

Perth and Kinross Council
Planning & Development Management Committee – 23 October 2019
Report of Handling by Head of Planning & Development (Report No. 19/292)

PROPOSAL: Renewal of permission 15/01435/FLL (Erection of dwellinghouse, store, formation of parking and bin store area)

LOCATION: Land North West of Orwell Cottage, Academy Road, Crieff

Ref. No: [19/01246/FLL](#)

Ward No: P6 - Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the renewal of an existing permission for the erection of a dwellinghouse, store and formation of a parking and bin store area together with a turning area at land adjacent to Orwell Cottage on Academy Road in Crieff. The proposal seeks to develop two sites as one to enable improvement to the character of the Conservation Area as a whole and seeks to provide improvement to traffic and service provision within Academy Road. The application site occupies the eastern and western sides of Academy Road. To the west of Academy Road the proposal involves the erection of single storey store building, formation of six car parking spaces, a bin store and a turning/passing place for vehicles using Academy Road. This area of the site is currently derelict and unused and does not contribute positively to the character of the Conservation Area. This area of the site is currently contained by residential development on all sides. It is also identified within the Crieff Conservation Area Appraisal as an area in need of improvement.
- 2 The site to the east was previously occupied by two buildings which have been recently demolished following the approval of an application for Conservation Area Consent in 2016 (15/01436/CON).
- 3 The proposed replacement building on the eastern site is a contemporary dwellinghouse in form and is relatively small in scale, with two bedrooms and only a small garden area to the front (north) of the property. The proposal intends to utilise a range of traditional materials including stone walling, together with a green, sedum roof. The upper level of the house is proposed to be clad in timber with a profiled metal roof. Similar materials are proposed for the store building on the western site.

- 4 The previous 2015 application was referred to the Development Management Committee and the Committee added a further condition (condition 8) to the recommendation from the Planning Service which stated that :
- 5 "The store building shown on the western part of the site is not hereby approved." This was due to the impact which it was considered to have on residential amenity.
- 6 Therefore the store building on the western side of the site was not approved as part of the previous permission.
- 7 A further application was then submitted which sought to delete this condition (18/00715/FLL). This application was refused under delegated powers and subsequently dismissed by the Local Review Body. Therefore the current permission does not include permission for the store building.
- 8 The planning history of the site is a material planning consideration.

NATIONAL POLICY AND GUIDANCE

- 9 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

- 10 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

- 11 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 13 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 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

- 14 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

- 15 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

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

DEVELOPMENT PLAN

- 17 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

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

Perth and Kinross Local Development Plan 2014

- 19 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.
- 20 The principal relevant policies are, in summary;
- Policy PM1A - Placemaking
 - Policy PM1B - Placemaking
 - Policy PM2 - Design Statements
 - Policy PM3 - Infrastructure Contributions
 - Policy HE2 - Listed Buildings
 - Policy HE3A - Conservation Areas
 - Policy TA1B - Transport Standards and Accessibility Requirements
 - Policy RD1 - Residential Areas
 - Policy RC1 - Town and Neighbourhood Centres
 - Policy EP3B - Water, Environment and Drainage
 - Policy EP3C - Water, Environment and Drainage

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 21 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. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with 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.

SITE HISTORY

- 22 [14/02201/IPL](#) Erection of dwellinghouse Decision Issued 13 March 2015 – Application Withdrawn
- 23 [14/02202/IPL](#) Erection of a dwellinghouse Decision Issued 13 March 2015 Application Withdrawn
- 24 [15/01435/FLL](#) Erection of dwellinghouse, erection of store and formation of parking and bin store area Decision Issued 17 August 2016 Application Approved
- 25 [15/01436/CON](#) Demolition of buildings Decision Issued 9 March 2016 Application Approved
- 26 [18/00715/FLL](#) Erection of a workshop/store Decision Issued 5 June 2018 – Application Refused and subsequently dismissed by Local Review Body

