

Perth and Kinross Council
Planning & Development Management Committee – 24 September 2019
Report of Handling by Head of Planning and Development (Report No. 19/269)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land East of Abbeyhill, Precinct Street, Coupar
Angus

Ref. No: [19/00090/FLL](#)
Ward No: 2 - Strathmore

Summary

This report recommends approval of a detailed planning application for the erection of a single dwellinghouse in Coupar Angus as the development is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations which justify refusal. Concerns raised by this Committee, and the Scottish Government Reporter in relation to a previous proposal have been adequately addressed by reducing the number of units (to one) and adopting a different design approach.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to obtain detailed planning permission for the erection of a single dwelling within the settlement boundary of Coupar Angus. This application follows a Scottish Government appeal decision which rejected a two dwellinghouse proposal on the same site. That appeal followed an earlier refusal by the Planning & Development Management Committee on the 9 May 2018.
- 2 The site is sandwiched between Precinct Street to the north and Abbey Road to the south and is roughly linear in its shape with a width (east to west) at its Precinct Street end of approx. 30m. For approximately two thirds of the site towards Abbey Road the width tapers down to approximately 17m. North to south, the site's length is approximately 75m, with the proposed dwellinghouse positioned at the northern end.
- 3 The surrounding area is residential in character, with residential properties on all sides. The site lies within the Coupar Angus Conservation Area and is immediately adjacent to a residential property named Abbeyhill which is a category B listed building. The site was formerly part of the extended garden area of Abbeyhill but is now within separate ownership but retains its 'garden' appearance with the majority of the site being grassed over. Within the site there are three medium sized trees as well as a scattering of small ornamental bushes. Along the western and eastern boundaries are existing hedging along the mutual boundaries with the neighbours. Hedging also aligns the Abbey

Road boundary. To the west of the site, within the garden area of Abbeyhill, is a large mature tree which has part of its canopy spread and root system crossing over into the application site. Approximately in line with Abbeyhill is an existing dwarf wall garden feature that crosses full width of the site. At the north eastern corner of the site, adjacent to Precinct Street is an existing outbuilding which is listed by virtue of it being joined to a historic wall which is considered to form the original boundary of Abbeyhill.

- 4 As a result of the previous refusal, the proposal has been significantly amended with only one dwelling now proposed as opposed to the previous two. The general design principles have also changed, with the proposed dwelling now a contemporary design as opposed to the more traditional house types which were previously proposed. Living accommodation will be provided over one level only, with the principal external finishes a mix of smooth render and sandstone features with timber windows and doors. Feature panels of fibre cement cladding boards are also proposed. The contemporary design incorporates an interesting 'green', flat roof feature. Vehicular access to the dwelling is proposed directly from Precinct Street via the existing vehicular access.
- 5 One medium sized tree and several small bushes are proposed to be removed from the northern part of the site. Two other trees within the centre of the site are to be retained. The root protection area of the large mature tree within the garden ground of Abbeyhill will be respected, with the footprint of the proposed dwelling being in excess of 35m away from the root protection area. The existing dwarf wall across the site is also proposed to be retained, as is the outbuilding. As part of the proposal, it is proposed to renew the external timber boarding of the outbuilding and it will, upon completion of the dwellinghouse be used as ancillary storage/workshop space. An existing modern greenhouse and a lean-to extension attached to the southern gable of the outbuilding are to be removed to accommodate the new dwelling. The applicant has indicated within their design statement that the existing entrance gates are to be renewed but no details relating to this have been submitted.
- 6 An application for listed building consent has been submitted by the applicant for the external works to the outbuilding, the alterations to it to create a dwellinghouse and also the removal of the lean too extension. This application remains under consideration.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 9 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Historic Environment : paragraphs 135-137

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 71 Conservation Area Management
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and

contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

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

National Roads Development Guide 2014

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

Historic Environment Policy for Scotland 2019

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 17 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision.

- 18 The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

- 19 The following sections of the TAYplan are of particular importance in the assessment of this application.

