

Perth and Kinross Council  
Planning & Development Management Committee – 28 July 2021  
Report of Handling by Head of Planning & Development (Report No. 21/116)

**PROPOSAL:** Erection of 15 dwellinghouses and associated works

**LOCATION:** Land NE of Highland Distilleries, Kinfauns Holdings, West Kinfauns

Ref. No: [20/00359/FLL](#)

Ward No: P1- Carse Of Gowrie

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is a vacant, level and almost rectangular area of ground located to the north of the River Tay at Kinfauns. It was formerly used as an overspill car park for an adjacent commercial office. The site is bounded by a modern office complex to the west, and by a crescent of traditional estate cottages to the east which is based around an area of open space. To the north is a public road and to the south is open pasture with the Dundee-Perth railway line, and then the Tay further beyond.
- 2 A reserved matters permission was granted in 2010 for 37 dwellinghouses on the site which comprised four detached and 33 terraced units, with accommodation provided within the roofspace. As works commenced in relation to that permission within the prescribed timescales, that permission remains live.
- 3 This planning application seeks to reduce the number of dwellings from 37 to 15. Five dwellings will be accessed directly off the public road, with the remainder accessed via a new adopted road. All the proposed dwellinghouses are detached with two levels of accommodation provided via a mix of full two storey elements, and upper levels contained within the roof space.

**NATIONAL POLICY AND GUIDANCE**

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

## **National Planning Framework**

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

## **Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.

- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Enabling Delivery of New Homes: paragraphs 109 – 134.

## **Planning Advice Notes**

- 8 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.

## **Creating Places 2013**

- 9 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**

- 10 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**

- 11 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**

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

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

*“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.”*

- 14 There are no specific policies contained in the TAYPlan which are applicable to this proposal.

### **Perth and Kinross Local Development Plan 2 (2019)**

- 15 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 16 The site located within the settlement of Kinfauns and is 'white land', where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 14: Open Space within New developments
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 32: Embedding Low and Zero Carbon Generating Technologies
- Policy 38: Environmental and Conservation
- Policy 41: Biodiversity

- Policy 47: River Tay Catchment
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance 2020**

- 17 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Guide Supplementary Guidance 2020**

- 18 This document sets out the Council's policies on Placemaking Standards.

### **Open Space Provision for New Developments Supplementary Guidance 2021**

- 19 This document offers guidance on Open space for new developments.

## **SITE HISTORY**

- 20 [09/01845/AML](#). Erection of 37 dwellinghouse (Approval of Matters Specified in Conditions). Approved 26 July 2010.

## **CONSULTATIONS**

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

### **External**

- 22 **West Carse Community Council** – Objection on the grounds of impact on visual amenity due to inappropriate layout/house types, road safety concerns and lack of public transport.
- 23 **Scottish Water** – No objection.
- 24 **SEPA** – Initial objection raised by SEPA but this was removed following further discussions with the applicant, and an amended drainage strategy being put forward.

### **Internal**

- 25 **Transport Planning** – No objection to road related matters.
- 26 **Structures & Flooding** – No objection in terms of flood risk and surface water drainage.

- 27 **Development Negotiations Officer** – No requirement for any developer contributions or affordable housing provision.
- 28 **Environmental Health** – No objection in terms of noise or contaminated land.

### REPRESENTATIONS

29 The following points have been raised in 11 objections,

- Contrary to Development Plan Policy
- Impact on visual amenity
- Impact on residential amenity
- Inappropriate layout / density / house types
- Loss of open space & trees
- Noise pollution
- Road safety concerns and lack of public transport
- Drainage / flooding.

30 These issues are addressed in the Appraisal section of the report.

### ADDITIONAL STATEMENTS

31

Screening Opinion	Not EIA development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	No direct impact on the River Tay therefore not required.
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flooding and Drainage information, Tree Survey and ecology report

### APPRAISAL

32 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 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

33 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contribution and Affordable Housing 2020, Placemaking Guide 2020 and the sites planning history.

