

Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/117)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: New House, Garth, Fortingall, Aberfeldy PH15 2LH

Ref. No: [20/01433/FLL](#)
Ward No: P4 - Highland

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 The proposal is for the erection of a dwellinghouse at the north western edge of Garth, an existing housing grouping, situated to the east of Fortingall. There is a disused single storey building on the site previously used as an egg store. This is to be demolished and a detached four bedroom dwellinghouse is to be erected on site.
- 2 Planning permission was granted for a dwellinghouse in 2006 (05/02263/FUL) at Development Control Committee following a previous refusal at Committee (05/01155/FUL). Works commenced on site in January 2011 with preliminary works to form a new drive being carried out. No further works were undertaken until 2020 when excavations to re-align the proposed drive to the house plot were undertaken. However, these works were not within the original red line site boundary but within the adjacent field and therefore constituted a breach of planning control. A revised planning application for the new drive and dwellinghouse was submitted in 2020 (20/00673/FLL) to regularise the position. That application was withdrawn for further survey work following objections including from Structures and Flooding who objected due to lack of information with regard to drainage and flood risk. The application now before Committee was submitted in October 2020 but determination has been delayed due to the requirement for a bat activity survey which was completed in May 2021.
- 3 The house design is as previously approved but the house position has been moved to the north east by around 5m and three trees previously to be retained are now to be removed. The site is close to Gentian, a Category B listed building, the listing of which post-dates the 2005 planning permission. The access to the site is along a private track around 400m from the C448 public road.

Pre-Application Consultation

- 4 No formal pre-application advice has been given however there were pre-application discussions with the applicant following unauthorised works being carried out at the site. This prompted the submission of a planning application that was subsequently withdrawn in August 2020. Following further discussions this current application was submitted in October 2020.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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.

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 7 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.
- 8 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
 - Valuing the historic environment paragraphs 135 – 142

Planning Advice Notes

- 9 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 69 Planning and Building standards Advice on Flooding

Designing Streets 2010

- 10 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

- Policy 4: Homes
- Policy 9: Managing TAYplan's Assets

Perth and Kinross Local Development Plan 2

- 15 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.

- 16 The principal relevant policies are:

- Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 19: Housing in the Countryside
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: International Nature Conservation Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 59: Digital Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 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.

Housing in the Countryside Supplementary Guidance January 2020

- 18 This document sets out in detail how the Council will implement Local Development Plan Policy 19: Housing in the Countryside.

SITE HISTORY

- 19 [05/01155/FUL](#) - Planning Permission was refused on 23 September 2005 for the erection of a dwellinghouse and change of use from paddock to access road.
- 20 [05/02263/FUL](#) - Planning Permission was granted on 3 February 2006 for the erection of a dwellinghouse and change of use from paddock to access road.
- 21 [20/00673/FLL](#) – An application for Planning Permission was withdrawn on 21 August 2020 for the erection of a dwellinghouse (in part retrospect).

CONSULTATIONS

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

External

- 23 **Scottish Water:** No objection. Advise of capacity for public water supply, but that there is no Scottish Water wastewater infrastructure in the area. A private wastewater treatment system will be required.
- 24 **Glen Lyon And Loch Tay Community Council:** Object for the following reasons:
- Application is invalid as no change of use was ever given for the egg house;
 - Lack of foul drainage and water supply;
 - Impact on existing private water supply;
 - Out-dated house design contrary to policies 1A, 1B (placemaking), 27 (listed buildings) and 32 (low and zero carbon);
 - Access difficulties;
 - Flood risk;
 - Impact on trees; and
 - Impact on biodiversity.