- Policy 6 - Developer Contributions
- Policy 9 - Managing TAYplans Assets

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The site lies within the settlement boundary of Coupar Angus, within the town’s Conservation Area and within the grounds of a Listed Building. To this end, the principal relevant LDP policies are,
- Policy RD1 – Residential Areas
 - Policy PM1A & B - Placemaking
 - Policy PM3 - Infrastructure Contributions
 - Policy HE2 - Listed Buildings
 - Policy HE3A - Conservation Areas

Proposed Perth and Kinross Local Development Plan 2

- 22 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 23 There are no policies or proposals within the LDP2 which affect the consideration of this application.

OTHER COUNCIL POLICY/GUIDANCE

Coupar Angus Conservation Area Appraisal

- 24 This appraisal is a management tool which helps to identify the special interest and changing needs of the Coupar Angus Conservation Area. It serves as supplementary planning guidance to the Local Development Plan.

Developer Contributions and Affordable Housing 2016

- 25 This document sets out the Council's policy on Developer Contributions and Affordable Housing provision.

SITE HISTORY

- 26 06/02505/OUT Erection of 2 dwellinghouses and 2 domestic garages (in outline) Application Approved under Delegated Powers in January 2007
- 27 [10/00113/IPL](#) Renewal of previous consent (06/02505/OUT) - Erection of 2 dwellinghouses and 2 domestic garages (in principle) Application Approved under Delegated Powers in March 2010
- 28 [13/00309/IPL](#) Renewal of consent (10/00113/IPL) Erection of 2 dwellinghouses and 2 domestic garages (in principle) Application Approved under Delegated Powers in March 2013
- 29 [16/00187/IPL](#) Renewal of permission 13/00309/IPL (Erection of 2 dwellinghouses and 2 domestic garages) (in principle) Application Approved under Delegated Powers in March 2016
- 30 [17/01260/FLL](#) Erection of 2no. dwellinghouses. Refused by the Development Management Committee of the 9 March 2018. A subsequent [appeal](#) to the Scottish Government was dismissed.
- 31 [19/01429/LBC](#) Alterations to outbuilding and extension to form dwellinghouse Pending Consideration.

CONSULTATIONS

- 32 As part of the assessment of the planning application, the following bodies were consulted:

EXTERNAL

Perth & Kinross Heritage Trust

- 33 No objection to the proposal in terms of the impact on local, unscheduled archaeology subject a condition being attached to any permission requiring the implementation of a programme of investigative works.

Scottish Water

- 34 No objection to the proposal in terms of water supply or sewerage connections.

INTERNAL

Transport Planning

- 35 No objection to the proposal in terms of parking provision or the vehicular or pedestrian safety of the proposed means of vehicular access to and from the site.

Structures & Flooding

- 36 No objection to the proposal. They have recommended that clarification of the final details concerning the surface water drainage should be agreed before the commencement of the development.

REPRESENTATIONS

- 37 Twenty five letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are:
- Conflict with the Local Development Plan
 - Conflict with the appeal decision
 - Adverse impact on Conservation Area & setting of Listed Building
 - Impact on archaeology
 - Impact on existing boundary wall
 - Impact on a tree outwith the site
 - General road safety issues including traffic volumes & parking issue
 - Adverse impact on residential & visual amenity
- 38 These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL STATEMENTS

39

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	None

APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

- 41 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, consideration of the site's planning history, consideration of the recent appeal decision and also consideration of the specific legislative requirements of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
- 42 Section 59(1) of this act places a duty on planning authorities in determining an application for planning permission to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the same Act places a further duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which affect listed buildings, their settings and, or, conservation areas.