## **Principle**

- 34 Detailed planning permission exists on the site for 37 dwellings, and that permission remains live. In the LDP2, the site remains within the settlement boundary of Kinfauns where a residential infill development at a density which represents the most efficient use of a site, while respecting its environs is generally encouraged. Through the extant permission, the principle of a residential development on this site is established, and the main land use issues for this planning application is whether or not the reduced density, amended layout and revised house types are acceptable.

## **Design and Layout**

- 35 The applicant has significantly reduced the density from 37 to 15, which in turn has influenced the layout and design of the development proposed.
- 36 The proposed layout comprises detached units only, with a series of varying house types. As per the extant permission, a small number of these units (5) will be accessed directly from the public road, whilst the remainder (10) will be accessed from a new access leading to a cul-de-sac proposed for Local Authority adoption. The layout is acceptable from a road's perspective and accords with the principles contained in the National Roads Development Guide. The layout also conforms with the standards set out in the Council's Placemaking Guide in terms of amenity space for occupiers, and separation between plots and provides areas of usable open space which are to be privately maintained.
- 37 In terms of the house types, the house types now proposed are more standardised than those which were brought forward as part of the previous permission. Nevertheless, they are comparable in their heights and scale to the house types of that extant permission. Whilst the majority of the existing buildings in Kinfauns are single storey (although not exclusively), there are no specific restrictions on new build developments within the area in terms of heights within the framework of LDP2, only that the character, amenity and density of the local area should be protected, and if possible enhanced. This site is located adjacent to a large modern office building, and this relationship, as well as the applicant incorporating local features of existing dwellings (such as hipped features and high roof to wall ratios) into some of their house types, results in a development that is considered to be in keeping with the character of the existing area. The revised density, layout and design are all considered to be acceptable.

## **Visual Amenity**

- 38 The principal visual impact of the proposal will be from the 5 detached units which are positioned along the frontage next to the public road. These dwellings will introduce a new entrance feature when entering the village from the west, and although they may be larger than the majority of the single storey dwellinghouses in the village, they are not out of character with the area and would be similar to what already benefits from the existing permission in terms of their size, scale and roof heights. The proposal is therefore considered to be

acceptable from a visual amenity point of view, and there would not be a detrimental visual impact arising from this development. Clarification on both external finishes and landscaping will be requested. (Conditions 3 and 4).

### **Residential Amenity**

- 39 Although the application has generated a substantial number of objections, there are no residential properties which are directly affected by this proposal in terms of overlooking or loss of privacy. The closest properties to the north of the site are separated from the development by the public road, and the separation distance between the existing residential properties and those proposed is around approx. 27m at its closest point which is considered acceptable to protect existing residential amenity. Likewise, existing properties to the south east are at a distance (approx. 39m) which will not generate any direct overlooking or loss of privacy.
- 40 In terms of being able to provide an acceptable level of residential amenity for potential occupiers, appropriate levels of amenity space and internal separation between dwellinghouses are proposed. Noise nuisance from both the adjacent railway and the A90 have been addressed in a noise impact assessment which concludes that suitable mitigation measures via glazing and ventilation specification will reduce the noise transmissions to an acceptable level and this will be delivered before any house occupation (Condition 2).

### **Roads and Access**

- 41 The proposed junction with the public road, internal road layout and individual parking/turning areas are all acceptable. A standard compliance condition will be attached to the permission to ensure that all road related matters are completed to the Council's standards before the development is completed (Condition 12). It is noted that concerns have been raised within the objections about the level of additional traffic on local roads. Permission already exists for 37 dwellinghouses on the site so the proposed reduction to 15 would result in less movements being generated. In any event, the local road network is capable of accommodate the likely increase without jeopardising road and pedestrian safety.
- 42 The lack of public transport provision in the area has been raised by the Community Council, and objectors. There are very few public buses in the area, however with the delivery of a footway along the site's frontage and continuing in a westerly direction to link up with existing formalised footways, this would give residents the opportunity to walk to Dundee Road where there are more frequent services. With more residents and potential customers, local bus operatives might also opt to divert more local services into the area. The delivery of the footway and also minor alterations to the edging of the existing bus stop at Walnut Grove will be secured by conditions (Conditions 14 and 15).

