

Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/118)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land north of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: [21/00580/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 This application relates to the site of the former Lomond Country Inn on Main Street, Kinnesswood which lies within the Conservation Area.
- 2 The site was previously occupied by a two-storey detached accommodation annexe associated with the former Lomond Country Inn but it has since been cleared following the granting of permission to redevelop the site in 2017 (16/00326/FLL). That permission comprised of the development of 4 detached houses and the partial redevelopment of the former Inn; however, the Inn has since been completely demolished following subsequent permissions for full demolition and the erection of a new house (19/00558/FLL & 19/00559/CON).
- 3 Full planning permission is now effectively being sought for a change of house type within Plot 5 which is positioned at the entrance to the site, to the south of the former Inn. The existing permission proposed to erect a 2-bed cottage within the site, orientated at 90 degrees to Main Street with its gable facing onto the public road. Permission is now being sought for a 3-bed, two storey dwelling within the same plot. The proposed new house is of a more contemporary design, but its overall scale and form is relatively traditional with a palette of materials comprising of natural stone, off-white render, timber cladding and slate roof tiles. The plot will be accessed from a new junction onto Main Street, approved under the 2017 permission, that will be shared with the other four approved plots within the wider site and off-street parking for two cars will be provided within the site. As per the existing permission, a setback is also proposed to allow a 1.2m wide pedestrian footway to be installed along the eastern boundary of the site onto Main Street.
- 4 A previous application for similar proposals was withdrawn by the applicant after issues were identified with Scottish Water relating to stand-off distances with the mains water pipe on Main Street (20/01958/FLL). This revised submission resolves those issues by reorientating and repositioning the house further from the mains water pipe.

Pre-Application Consultation

- 5 20/00508/PREAPP – a similar scheme was presented for comments and advice was provided to the applicant regarding design, finishing materials, parking and landscaping.

NATIONAL POLICY AND GUIDANCE

- 6 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 2014

- 7 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. This is a statutory document and material consideration in any planning application. It 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

- 8 The Scottish Planning Policy (SPP) 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.

- 9 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
- Managing Flood Risk and Drainage: paragraphs 254-268.

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage.

Creating Places 2013

- 11 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.

National Roads Development Guide 2014

- 12 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

- 13 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

- 14 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.”

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 9: Managing TAYplans Assets.

Perth and Kinross Local Development Plan 2

- 16 The Local Development Plan 2 (2019) (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.

17 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 28A: Conservation Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 53B & C: Water Environment and Drainage
- Policy 58A: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

18 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 2020

19 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

20 The relevant history relating to this application is outlined below:

21 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn

22 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn

23 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn

- 24 [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
- 25 [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
- 26 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 27 [20/01958/FLL](#) Erection of a dwellinghouse Decision Issued 12 April 2021 Application Withdrawn.

CONSULTATIONS

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

External

Portmoak Community Council

- 29 The Community Council objects to the proposals primarily on the basis that the revised proposals negatively impact on the character of the Conservation Area due to the scale and design of the dwelling.

Scottish Water

- 30 No objection. Advice that there is capacity in the water supply network and public wastewater system but note proximity of main water pipe and advise the surface water must not discharge to the combined sewer.

Internal

Conservation Officer

- 31 No objection but recommends a condition regarding the submission of samples/details of finishing materials.

Transport Planning

- 32 No objection subject to conditions.

Development Negotiations Officer

- 33 No comments to make in terms of the Developer Contributions and Affordable Housing Supplementary Guidance but advises there is a Section 75 Agreement for the site in relation to the original permission. It was initially advised that the agreement did not need to be updated but following further discussion it is considered likely that it will need to be revised to take account of the proposed revisions to Plot 5.

Environmental Health

- 34 No objection but recommend condition to deal with contamination and an informative note regarding the operation of the stove.

REPRESENTATIONS

- 35 A total of 23 letters of representation have been received over two separate periods of public consultation, including two letters from Portmoak Community Council.

One of the letters is in support and raises the following points:

- Building height not an issue - Village already has a mixture of old and modern architecture of differing heights
- Existing abandoned and dilapidated site is detrimental to village
- Proposed development preserves character of village.

- 36 All of the remaining 22 letters received object to the application and raise the following points:

- Out of character with area
- Impact on visual amenity
- Contrary to Development Plan
- Excessive height and scale
- Fails to preserve or enhance Conservation Area
- Overdevelopment
- Overlooking / impact on privacy
- Overshadowing / loss of sunlight
- Impact on existing mature trees
- Traffic
- Noise.