Planning History

- 43 Planning permission was initially granted on the site in 2006 when an outline permission was approved (06/02505/OUT) for a residential development. That permission was later renewed in 2010 (10/00113/IPL), in 2013 (13/00309/IPL) and then again in 2016 (16/00187/IPL). The 2016 In Principle permission has now expired (9 March 2019), but was still extant at the time when this current planning application was submitted to the Council.
- 44 Since the granting of the 2016 In Principle permission, a detailed planning application for the erection of two dwellinghouses was refused by this Committee on the 1 May 2018 (17/01260/FLL). The reason attached to the Council's decision notice was:

"The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed development does not contribute positively to the surrounding built environment as the house proposed for plot 2 to the south of the site would not fit within the local landscape due to inappropriate narrow size of the plot"

- 45 An appeal to the Scottish Government was subsequently dismissed. In summary, in dismissing the appeal the Reporter concluded that the proposed two dwelling development would:

- Fail to preserve the historic setting of the listed Abbeyhill
- Have an adverse impact on the relationship between Abbeyhill and the associated outbuilding
- Would neither preserve nor enhance the character or appearance of the Coupar Angus Conservation Area
- Would unacceptably increase the risk of vehicle/pedestrian conflict by virtue of the proposed vehicular access arrangements.

Principle

- 46 Within the adopted LDP, the site lies within the settlement boundary of Coupar Angus where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged 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, the proposed residential use is entirely compatible with the existing uses and acceptable in principle.
- 47 However, the views expressed by the Reporter in his decision notice, and also those of the Council through its own decision notice, both in relation to the previous two house proposal, are relevant. Unusually, whilst both decision-making bodies considered the previous proposal to be unacceptable, both had a different reasoning for coming to that decision.
- 48 The decision notice issued by the Council related solely to concerns about the house proposed on Plot 2 and the narrowness of that plot. The Council's decision notice did not make any specific references to the unacceptability of Plot 1, the impact on the Conservation Area/setting of a listed building or any reference to the principle of a residential development on the site not being acceptable.
- 49 In contrast, the Reporter took the view that the main issues for him were whether the proposal would a) preserve the setting of Abbeyhill; b) preserve or enhance the character or appearance of the Coupar Angus Conservation Area; and c) the effect of the proposal upon road and pedestrian safety. On these fronts, he considered the previous two dwellinghouse proposal unacceptable. The Reporter made no specific mention or assessment of the narrowness of Plot 2 within the decision notice or the impact that it may have on the acceptability of the proposal.
- 50 In light of the above, the key issues for this revised proposal are a) whether or not the proposal protects the existing character and amenity (visual and residential) of the area, b) whether or not the proposal is acceptable within its historic setting and c) whether or not a safe vehicular access can be delivered.
- 51 These three points address the main issues raised by both the Council and the Reporter in relation to the previous proposal.

Impact on the Listed Building

- 52 The outbuilding is considered to be listed as it is physically joined to the boundary wall which is listed as a historic feature of the curtilage of Abbeyhill (category B). The proposed dwellinghouse joins the gable wall of the outbuilding and it is also proposed to renew the timber boards of the outbuilding. There is therefore a direct physical impact on the listed building. The applicant has submitted an application for listed building consent for the proposed works.
- 53 In terms of the physical impact on the listed outbuilding, the development proposed is considered acceptable and would help to preserve the long term use of the outbuilding. Whilst listed, the Council does not consider the existing outbuilding to be of special architectural or historic interest, and it is not of the quality or interest which would be ordinarily be considered for potential listing in its own right. However, it nevertheless remains the case that the building is in prominent location within the streetscene and is within the Conservation Area, therefore its long term retention as part of the development is welcomed. The applicant has indicated that it is proposed to renew the existing timber boards with larch boards with a clear lacquer finish which, in principle, is acceptable. Clarification on the proposed materials will however be sought, and agreed, prior to the development commencing to ensure that they are suitable for this location (Condition 6).
- 54 The outbuilding is listed and this includes the lean-to extension on the southern gable which is proposed to be removed. The removal of the lean-to, the proposed recladding of the external walls of the outbuilding and the proposed link between the outbuilding and the proposed dwellinghouse are all acceptable, and do not have any direct impact on any features of special architectural or historic merit. The proposal is therefore considered to be in accordance with the requirements of the PLBCA and Policy HE2 of the LDP.

