

Perth and Kinross Council
Planning & Development Management Committee – 31 July 2019
Report of Handling by Head of Planning & Development (Report No. 19/212)

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land 40 Metres North West Of Bonaly Cottage, Main Street,
Kinnesswood

Ref. No: [19/00558/FLL](#)

Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of a detached dwellinghouse and associated detached garage on the site of the Lomond Inn on Main Street, Kinnesswood. The site is located on the south west side of Main Street and slopes from the road down towards the edge of the settlement.
- 2 The site was occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings, until eventual closure in 2012, due to the poor economic conditions.
- 3 Planning permission was approved in 2016 (16/00326/FLL) for the partial demolition of the Lomond Inn and the conversion of the remainder to a dwellinghouse (Plot 1). This application also included the erection of four further detached dwellinghouses (Plot 2-5) within the wider grounds of the former inn, extending west and south from the former Inn.
- 4 At time of writing, the application site has been cleared other than the remainder of the Lomond Inn which is currently approved to be converted into a dwelling. It is this remaining element of the Lomond Inn which the applicant seeks to demolish and replace.
- 5 The proposal involves the erection of a detached dwelling with a T-shaped footprint which is proposed to front onto Main Street. Access is to be taken using the same access which is approved for Plots 2-5 which will allow access into the Plot from the rear (west) of the site. A detached garage is proposed in the western corner of the site. A set back is proposed to allow a 1.2m wide

pedestrian footway to be installed along the eastern boundary of the site onto Main Street.

- 6 The demolition of the existing Lomond Inn building is sought through an associated application for Conservation Area Consent which is also under consideration at this Committee meeting (19/00559/CON).

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:
 - Placemaking: paragraphs 36 – 57
 - Valuing the Historic Environment: paragraphs 135-137
 - Conservation Areas: paragraphs 143-144

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 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 71 Conservation Area Management

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.
- 15 The following policy documents and guidance from Historic Environment Scotland are also relevant to this proposal:
- 16 **Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019**
- 17 **Managing Change in the Historic Environment - Guidance on Conservation Areas**

DEVELOPMENT PLAN

- 18 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

- 19 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. There are no specific TAYPlan policies which are relevant to this application. Nevertheless, 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

- 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 principal policies are:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy RD1 - Residential Areas

- 26 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they

satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy HE1B - Non Designated Archaeology

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

Policy HE3A - Conservation Areas

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

Policy CF2 - Public Access

- 29 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy ER6 - Managing Future Landscape -Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

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

Policy EP2 - New Development and Flooding

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP12 - Contaminated Land

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

Policy NE3 - Biodiversity

- 36 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 37 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.

SITE HISTORY

- 38 There have been a series of applications for works to the Lomond Inn which are not relevant to this application. The relevant history relating to this application is outlined below:

- 39 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn
- 40 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn
- 41 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn
- 42 [16/00325/CON](#) Part demolition of hotel and demolition of annexe building and outbuildings Decision Issued 19 October 2016 Application Approved – Development Management Committee October 2016
- 43 [16/00326/FLL](#) Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works Decision Issued 5 July 2017 Application Approved – Development Management Committee October 2016
- 44 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 45 [18/00667/FLL](#) Erection of a dwellinghouse Decision Issued 26 June 2018 Application Withdrawn
- 46 [19/00559/CON](#) Demolition of building – Pending consideration and also presented to this Planning & Development Management Committee

CONSULTATIONS

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

EXTERNAL

Portmoak Community Council

- 48 The Community Council considers the new building development to negatively impact on the character of the Conservation Area due to the scale and design of the dwelling. Should consent be granted the Community Council wishes an appropriate management during construction operations.

Perth and Kinross Heritage Trust

- 49 Preference is for building to be retained but if not a condition relating to the requirement for a standing building survey is recommended.

Scottish Water

- 50 No objection.

INTERNAL

Biodiversity Officer

- 51 No objection.

Transport Planning

- 52 No objection subject to conditions.

Development Negotiations Officer

- 53 No contribution required.

Environmental Health (Contaminated Land)

- 54 Condition recommended relating to the provision of a contaminated land investigation and remedial works.

REPRESENTATIONS

- 55 A total of 19 letters of representation have been received, including a letter from Portmoak Community Council. All of the letters object to the application and the following points were raised:

- Out of character with area
- Impact on visual amenity
- Loss of views
- Contrary to Development Plan
- Excessive height and scale
- Loss of car parking
- Loss of open space
- Traffic congestion
- Fails to preserve or enhance Conservation Area – particularly approach from South
- Fails to enhance streetscape
- Site should be used as open space and car parking and address public need
- Consideration given to public interests as indicated in SPP
- Potential for community buy out
- Cumulative impact
- Pedestrian access
- Construction management

- 56 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Structural Appraisal and Residential Development Appraisal

APPRAISAL

- 57 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.