### **Flooding**

- 43 The site is in close proximity to the River Tay, however the topography of the land between the Tay and the site is such that flood risk to the proposed

dwelling is not an issue. A flood risk assessment has been undertaken which is considered to be comprehensive and its content and conclusions are acceptable to the Council's Structures & Flooding Team.

### **Drainage**

- 44 Scottish Water have confirmed that there are no public sewers within the vicinity of the site. On this basis, the principle of a private system (as proposed) is a valid option under the terms of Policy 53B of LDP2. This policy allows for private systems in settlements when there are no public connections available providing that there is not an adverse impact on the natural or built environment, and the design accords with the Scottish Governments Domestic Technical Standards. In addition to this, any private system(s) must accord with SEPA's regulations and would be subject to CAR authorisation. SEPA have confirmed that the amended drainage strategy which involves a combined system as opposed to a series of individual systems is now potentially consentable under the CAR process, and they have no objections at this stage. The system will also have to comply with the Building Standards requirements. It is however recommended that the final technical details of the system, and confirmation that a CAR authorisation is in place are both submitted at the appropriate stage (Conditions 9 and 10). In addition to this, as per the requirements of Policy 53B of the LDP2 the applicant will also be asked to demonstrate suitable long term maintenance arrangements for the communal system (Condition 10).
- 45 With regards to surface water, the principles of what is proposed are considered acceptable to the Council's Structures & Flooding Team and would ensure that surface water run off does not affect neighbouring land. However, as per the foul details it is considered reasonable to attach a pre-commencement condition to have the finalised specification agreed with the Council, in consultation with the Structures and Flooding team (Condition 9).

### **Waste Collection**

- 46 The internal road has been designed to accommodate HGV so the collection of waste and recycling will be at the driveway ends of the individual dwellinghouses.

### **Conservation Considerations**

- 47 The proposal does not affect any listed building, conservation area or local / scheduled archaeology.

### **Natural Heritage and Biodiversity**

- 48 There are no known protected species on the site, and the site is more than 30m away from the Tay which negates the need for an otter survey. However, as the site has been vacant for some time and some self-seeded small trees and bushes have established, a walk over pre-construction biodiversity survey is recommended before any development commences (Condition 11).

### **Impact on trees**

- 49 There are trees within the site which are to be removed. These are largely self-seeded and are not of a high visual amenity value. A large grouping of trees on the western boundary is proposed to be retained and protected during construction (Conditions 7 and 8).

### **Contaminated Land**

- 50 The site has previously had uses, which could have resulted in land contamination, such as its use as a former bus depot. Some survey work has been undertaken in relation to the earlier permissions, however there is still the need for some further work and verification of measures previously proposed. To this end the Council's standard contaminated land condition is recommended to be attached to this permission (Condition 5).

### **Lack of Demand for Housing in the Area**

- 51 Some concerns have been raised within the representations that there is no demand for more housing within the local area at the present time. The planning system should not become involved in market forces but should limit itself to dealing with proposals on face value in the context of the Development Plan and other material considerations. The demand (or perceived lack of demand) is not a valid planning consideration in the determination of this application.

### **Core Path**

- 52 There is a core path within the area. Space has been left to allow for a footway connection from the development to the core path to the east of the site which is welcomed. The delivery of this will be controlled through this permission (Condition 13).

### **Impact on the River Tay**

- 53 The River Tay is environmentally sensitive for International, National and Local environmental designations. Private drainage will be advanced on this site, and what is proposed and likely to be advanced through a CAR authorisation application would not have a direct connection to the Tay. There is therefore not likely to be any direct adverse impact on the Tay from the proposed drainage arrangements as they advance and become finalised. As stated previously, the foul drainage will be subject to further negotiations with both SEPA and Building Standards and the final scheme will have to accord with all the relevant regulatory regulations. In terms of the potential for pollution to arise as a result of construction activities, due to the distance between the site and the Tay (and the railway line being in between) this is not likely to occur.

### **Climate Change**

- 54 Policy 32 of LDP2 states that proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by

Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies, and that a statement will be required to be submitted demonstrating compliance with this requirement. This will be addressed fully through the Building Warrant process, however, a pre-commencement requirement for a statement of intent will be requested by the applicant (Condition 16).