Impact on Historic Setting

- 55 Abbeyhill is category B listed and the application site is within the wider historic setting associated with Abbeyhill and includes the outbuilding and part of the boundary walls.
- 56 It was the view of the Council that the two dwellinghouse development would not have a negative impact on the historic setting of Abbeyhill and would not have a negative impact on the relationship between Abbeyhill and the outbuilding. Conversely, it was the view of the Reporter that the two dwellinghouse proposal would have an adverse impact on the setting of Abbeyhill and he suggested within his decision notice that any development within the application site would cause *'permanent, serious and irreversible harm to the significance of the setting of Abbeyhill'*.
- 57 Potential breaches and alterations to the existing boundary wall, and provision of new hard boundaries were also raised as concerns by the Reporter as, in his

view, they collectively added to the adverse impact on Abbeyhill's historical setting.

- 58 There have been some significant changes to the proposal from what was previously considered by the Council and the Reporter. Firstly, the proposal is now for a single dwellinghouse which reduces the density on the site and addresses fully the concerns raised by the Council in relation to Plot 2. Secondly, the applicant has opted for a contemporary, single storey, flat roofed design for the dwellinghouse, which does not require any physical alterations to the existing wall and uses the existing opening in the wall for the vehicular access. The outbuilding is also incorporated into the design which will secure its long term use. The combination of a modern design with accommodation over one level, good quality external finishes and its location at the northern end of the site, partly behind the existing boundary wall, contribute to ensuring that the historic character of the streetscape, which is associated with Abbeyhill as seen from Precinct Street, would not be adversely affected by the proposal.
- 59 In terms of the direct impact on the setting of Abbeyhill, whilst the site is now in separate ownership from Abbeyhill, it was historically the garden ground of Abbeyhill and remains an important element to Abbeyhill's historic setting. The key test of whether a potential development is acceptable is whether or not the proposal would preserve (or enhance) the historic setting or any features of special architectural or historic interest which it possesses as per the requirements of the PLBCA.
- 60 The proposed dwellinghouse would be seen over the top of the existing wall and would therefore be seen in the same view as Abbeyhill from Precinct Street. The flat-roofed, single-storey design avoids the building appearing overly visually intrusive, and the location at the north end of the site will protect the south elevation of Abbeyhill. The use of materials similar to both the existing boundary wall and also Abbeyhill itself will serve to soften its impact. To ensure their appropriateness, the pallet of external materials will be requested by condition (Condition 6), as will details of any replacement entrance gates (Condition 4).
- 61 It is noted that the Reporter in his decision notice made strong references to the relationship between the outbuilding and Abbeyhill, and that the erosion of the space between them would impact adversely on the historic relationship between the two. It is also noted that the same issue has been raised within the letters of representations. As well as protecting the historic setting of Abbeyhill, the Council must also consider protecting the outbuilding and the boundary walls as well as any other features of special architectural or historic interests of relevance within its historic curtilage which form part of this setting.
- 62 The Council does not consider the existing outbuilding to have the special architectural or historic interest that would enable it to meet the criteria for listing in its own right. In accordance with the PLBCA, however, it is technically listed

as it physically joins the boundary wall which is covered by being within the curtilage of the listing of Abbeyhill.

- 63 The proposed dwellinghouse would be located immediately adjacent to the outbuilding. A development of the scale and nature proposed, however, is considered acceptable given that the walls and outbuilding will retain their streetscape prominence, allowing their historic relationship with Abbeyhill to be read.
- 64 Based on the above, the current proposal is considered to be acceptable as it will preserve the historic setting of Abbeyhill, including the outbuilding and the wall. Accordingly, the proposal is consistent with Policy HE2 of the LDP which seeks to ensure that the setting of listed buildings is protected, and also the requirements of the PLBCA.