CONSULTATIONS

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

EXTERNAL

- 28 **Transport Scotland** – no objection
- 29 **Scottish Water** – no objection

INTERNAL

- 30 **Development Negotiations Officer** – developer contribution for education infrastructure secured through Section 75 Agreement on previous application
- 31 **Transport Planning** – no objection

REPRESENTATIONS

- 32 The following points were raised in the seven representations received:

- Impact on residential amenity
- Visual Impact
- Previous permission did not grant permission for workshop building.
- Land ownership
- Necessity
- Road safety and traffic congestion
- Contrary to Development Plan
- Overdevelopment
- Odour
- Manner in which land has been advertised for sale

- 33 These issues are addressed in the Appraisal section of the report. The manner in which a developer advertises land for sale is not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Crieff Conservation Area Appraisal and the Developer Contributions and Affordable Housing Supplementary Guidance. The specific legislative requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant. Section 64(1) of the Act places a duty on planning authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which effect conservation areas.

Principle

- 36 The application site is located within Town Centre of Crieff where Policy RC1 applies. This indicates that there is a presumption in favour of commercial development. The site in question is surrounded by residential uses and Academy Road is residential in character as it sits behind and to the north of High Street, Crieff. Whilst Policy RC1 supports the provision of commercial uses in this area it is considered that the proposal for residential use on the eastern part of the site is acceptable in principle as it relates closely to the established uses in the immediate surroundings. The provision of a car parking area and bin store are also considered to be acceptable in principle. The proposed store was excluded from the existing permission by the Development Management Committee due to concerns relating to residential amenity. Given that this is the established position of the Council, the same condition, deleting the store from the permission is proposed.

- 37 Policy RD1 which relates to residential development, whilst not specifically applicable to this site, is relevant given the development proposed. Two previous applications were submitted for this site which included the erection of a dwelling on the western site. These were subsequently withdrawn due to the concerns expressed by Transport Scotland regarding the access onto the A85 Trunk Road. Following extensive discussions, the applicant's agent proposed this revised scheme in 2015 which sought residential development on the eastern part of the site but for one dwellinghouse only. It is that permission which the applicant now seeks to renew.
- 38 The land to the west of the site as outlined above is identified as an area in need of improvement in the Crieff Conservation Area Appraisal. This proposal seeks to achieve that by removing what it is effectively a derelict area of unused land and replacing it with a functional development which will serve to improve the visual amenity and character of the Conservation Area.
- 39 The proposal is therefore seeking to both erect a residential dwelling but also to improve the amenity and overall character of the Conservation Area. The detail of the proposal and assessment under other LDP policy will be assessed in more detail below. The renewal of the permission remains in accordance with the Local Development Plan.

Impact on Character of Conservation Area/Visual Amenity/Design

- 40 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The western side of the site is currently vacant, unkempt land which does not contribute positively to the character of the Conservation Area.

Western Site

- 41 This site is identified in the Crieff Conservation Area Appraisal as one which is in need of improvement. The introduction of a parking area and bin store will bring the area back into use and is considered to make a positive contribution to the Conservation Area by visually tidying up an unkempt site but also ensuring that it becomes a functional part of the area utilised by the residents of Academy Road. It therefore introduces overall benefit to the immediate surroundings of Academy Road. As mentioned above, the store building is not approved. The proposed bin store area is to be a hardstanding, however it is not clear if any boundary treatments are proposed so this will be requested by condition (Condition 4)
- 42 It is recommended that a condition is attached to any permission given to ensure full details of the surface materials of the hardstanding are submitted for approval (Condition 4). Overall the proposals for the western side of the site are considered to result in a significant improvement to the character and appearance of the Conservation Area in accordance with Policy HE3A of the LDP.

