown there was no requirement for further neighbour notification as there would be no new premises to be notified.

#### Land Ownership

- 7 Following the decision to defer, the applicant sought legal advice and consequently re-checked their title deeds for the application site. Contrary to what they previously believed, and what they declared on the original planning application forms, a small section of the planning site was not included within their titles.
- 8 To address this issue, and to ensure that the entire development is on land within the control of the applicant, amended location and block plans have been lodged which removes the area in question. As a result of this, a minor amendment is proposed to the position of the internal access only, with no change to the position of the dwellings.

### **Access from Abbey Road**

- 9 It is confirmed that Abbey Road is a private road. In order for the applicant to take vehicular access from the site to Abbey Road it would be necessary to obtain the formal agreement of all owners of this private road. The applicant has chosen not to pursue this option but rather has requested access from the site to Precinct Street which is a public road. It is therefore necessary to assess the suitability of the proposed new access to Precinct Street. As indicated in the appended Report and as discussed at the March Committee this proposed access is considered to be acceptable.

## **LEGAL AGREEMENTS**

- 10 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 11 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

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

- 12 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

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

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

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

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

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. For the avoidance of doubt, these details shall incorporate details of the new gate piers. The scheme

as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

- 5 Prior to the commencement of development hereby approved details of all glazing (windows and rooflights) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

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

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

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

Reason – In the interests of road safety and to protect the historic character of the area.

## **B JUSTIFICATION**

- 15 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**

- 16 None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see *section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial

stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: Committee Paper of 13 March 2018  
Contact Officer: Andy Baxter, 01738 475339  
Date: 26 April 2018

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

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