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

ADDITIONAL STATEMENTS

Environment Statement	EIA Not Required
Screening Opinion	Not Required
Environmental Impact Assessment (EIA)	Not Required
Appropriate Assessment	AA Not Required
Design Statement / Design and Access Statement	Design Statement Submitted
Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 38 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 (LDP2).

- 39 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.
- 40 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 Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

- 41 As previously noted, it is important to highlight that this site has a 'live' permission granted in 2017 (16/00326/FLL) for the erection of a single storey dwelling as part of the wider redevelopment of the site. Whilst this permission was due to expire on 5th July 2020, The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 has extended that date until 31st March 2022. As such, the principle of a residential development on this site has already been established under the previous permission. Nevertheless, the current proposal still needs to demonstrate compliance with the relevant policies of the adopted LDP2.
- 42 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy 17 and 28A apply.
- 43 Policy 17 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.
- 44 Policy 28A seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area.
- 45 Other relevant policies include Placemaking Policies 1A & 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.
- 46 The paragraphs below provide a detailed assessment of the relevant criteria above and demonstrate that the proposals comply with Policies 1A, 1B, 17 and 28A of LDP2.

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

- 47 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 vast majority of buildings along Main Street front onto the road and are of two storeys in height. It is also noted that the building that previously stood on this particular site was also two storeys in height but orientated at 90 degrees to Main Street, facing towards the site of the former Inn.
- 48 The proposed house is relatively simple in its design and form with a simple two storey form and gable ends which picks up on the traditional scale, massing and materials of the surrounding streetscape but with a more contemporary approach to fenestration. The reorientation of the house to face onto the road is considered to be an improvement on the previous building that stood on site and will have a positive impact on the streetscape. As noted in many of the representations, the height of the proposed house has increased with the addition of a second floor of accommodation. However, as noted above, this increase in height is not considered to be a significant concern as it will not appear out of context given that the neighbouring properties immediately to the south and east are also similar in scale.
- 49 The Council's Conservation Officer has also reviewed the proposals and advises that the revised house design is acceptable and would not result in any detrimental impact on the character or appearance of the Conservation Area.
- 50 The proposed finishing materials are also considered to be appropriate to the character of the area with natural stone cladding and wet dash render applied to the walls and a natural slate roof. However, for the avoidance of doubt and to ensure that palette of materials is of an appropriate standard, details of all finishing materials will be requested by condition (Condition 4).
- 51 The proposals include the erection of a new 1.2 metre-high stone boundary along the eastern boundary with Main Street. The existing section of stone boundary wall fronting Main Street will also be taken down and re-built to accommodate an improved 1.2 metre-wide footpath, as per the 2017 permission. Details of the new wall, along with the re-built section and its finishing materials will be secured by condition (Condition 5).
- 52 As such, the proposal is considered to be of an appropriate scale and design and its development will result in an improvement to the character and appearance of the Conservation Area, as required by Policies 1A, 1B, 17 and 28A of LDP2.

Residential Amenity

- 53 The proposed plot is considered to have a good layout and makes the most of what is an awkwardly shaped plot. The positioning of the house creates a reasonable area of private amenity space that extends to approximately 180 sqm whilst also providing space for two parking bays and a private bin storage area. As such, it is considered that the proposed layout provides a good level of amenity for the future occupants of the house.

- 54 In terms of neighbouring amenity, the southern gable elevation of the proposed house is positioned relatively close to the existing property to the south at Bonaly Cottage. However, the proposed house will largely have a view of the gable of the neighbouring house and the upper floor bedroom window on the southern gable of the proposed house will be set 9 metres from the boundary. As such, it is considered that the proposals will not result in any unacceptable levels of overlooking of the neighbouring property.
- 55 It is also noted that concerns have been raised in respect to overshadowing due to the increased height of the house. The position of the proposed house within the site would suggest that there would no significant impact on the levels of daylight presently received at Bonaly Cottage. However, it is likely that the building will result in some level of overshadowing of the properties to the east across the street during the evening, but the level of impact will be no greater than that caused by the previous building that stood on the site. It is also noted that there are a number of tall mature trees to the west of the proposed plot that will presently block some of the daylight during the evening hours. As such, it is considered that the proposals will not result in any unacceptable levels of overshadowing of neighbouring properties.
- 56 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwellinghouse and therefore in accordance with the placemaking policies 1A and 1B and Policy 17 of LDP2.