Principle

- 58 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy RD1 and HE3A apply. Policy RD1 supports residential development in principle subject to certain criteria, including protecting the amenity of neighbours, ensuring the design and scale of the proposal relates to the character and amenity of the area amongst others. Policy HE3A seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area. Other relevant policies include PM1A and B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. As the site is located within the settlement boundary, the principle of residential use on this site is considered acceptable. The paragraphs below will provide an assessment of the relevant criteria above and associated LDP policies. Furthermore the closure of the Lomond Inn and its conversion to residential use has been accepted under the 2016 permission. On that basis there is no further requirement to assess this matter.

Impact on Character of Conservation Area/Visual Amenity/Design/Layout

- 59 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The implications of the demolition on the Conservation Area will be considered separately through application 19/00559/CON which is also under consideration at this Committee.

- 60 It was noted from site visits that Kinnesswood Conservation Area is made up of varying design styles with a mixed palette of materials evident. There are also varying ridge heights and eave heights along Main Street. The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area for those travelling from the south east. The attractive south east elevation of the Lomond Inn sits directly adjacent to the footpath with its east facing, gable end fronting onto Main Street.
- 61 Main Street of Kinnesswood is characterised by properties generally fronting onto the street. The existing Lomond Inn is one of a few buildings in Kinnesswood which has a gable facing the street. Whilst it is unfortunate that the Lomond Inn building is to be demolished, the re-orientation of development on the site is considered to be appropriate and very much relates to the established historical context of development on Main Street. The re-orientation also allows for a set back of the building from Main Street.
- 62 The house is to be relatively simple in its design and form with a simple two storey form and gable ends which replicates other historic development within the Conservation Area. The house extends to 7.8m to the ridge and has a wallhead to roof ratio which is similar to other buildings within the Conservation Area. The house also sits at a lower topography than the buildings on the east side of the public road which will help to ensure the scale and massing of the building is appropriate for its context. The gable elevation facing south retains some interest with a chimney and windows breaking up its mass which helps to provide character and ensure the approach into Conservation Area from the south east is not compromised.
- 63 The plans appear to suggest the use of sash and case windows. No details on the materials for the windows have been submitted. The extant permission on the site allows for timber alu-clad windows on the new build dwellings and converted Lomond Inn and a condition is recommended to ensure details of the window materials are submitted for approval (Condition 5). Given that this building will replace an important building it is considered vital to ensure the materials are of high quality. Therefore a condition is recommended to ensure that the new rainwater goods are cast iron, similar to the previous permission to protect the character of the Conservation Area (Condition 9). The roof is proposed to be finished in slate and the walls are proposed to be a cream coloured render with grey banded window surrounds and basecourse. Details of all finishing materials will be requested by condition and the re-use of the slates from the Lomond Inn on the new build will also be secured by condition (Conditions 5 and 8).
- 64 The existing stone boundary wall fronting Main Street is to be taken down and re-built to accommodate the 1.2 wide footpath. Details of the re-built wall and its finishing materials will also be secured by condition (Condition 6). A further condition to ensure details of the remaining boundary treatments are submitted is also recommended (Condition 7).

- 65 The proposed garage is again to have a simple form and appropriate scale and is to be located to the rear of the site with limited views from the public realm. Its scale and proportions are considered to be acceptable.
- 66 The proposal is considered to be an appropriate replacement for the unfortunate loss of the existing Lomond Inn building in the Conservation Area and is considered to be an overall improvement to the character and appearance of the area, given the building's current condition, as required by LDP policy.

Residential Amenity

- 67 Policy PM1A and PM1B seeks to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy RD1 contains similar criteria. The house is located close to the boundary with Lochgalloway to the north west. The side elevation of the house faces towards Lochgalloway, however, this faces towards a blank gable. As such I do not consider there to be any issues relating to overlooking or overshadowing from the proposed dwelling. The scale of the house is considered to be appropriate and will not result in any significant overshadowing to neighbouring ground.
- 68 Overall, I consider the proposal to be acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the dwelling and therefore in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

Developer Contributions

Education

- 69 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 70 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Transportation

- 71 The site is located outwith the area where a contribution towards transportation infrastructure is required.