Impact on Conservation Area

- 65 As well as considering the impact on Abbeyhill's setting, the Reporter made comments on the impact which the previous proposal would have on the character and appearance of the Conservation Area.
- 66 The Council has undertaken an appraisal for the Coupar Angus Conservation Area. Within that appraisal, there are number of maps which include the site and these generally confirm that the site was historically part of Abbeyhill, most probably as an ancillary vegetable / allotment area. There is however a specific reference to the site within the appraisal. Para 3.32 of the appraisal states '*There are a few pockets of private gardens visible from the public realm, particularly at the eastern end of Calton Street and to the west of Queen Street, which contribute positively to the character of the central area of Coupar Angus through boundary treatments, stands of mature trees and landscaping*'. Sitting aside this text is a picture looking down the private amenity ground of Abbeyhill. The application site is immediately to the left, outwith the picture frame.
- 67 The proposed development will result in a large area of private garden space being retained, adjacent to Abbeyhill's garden area. There will be an area of open space permanently lost, however this will be confined to a relatively small area to the north at Precinct Street where the proposed dwellinghouse is to be located. There is therefore no significant conflict with this specific reference in the Conservation Area Appraisal, and the reduction from two dwellings to one has suitably addressed the concerns raised by the Reporter.
- 68 The Reporter also made specific mention to the openness of the site, and that the existing open space of the site contributed positively to the character of the Conservation Area and should be preserved. As stated above, the reduction of the number of units will now result in a significant portion of the site remaining as open space.

- 69 The site is not a functional area of open space, nor is it in public use. It is small area of private open space which is only readily visible internally, from adjacent properties or via gaps in the boundary hedges, as mentioned in the Conservation Area Appraisal. The permanent loss of a small area of the top portion of the site (which is not readily within the public view) will not significantly affect the character or appearance of the Conservation Area, or impact adversely on the visual amenity of the area. Furthermore the low profile of the proposed dwellinghouse should mitigate any impact further.
- 70 Based on the above, the proposal would preserve the character and appearance of the Conservation Area by virtue of the design and layout changes which have been made by the applicant to address the Reporter's comments. Accordingly, the proposal is considered to be consistent with Policy HE3A of the LDP which seeks to ensure that new development within Conservation Areas preserves or enhances the character or appearance of the area, and the requirements of the PLBCA.

Residential Amenity

- 71 The proposal will have little direct impact on existing residential amenity in terms of overlooking or loss of privacy. The single storey design will mean that visibility from the dwellinghouse beyond existing boundary enclosures will be limited.
- 72 In terms of being able to provide for an acceptable level of private amenity, an acceptable level of usable private amenity space is provided.

Roads and Access

- 73 Concerns have been raised within the letters of representation regarding the road and pedestrian safety. The use of the existing opening is considered acceptable. Transport Planning have reviewed the proposed access arrangements and have raised no concerns in respect of vehicle or pedestrian safety. It should be noted that this revised proposal proposes to utilise an existing vehicle access with no new arrangements proposed.

Drainage and Flooding

- 74 The site is located within a publicly sewered area. Foul water will therefore be connected to the public system. Surface water soakaways will deal with surface water runoff. Clarification of the means of surface water disposal will be sought prior to the commencement of the development (Condition 2).
- 75 In terms of flooding issues, it is noted that within the letters of representation a concern has been raised in relation to flood risk. The area is not subject to any known flood risk and raises no issues in terms of flooding matters.

Waste Collection

- 76 The collection of waste and recycling will be from Precinct Street, which is an acceptable arrangement.

Trees

- 77 One medium sized tree is located within the northern part of the site and will be removed as part of the development. The other two medium sized trees to the south of the proposed dwellinghouse and all the boundary hedges are to be retained as part of the development. Their retentions are shown on the submitted plans. Suitable conditions are proposed to ensure this (Condition 10) and to ensure that adequate protection measures are in place to protect the trees / hedges during the construction phase (Conditions 8 and 9). In addition to this, to compensate for the removal of the medium sized tree, two replacement trees will be planted within the garden area (Condition 11).
- 78 A concern has also been raised within a letter of representation that the development may affect a large oak tree, which is located at the southern end of Abbeyhill's garden. Whilst the branches of this tree encroach over the application site, the canopy of the tree is a significant distance away from the footprint of the dwellinghouse and any direct impact is therefore considered unlikely. Nevertheless, to ensure that the risk of damage to the tree is minimised this tree will be subject to the standard tree protection to ensure that the root protection area of this tree is not unnecessarily damaged during the construction phase, and that no onsite storage / construction activities take place within the tree's root protection area or under the canopy - which will cross over onto the application site (Condition 9).