### **Developer Contributions**

- 55 As there is an extant permission in place on the site for a larger number of residential units, there is no requirement for any additional developer contributions. It was also the case that the extant permission did not require any Affordable Housing provision or developer contributions due to the implications of previous permissions being in place which pre-dated the relevant supplementary guidance on affordable housing and developer contributions.

### **Economic Impact**

- 56 The proposal will have limited impact on the local economy, with the exception of the activities associated with the construction phase.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 57 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to house types (lowering of ridges and eaves) and a revision to the foul drainage arrangement in order to comply with SEPA's requirements.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 58 None required.

### **LEGAL AGREEMENTS**

- 59 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 60 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**

- 61 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, officers have taken account of the Local Development Plan and

material considerations and in this case, they are content that the development proposed does not conflict with the Development Plan.

- 62 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. All mitigations measures as recommended in Section 8 of the Noise Impact Assessment 'West Kinfauns Perth' document reference 1535001JTv1 dated March 2020, shall be implemented into the design of the development and in place before the occupation of each residential unit.

Reason: In order to protect the residential amenity of the dwellinghouses hereby approved.

3. 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 ensure that the visual amenity of the area is protected.

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

Reason: In order to ensure that the visual amenity of the area is protected.

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

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

Reason: In order to ensure that the site is fit for the use proposed and that verification measures are implemented.

- 6. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the 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 to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason: In order to ensure that a satisfactory landscaping scheme is introduced.

- 7. 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 existing trees are not unnecessary damaged during the construction phase.

- 8. Prior to the commencement of the development hereby approved, all trees along the western boundary of the site, and those that have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: In order to ensure that existing trees are not unnecessary damaged during the construction phase.

9. Prior to the commencement of the development hereby approved, final technical details of both surface water disposal and foul drainage arrangements shall be submitted to and agreed in writing by the Council as Planning Authority, and such details must include long terms maintenance provision. The approved details shall thereafter be implemented in full as the development progresses.

Reason: In order to ensure that the site is adequately drained.

10. Development shall not commence until the applicant has submitted approved CAR licence(s) or registrations under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason: In order to ensure that the private foul drainage complies with the current environmental regulations at the time that its advanced.

11. Prior to the commencement of the development hereby approved, an updated walkover habitat survey shall take place within 6 months of the commencement of ground-breaking works and shall be submitted to the Council as Planning Authority. Any recommendations arising from that survey shall be implemented in full.

Reason: In the interest of ensuring that the site's bio-diversity position has not altered since the previous survey.

12. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In order to ensure that road and pedestrian safety is not compromised.

13. Prior to the occupation of the 10th residential unit hereby approved, a footway connection to the existing core path shall be delivered and thereafter made available for public use. Details of the width and surface of the path shall be agreed in writing by the Council as Planning Authority, and the approved details thereafter implemented.

Reason: In order to ensure public path connectivity is achieved.

14. Prior to the occupation of any of the Plots 1, 2, 3, 14 or 15, a footway shall be installed between Walnut Grove and the dropped kerbs at the vehicle access to 'Caledonian House' to the west of the site. The footway shall be constructed to the standard and specifications required by the Council as Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 15 Prior to the occupation of either Plots 14 or 15, dropped kerbs shall be installed on the east and west side of Walnut Grove to provide access to the existing bus stop located to the east of the application site. From east of the Walnut Grove vehicle access to the bus shelter, a section of footway shall be constructed. The footway shall be completed to the standard and specifications required by the Council as Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 16 Prior to the commencement of the development hereby approved, a statement that demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted for the written agreement of the Council as Planning Authority. In the event that this statement is revised during the Building Warrant process, it shall be resubmitted to the Council as Planning Authority.

Reason: In order to comply with Policy 32 of Perth and Kinross Local Development Plan 2.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

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

5. The applicant 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 Environment Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be fully that the granting of this planning permission does not guarantee that the drainage system proposed will be acceptable to either SEPA or Building Standards, and that there is no guarantee that other regulatory permissions from both Building Standards and SEPA will be granted, and that further negotiations will be required.

Background Papers: 11 letters of representation  
Contact Officer: Andy Baxter 01738 475339  
Date: 15 July 2021

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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