Eastern Site

- 43 The site on the eastern side is proposed to accommodate a relatively modest yet contemporary dwellinghouse. The previous buildings on the site have been demolished and the site is now vacant. The proposed replacement building is considered to be of a scale which is conducive to this Conservation Area location. The land slopes gently from north to south which helps to ensure the proposed house sits within its setting comfortably. The back drop to the rear of the buildings which front onto High Street will also help to provide setting and containment for the new house. The finishing materials are considered to be appropriate for this location utilising natural stone at ground floor level and timber cladding on the upper floor. The highest part of the proposed house sits above the ridge of the buildings located immediately to the west of the site, however, there are a series of much larger buildings which surround the site which will ensure the scale and mass of the proposed house is appropriate. The neighbouring buildings will also help to screen the building from any wider views from within the Conservation Area and therefore the north elevation of the house is likely to be the only elevation which will be visible from the public realm. Overall the house is considered to be of a scale and design which is appropriate for this specific site and relates appropriately to the scale and proportion of buildings in the immediate vicinity. The proposal is clearly a contemporary one and the relatively simple design, use of high quality materials and modest scale is considered to be appropriate. The renewal of the permission remains in accordance with Policy HE3A relating to the Conservation Area and Policy PM1A and B which relate to placemaking.

Residential Amenity

Western Site

- 44 The bin store area has potential to detrimentally impact on residential amenity in the immediate vicinity. The bin store area will not result in an increase in the level of bin storage and will solely be utilised by those bins which are currently already stored in the immediate area, as such, the impact on residential amenity of the bin store is considered to be negligible. It is noted that there is no guarantee that the properties will utilise the bin store, however it is considered that its availability will be of benefit and the applicant's agent has made it clear that it is the intention is to ensure it is brought into use.
- 45 It is noted that concerns relating to loss of light to adjacent properties from the store building have been identified. The store building is proposed to be 8m x 5m in footprint and 5.5m to ridge. The Council's previous decision on the proposed store building was to omit it from the previous permission due to the significant detrimental impact it would have on residential amenity. As this proposal is identical to the previous submission the concerns relating to residential amenity remain. The workshop building will sit at a higher elevation than the properties to the south and will therefore overlook the garden ground of these properties and their rear windows and may have the potential to result in overshadowing to garden ground. It will also appear as a recessive structure given its elevated nature.

- 46 In response to a representation, the proposed store building is not considered to result in overshadowing to the property at 3 Duff Court due to the distance between the proposal and the nearest windows on this property, However, this is no longer relevant as the recommendation is to delete the store from any planning permission.
- 47 A workshop/store has the potential to generate additional traffic and noise associated with it which may affect residential amenity given the close proximity to residential properties. As such the proposed store is considered to be of detriment to the nearby residential amenity because of its proposed use and resultant noise. The proposed store is therefore considered to be contrary to Policy RC1 and PM1A and B. Similar to the existing permission on the site a condition is recommended to omit the store from the permission (Condition 6).

Eastern Site

- 48 There is a residential property immediately adjacent to the proposed dwellinghouse and as described in earlier paragraphs, the site is surrounded by other buildings of varying scales. There is a residential property to the north with a gable end which faces directly towards the proposed dwellinghouse. There are no residential windows on this gable and therefore the window which is proposed on the upper storey of the new dwellinghouse will not overlook any existing dwellings to the north. Whilst there are other properties to the north, the angle at which the proposed house sits will negate any overlooking to these properties. Furthermore, due to the location of the building, sitting amongst a number of existing buildings, it is not considered that the scale of the proposed house will result in any overshadowing to neighbouring properties.
- 49 In terms of the residential amenity for future occupiers of the dwelling, there is a small external amenity space proposed at the northern side of the site which is considered to be appropriate for a dwellinghouse of this scale. Given the town centre location, a number of residential properties have limited garden areas and therefore the renewal is considered to remain in accordance with LDP policy.
- 50 Overall the proposals are considered to be an improvement to the residential amenity of residents of Academy Road and the allocated parking bays and bin store area are considered to improve the overall character and amenity of the Conservation Area in accordance with LDP policy.