Natural Heritage and Biodiversity

- 79 There are no known protected species or local wildlife within the site. As some small trees and bushes will be removed from the northern part of the site to accommodate the footprint of the new dwellinghouse, a standard informative note will be attached to the permission to alert the applicant to their responsibilities under the Wildlife Act (Informative 4).

Archaeology

- 80 Within the letters of representations some concerns regarding archaeology have been raised. PKHT commented on the planning application and have confirmed that the site is within an area that is considered to be archaeologically sensitive, and that the precinct boundary of the medieval Cistercian Abbey is thought to run through the development site. In February 2008, Scotia Archaeology carried out an archaeological evaluation within the northern half of the site on the footprint of the proposed northern dwellinghouse (at that time) and no archaeological remains were encountered. However, trial excavations in 1999 in a garden to the immediate south of the southern half of the

development revealed archaeological deposits associated with the monastery. It is therefore recommended that a further archaeological evaluation takes place to assess the presence / absence, character and significance of archaeological deposits on the site. A compliance condition is therefore recommended to ensure that this evaluation takes place (Condition 12).

Impact on Boundary wall

- 81 Concerns have been raised regarding the impact that the proposal would have on the boundary wall on Precinct Street. The current proposal does not propose any changes to the boundary wall, so there would be no impact.

Land Ownership Certificate

- 82 Within the representations a concern has been raised that the land ownership certificate is not correct. An amended landownership certificate has been submitted to the Council and made available on Public Access. The nature of the amendment does not raise any issues in terms of a requirement for re-advertisement.

Developer Contributions

Primary Education

- 83 The local primary school is not operating at over 80% capacity, There is therefore no requirement for a Developer Contribution in relation to Primary Education.

Transport Infrastructure

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

A9 Junction Improvements

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

Affordable Housing

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

Economic Impact

- 87 The proposal will have little impact on the local economy except during the period of construction.

LEGAL AGREEMENTS

- 88 None required.

DIRECTION BY SCOTTISH MINISTERS

- 89 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

- 90 To conclude, the planning application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Local Development Plan and other material considerations have both been fully considered and the proposal is recommended for approval, subject to the following conditions.

RECOMMENDATION

A 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 Prior to the commencement of any development precise details of the proposed means of surface water disposal shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the site is adequately drained.

- 3 All external doors and windows shall be timber to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 4 Prior to the commencement of any development precise details of any entrance gate(s) shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 5 The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of all rainwater goods shall be submitted for the written agreement of 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 interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 6 Prior to the commencement of the development, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 7 The ancillary outbuilding shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse to the satisfaction of the Council as Planning Authority.

Reason – In order to clarify the use of the existing building.

- 8 Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason – In order to ensure that unnecessary damage to the existing trees and hedges does not occur.

- 9 Prior to the commencement of any development 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 and all boundary hedges, must be retained and protected during the construction phase. 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 shall any activities (including the storage of materials) encroach into the root protection areas or under the canopy of the adjacent oak tree.

Reason – In order to ensure that unnecessary damage to the existing trees and hedges does not occur.

- 10 All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason – In order to clarify the terms of the planning permission.

- 11 Prior to the commencement of the development, details of two replacement specimen trees within the garden area shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. In the event that either of the trees fail to become established within five years, they must be replaced in the following planting season by a tree of a similar size and species.

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

- 12 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.

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 Trees and scrubs 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.
- 5 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 There is currently sufficient capacity in the Coupar Angus Waste Water Treatment Works. However, the applicant should be aware that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water for connection consent.
- 7 This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow Scottish Water to fully appraise the proposals, that the applicant should complete a Pre Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of Scottish Water's PDE Application Form, and other useful guides from Scottish Water's website at the following link:
www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application
- 8 This is approval of your application Ref no 19/00090/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 19/01429/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

Background Papers: 25 letters of representation
Contact Officer: Andy Baxter
Date: 12 September 2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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