Roads, Transport and Access

- 57 The proposals will take access off Main Street via the new junction which will be shared with the other four approved plots. The plot also contains two private off-street parking bays.
- 58 The Council's Transport Planner has reviewed the proposals and raises no concerns in respect to roads or access related matters. It is also important to again highlight that the site already has permission for a single dwelling with a similar access and parking layout.
- 59 As such, the proposal is considered to accord with Policy 60B of LDP2 and the requirements of the National Roads Development Guide.

Flooding and Drainage

- 60 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no known issues or concerns in respect to flooding at the site.
- 61 In respect to drainage, the site is to be served by the public drainage system in Kinnesswood and the application form states that the development will 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 53B and C of LDP2. The exact detail and design of the drainage proposals will be secured through a building warrant.

Natural Heritage and Biodiversity

- 62 There are a number of mature trees located immediately to the south west of the proposed house, positioned adjacent to the boundary but within the garden grounds of Bonaly Cottage. The proposals do not indicate any works to these trees, and it is considered that the position of the proposed house should not unduly impact on those trees. That said, given their proximity, it is considered appropriate to condition that tree protection measures are put in place to ensure that there will be no significant impact on the adjacent mature trees throughout the construction of the development (Condition 8).
- 63 As such, with conditional control in place, it is considered that the proposals comply with Policy 40B of LDP2.

Contaminated Land

- 64 A previous site investigation undertaken as part of the 2017 permission identified contamination within the application site. Therefore, the Contaminated Land Officer has recommended conditional control requiring the assessment and subsequent decontamination measures (Condition 6). This will ensure the compliance with Policy 28A of LDP2.

Developer Contributions and Affordable Housing

- 65 It is noted that a number of representations have referenced that the previously approved cottage that was proposed on this plot (Plot 5) was intended as an affordable unit. It can be confirmed that this was not the case and in line with the supplementary guidance a commuted sum payment in lieu of on-site affordable housing based on all of the approved plots, including Plot 5, was secured through a Section 75 legal agreement under the 2017 permission. However, the existing agreement may need to be updated to take account of the proposed changes to Plot 5 should this application be approved.
- 66 On that basis, the proposals comply with Policy 20 of LDP2 subject to any required revisions to the existing Section 75 Legal Agreement.

Embedding Low & Zero Carbon Generating Technologies

- 67 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that 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. It further specifies that a statement must be submitted demonstrating compliance with this requirement.
- 68 It is noted that solar panels are proposed on the western facing pitch of the roof but there is no statement identifying what specific measures are to be provided to meet the carbon emissions reductions set by Scottish Building Standards. As such, a condition has been applied to ensure that adequate measures are detailed prior to commencement of development and thereafter installed (Condition 9).

Economic Impact

- 69 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 70 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 71 There is an existing legal agreement secured under application 16/00326/FLL which secures a contribution in relation to affordable housing. However the agreement may need to be revised to take account of the proposed development and ensure that the requirements of the agreement in relation to affordable house contributions remains enforceable.

DIRECTION BY SCOTTISH MINISTERS

- 72 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

- 73 To conclude, 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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 74 Accordingly the proposal is recommended for approval subject to the following conditions.

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

5. Prior to the commencement of any development on site, full details, including a scaled elevation of the proposed boundary wall, including the section of re-built stone boundary wall, along the eastern boundary with Main Street shall be submitted to and approved in writing by the Council as Planning Authority. For the avoidance of doubt, the new section of wall shall be constructed in natural stone to match the existing wall; a sample of which shall be submitted to and approved in writing by the Council as 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.

6. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should 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 agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation 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.

7. 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.

8. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

9. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which 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. The approved measures shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason: In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

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 existing Section 75 Legal Agreement has been either updated via a Modification of the Planning Obligation or a Minute of Variation.

In the event the applicant does not complete the necessary update to the existing legal agreement within a 4-month period from the date the agent/applicant is advised of the need for the revisions, 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.
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 Environment Protection Agency.
6. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The development proposals may impact on existing Scottish Water assets that run close the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

9. For reasons of sustainability and to protect the public sewer from potential future flooding, Scottish Water will not accept any surface water connections into the combined sewer system.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 23 letters of representation
Contact Officer: David Niven 01738 475360
Date: 15 July 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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