Access/Traffic/Transport

- 51 There is a history of concerns regarding new development served by the Academy Road access onto the A85 Trunk Road. This proposal is part of an attempt by the architect to improve the overall situation whilst also providing a new dwelling on the application site. As outlined elsewhere in this report this proposal will seek provide allocated parking spaces for residents and a bin store area. This will in turn serve to increase the operational width of Academy Road by removing parked cars and avoiding bins and bin bags being stored on the access, allowing for improved access. It should be noted that there is no

guarantee that residents of Academy Road will utilise the car parking area or the bin store, however, the applicant's agent has indicated that he intends to seek this and a condition is also recommended to ensure the car parking spaces and the bin store are made available solely to residents of Academy Road (Condition 3). Following extensive discussions with Transport Scotland as part of the 2015 application they have indicated that they do not advise against the proposal due to the improvements which are being made to the access onto the A85. Transport Scotland has retained that position having been consulted on this renewal application. It is accepted that the visibility from Academy Road onto the A85 is limited but it is considered that the improvements to the access arrangements as a whole on Academy Road result in an overall betterment to the current situation, particularly with the provision of a passing and turning place which currently does not exist.

- 52 The proposed new house on the eastern side of the site will result in additional traffic utilising the access. There is an argument that there may have been some traffic which utilised the store building before it was demolished although it is appreciated that this would not be of the same extent as a residential dwellinghouse. Nevertheless the increase in traffic associated with the residential use is considered to be balanced by the improvements which are proposed on the western side of the site which will be of benefit to the character of the Conservation Area. As such, the proposed renewal remains in accordance with Policy TA1B of the LDP and it is noted that neither Transport Scotland nor PKC Transport Planning have objected to this renewal. In order to secure the traffic and amenity improvements in the interests of enhancing the Conservation Area it is considered prudent to recommend a condition that the dwellinghouse cannot be occupied until the parking and bin store areas on the western side of the site have been completed in their entirety and are available for use (Condition 2). It is also intended to attach a condition to ensure that the parking spaces and bin store area on the western side of the site are made available for use by residents of Academy Road only, to ensure they are of benefit to the local community (Condition 3).

Waste Collection

- 53 In the past there have been issues with commercial bins limiting the width of Academy Road but these commercial bins have now been removed. Currently domestic waste is collected from Academy Road using a "Tipmaster" vehicle which travels up Academy Road and collects pink bags from individual properties. The formation of the bin store area and hardstanding will improve the way in which domestic waste is collected from Academy Road by providing a collection area and a turning area for the collection vehicle.

The proposed bin store remains a welcome proposal which will improve visual amenity and provide improvements to domestic waste collection on Academy Road.

Drainage

- 54 The site is served by the public drainage system in Crieff 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 SUDS system will be utilised to cater for surface water drainage. This remains in accordance with policies EP3B and C of the LDP.

Use of Car Park

- 55 Given that one of the key aspects of this proposal relates to improving access and amenity on Academy Road a condition is recommended to ensure that the parking spaces on the western side of the site are made available solely to residents of Academy Road (Condition 3). This will serve to reduce the number of vehicles parked at the side of the road which restricts the width of the road and causes difficulties in manoeuvring. The new spaces will provide an allocated area for users and residents on Academy Road, should they wish to use them. Whilst it is appreciated that there is no guarantee that the residents of Academy Road will agree to a lease/rental with the owner of the site to utilise the car parking spaces, a condition restricting their use should result in an improvement to the current situation. Furthermore and most importantly the formation of the car park will allow for removal of the existing unkempt land and result in significant overall improvement to the character and appearance of the Conservation Area and meet the aims of the Conservation Area appraisal for this part of Crieff.

Developer Contributions

- 56 The application site is located within the Crieff Primary School catchment area. The previous permission on the site was subject to a Section 75 Agreement to secure a developer contribution towards education infrastructure of £6395 which has now expired. Therefore because of this the applicant requires to enter into a new Section 75 Agreement or pay the developer contribution upfront to allow the permission to be issued.