Internal

- 25 **Environmental Health (Private Water):** No objection subject to condition to ensure existing infrastructure is safeguarded.
- 26 **Environmental Health (Noise Odour):** No objection subject to informative note with regards to woodburning stove.
- 27 **Transport Planning:** No objection.
- 28 **Development Contributions Officer:** No developer contributions required.
- 29 **Biodiversity/Tree Officer:** No objection, following initial concerns with regard to lack of information with regard to tree and ecological information. Following submission of such information the impact on trees and biodiversity is considered acceptable, subject to conditions.
- 30 **Structures And Flooding**
No objection subject to condition with regard to surface water drainage.
- 31 **Conservation Team:** No objection subject to sufficient landscaping.

REPRESENTATIONS

- 32 A total of 12 letters of representation have been received in respect of the current application including one from Glenlyon and Loch Tay Community Council. The main issues raised within the representations are:
- Traffic and road safety
 - Impact on access during building works /from construction traffic

- Impact on private water supply and drainage pipes
- Impact on trees
- Inadequate drainage – lack of information with regard to foul drainage
- Flood risk – both surface water and from burn
- Impact on residential amenity
- Impact on visual amenity and setting of listed building
- Design of dwellinghouse
- Impact on wildlife/biodiversity
- Legal issues with access to the east

- 33 The majority of these issues are addressed in the Appraisal section of the report however it is noted that legal issues with regard to access rights along the track are a civil matter and not a material planning consideration. The comment from the Community Council that the application is invalid due to no change of use to residential being approved is also not relevant to the consideration of this application.

ADDITIONAL STATEMENTS

34

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Tree Survey Bat Survey Supporting Statement

APPRAISAL

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. 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 Housing in the Countryside Supplementary Guidance 2020 and the Placemaking Supplementary Guidance 2020.
- 36 Due to the proximity of the listed building, 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.

Principle

- 37 The site is within an area where Policy 19: Housing in the Countryside, of LDP2 and its associated Housing in the Countryside Supplementary Guidance (SG) applies. This supports housing development in the countryside where it supports the viability of communities, meets development needs in appropriate locations, safeguards the character of the countryside and ensures that a high standard of siting and design is achieved.
- 38 To that end the development of single houses or groups of houses which fall within at least one of the following categories will be supported:
- Building Groups
 - Infill site
 - New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
 - Renovation or replacement of houses
 - Conversion or replacement of redundant non-domestic buildings
 - Development on rural brownfield land.
- 39 Due to the proposal comprising the erection of a new house on the edge of an established group, the first category is of most relevance to the consideration of this application. This supports proposals which add to an existing group subject to the new housing respecting the character, scale and form of the existing group, being well integrated into the existing layout and building pattern and subject to a high standard of residential amenity being provided. In this case, the principle of development of a single house on the majority of the site has been accepted previously. At that time the site was considered to meet the terms of the housing in the countryside building group category. This category is still relevant and the site continues to be part of the Garth building group. Whilst the policy framework has changed with the adoption of the LDP2 the spirit and intentions with regard to the housing in the countryside policy are the same. The proposal is therefore considered to comply with the requirements of Category 1 of Policy 19: Housing in the Countryside, as expanded in the Supplementary Guidance.
- 40 The existence of an extant permission for a dwellinghouse on this site is also a significant material consideration. The erection of a dwellinghouse, on essentially the same site, was previously approved and has been secured by some works being carried out. The house design has not changed from that permission though the position of the house is to be moved to the north east by 5 metres and the driveway access extended to the south west.

Design and Layout

- 41 Placemaking policies 1A and 1B seek to ensure that the design and scale of development respects its surroundings. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 42 The proposed house is traditional in form and massing, and is T plan in footprint. The four bed detached property provides accommodation over two levels along with an integral single garage. The agent has confirmed that finishing materials

will be as previously approved and includes render and timber to the external walls and a slate roof. The design has previously been considered acceptable and subsequently approved. The proposed house has a relatively narrow floor plan being around 7m wide with an additional 4.5m extended section to the rear. The proposed building is around 16m in length. It has been re-sited to around 5m to the north east from that previously approved. The finished ridge height of the proposed house will be around 1m above the roof ridge of Gentian which is some 25m to the south east. The distance between the properties is sufficient to ensure that this new house will not be over dominant and can be accommodated satisfactorily on the site. The development will not negatively impact on the setting of the listed building (Gentian) due to the retention of existing trees and proposed planting of new trees as well as the intervening distance between the properties.