Access/Traffic/Transport

- 72 Main Street is relatively straight in this location and benefits from existing traffic calming measures in close proximity to the site. As such, vehicle speeds are

likely to be low. As the site previously operated as an Inn I do not consider the proposed development to result in a significant level of increased traffic over that which utilised the Inn. Additionally, the current proposal does not result in any increased traffic in comparison with the consented development on the site. Transport Planning have been consulted on the proposal and have provided no objections subject to the access onto Main Street being formed in accordance with Council standards (Condition 2). They have also requested that turning facilities and two car parking spaces per dwelling are provided on site. These are marked on the submitted plans. The proposal also includes the creation of a 1.2m wide footpath along the frontage of the site. Whilst the footpath width overall is limited on the western side of Main Street, and varies up and down its length, I believe the provision of a wider footway along the boundary of the site to be an overall improvement for pedestrian safety in the area. Subject to these conditions the proposal is considered to be in accordance with Policy TA1B of the LDP.

Waste Collection

- 73 The site is served by Council waste collection and Waste Services have indicated that the proposed property will be provided with a three bin system (general, recyclables and garden/food waste) which should be presented to Main Street for collection. A bin presentation area has been recommended by Waste Services close to Main Street and this can be secured by condition (Condition 4).

Drainage

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

Rights of Way

- 75 The Main Street of Kinnesswood is an adopted Core Path (PTMK/146); however, I do not consider any of the development proposed to be of detriment to the use of this path which is along a public road. The provision of a wider footpath adjacent to the site will also improve public access along Main Street. As such I am satisfied that the proposal complies within the criteria outlined in Policy CF2 of the LDP.

Biodiversity

- 76 An ecological survey was submitted with the previous application and no confirmed bat roosts were found and the report recommended some measures to enhance the site for biodiversity. I am satisfied that the conclusions remain appropriate. Bat boxes were installed on trees within the wider development site in April 2017 to cater for the loss in habitat. Mitigation measures for protected

species can be secured by condition (Conditions 11 and 12). As such the proposal is considered to comply with Policy NE3 which relates to biodiversity.

Flooding

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

Contaminated Land

- 78 Environmental Health has indicated that their service is in the possession of a site investigation report of December 2013 which identified some contamination on site. This investigation made a recommendation for either capping or removal of the contaminated material. It is unknown whether these remedial works have been undertaken therefore a condition is recommended (Condition 10). This will ensure the compliance with policy EP12 of the LDP.

Lack of "Conservation Report"

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

Archaeology

- 80 Perth and Kinross Heritage Trust (PKHT) has been consulted on the application and stated that they wish for the existing building to be retained. The merits of demolition will be considered under the Conservation Area Consent application. PKHT has indicated that should the building be demolished, a standing building survey is undertaken. This can be secured by condition on the Conservation Area Consent should consent be granted (19/00559/CON).

Alternative Uses/Community Buy Out

- 81 The letters of representation have raised the possibility of a potential community buy out of the former Inn and to re-use it for an alternative purpose and to form car parking for the local community and open space within part of the site. Whilst this is noted, the Council is required to consider the proposal put forward in this application and on the basis of the assessment above the proposal for a new build dwelling and garage is considered to be consistent with the requirements of the LDP and national guidance. Any alternative proposal for the site which may come forward in the future would be subject to a separate application which would be considered on its own merits.

Economic Impact

- 82 Whilst the closure of the Lomond Inn is unfortunate it is clear from the information submitted that there is no market for a facility of this nature within Kinnesswood. The Council has previously accepted its conversion to a dwellinghouse. There will be limited economic impact associated with the construction phase of the development.

Construction Management

- 83 Given the proposal relates to a single house development it is not considered to be reasonable to apply a condition seeking a detailed construction management plan for the site. The restriction of construction hours is controlled through PKC Environmental Health.

Loss of View

- 84 The loss of a view is not a material planning consideration.

LEGAL AGREEMENTS

- 85 There is an existing legal agreement secured under application 16/00326/FLL which secures a contribution in relation to affordable housing. This section 75 agreement remains relevant to this permission.

DIRECTION BY SCOTTISH MINISTERS

- 86 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

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

A 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 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

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

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

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

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

- 6 Prior to the commencement of any development on site, full details, including a scaled elevation of the re-built 1.2m high natural stone boundary wall on the north eastern side of the site shall be submitted to and approved in writing by the Planning Authority. The wall detail, as agreed in writing, shall be

implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

- 8 Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.

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

- 9 The rainwater goods on the development hereby approved shall be cast iron, painted black, to the satisfaction of the Council as Planning Authority.

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

- 10 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; and
- iv. condition of the site on completion of decontamination measures.

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

- 11 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 deal with any potential contamination of the site as a result of its former use.

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

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

- 13 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

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

- 14 Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to the plot. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

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

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 is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 19/00559/CON).
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.

Background Papers: 19 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 18 July 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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