Land Ownership/Right of Access

- 57 Letters of representation have raised concerns regarding land ownership and rights of access issues. The previous approval included a land ownership certificate which indicated that the applicant is the sole owner of the land referred to within the application. This issue was raised with the applicant during assessment of the 2015 application who confirmed the land ownership certificate was accurate. As this application is a renewal, the same documentation applies. Nevertheless if there are alleged discrepancies regarding land ownership these would be a private civil matter between the parties involved and does not prevent a planning decision being made on the proposal.
- 58 Any rights of access to properties would still apply and these are a private civil matter between the parties involved. It should be noted that the granting of

planning permission does not overwrite any legal rights of access or land ownership issues and an applicant requires to ensure all legal matters are attended to when developing any site.

Biodiversity

- 59 Having examined the Council's mapping system with regard to biodiversity there are not considered to be any protected species apparent on the site. As such the proposed renewal remains in accordance with Policy NE3 which relates to Biodiversity.

Flooding

- 60 There are no flooding concerns at the site and therefore the proposed renewal remains in accordance with Policy EP2 of the LDP.

Economic Impact

- 61 There is considered to be limited economic benefit associated with the proposed development and this is likely to be limited to the construction phase of the development.

LEGAL AGREEMENTS

- 62 The previous permission on the site was subject to a Section 75 Agreement to secure a developer contribution towards education infrastructure of £6395 which has now expired. Therefore the applicant requires to enter into a new Section 75 Agreement or pay the developer contribution upfront to allow the permission to be issued.

DIRECTION BY SCOTTISH MINISTERS

- 63 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 64 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. There are no material considerations which would justify refusal of the application. The proposal as a whole is considered to result in significant improvement to the visual amenity and character of the Crieff Conservation Area through the development of an identified area of need. On balance the benefits of the works on the western part of the site to improve the character and visual amenity are considered sufficient to merit the approval of an additional dwellinghouse to the east. Furthermore the formation of a bin store and car parking area will also be of benefit.
- 65 Given the improvements to parking and turning facilities on Academy Road and the lack of any objection from either Transport Scotland or PKC Transport

Planning, the proposal is also considered to be appropriate in terms of access and parking arrangements for users of Academy Road. The proposal will help to improve the overall character and appearance of the Conservation Area by redeveloping the eastern site which is currently derelict and also by developing an area of unused unkempt land on the western side of the site which is identified in the Crieff Conservation Area Appraisal as a site requiring action. Overall, therefore, there remains a level of benefit to the Conservation Area associated with both parts of the proposal. Furthermore, the policy position has not changed since the approval of the previous application and therefore the renewal of the permission is considered to be acceptable.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. The east and west areas of the site shall be developed concurrently and the dwellinghouse hereby approved shall not be occupied until the parking, bin store and passing place have been completed in their entirety and are available for use to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the positive benefits of the scheme are realised in order to improve the character and appearance of the Crieff Conservation Area.

3. The six parking spaces & bin store (identified on drwg 15/01435/15) shall be made available to residents of Academy Road and the properties which utilise the Academy Road access onto the A85 only. Prior to occupation of the dwellinghouse hereby approved, written details of the management of the parking and bin store area shall be submitted to and approved in writing by the Council as Planning Authority. The management plan, as approved in writing, shall be fully complied with to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the parking spaces result in an overall benefit to the parking and access situation on Academy Road in the interests of pedestrian and traffic safety.

4. Prior to the commencement of any development full details of any proposed boundary treatments for the bin store area and surface materials for the hardstanding areas 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 protect the character and appearance of the Conservation Area.

5. Prior to the commencement of any development a sample of the proposed natural stone, timber cladding, and profiled metal sheet roofing 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 protect the character and appearance of the Conservation Area.

6. The store building shown on the western part of the site is not approved.

Reason - In the interests of residential amenity in that the proposed store is considered to have a significant loss of residential amenity on the neighbouring property.

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

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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. 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.

Background Papers: Seven letters of representation
Contact Officer: John Williamson 01738 475360
Date: 10 October 2019

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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