- 43 The revised access is partly on the route approved under the earlier planning permission although the western section has been partially formed on land outwith the original red line planning site boundary and within the adjacent field, bringing the entrance to the proposed access immediately to the north of the shared access that comes up between buildings from the Old Fire Station. This leaves a small area to the east of the access that will become additional garden ground leaving the majority of the adjacent field undeveloped. The small additional area of existing field that is to be developed for the access does not significantly alter the overall acceptability of the proposed development. It is considered that the site is generally well contained by existing planting and the scale, form, design and siting are acceptable and accord with Placemaking policies and relevant SG.

Landscape

- 44 The site is within the Loch Tay Special Landscape Area (SLA). Policy 39: Landscape requires the landscape character of the area to be respected. Policy 40: Forestry, Woodland and Trees states that there is a presumption in favour of protecting woodland resources and that where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 45 There are a number of trees on the site and a tree survey was submitted to support this planning application. Since the previous approval three trees that were to be retained have grown to a size that would not be conducive to construction of a house in the previously approved position. As these trees, two sycamores and an ash, would need to be removed to build the approved house, the opportunity was taken to re-position the house to the north east away from trees to the south west so that these could be retained and protected during construction. Additional tree planting is proposed to compensate for the loss of the trees with 6 new trees to be planted including 2 rowan, 2 birch, 1 oak and 1 scots pine. The species mix is welcomed as being native to Scotland with enhanced biodiversity value. It is also noted that, whilst there is a Tree Protection Order (TPO) in place at Garth, the three trees to be removed are not covered by this TPO. Further information with regard to stock type/size of tree will be requested by condition (Condition 2). Conditions to replace any failed planting and to protect existing trees during construction will be added

(Conditions 3 and 4). The proposal is considered to comply with policies 39: Landscape and 40: Forestry, Woodland and Trees. The proposal does not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross as required by policy 39. Existing trees will be retained and protected with new planting to replace trees lost as a result of the development as required by policy 40.

Residential Amenity

- 46 The Council's Placemaking SG states that windows should be positioned to avoid, or otherwise minimise, overlooking adjoining houses and private gardens and that windows of habitable rooms should generally be a minimum of 9m from rear boundaries which they overlook to ensure privacy of neighbouring properties is maintained. The closest neighbouring dwellinghouse is Gentian where the distance from the front of the proposed house to the site boundary with Gentian is just over 9m. The distance to Gentian itself is around 22m to the south east. The ridge of the new house will be around 1m higher than Gentian, primarily due to it being on higher ground. The only first floor window on the south elevation that could potentially overlook the neighbouring property serves a bedroom. There are habitable rooms on the ground floor but the distance to boundary and intervening vegetation in the adjacent property's garden will ensure there is no adverse impact on residential amenity from overlooking or loss of privacy. The orientation of the properties means that there will not be any loss of daylight/sunlight due to the position and distances between the buildings. It is also noted that the house design has not changed since the previous approval although the position has moved 5m to the north east. The house benefits from ample private garden ground being set in a plot measuring over 1600sqm.
- 47 Environmental Health has been consulted as a flue serving a wood burning stove is proposed. Poor installation and maintenance of such appliances and inadequate dispersion of emissions can result in nuisance complaints with regards to smoke and smoke odour. In this case the flue exhaust for the stove will terminate above the roof ridge of the proposed dwellinghouse and emissions from the flue should disperse adequately protecting the residential amenity of neighbouring properties from smoke/odour. An informative note is recommended to highlight that smoke/odour could be further minimised using fuel recommended by the manufacturer (Note 5).
- 48 Overall, the development is considered to be acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the LDP2 where it relates to residential amenity.

Visual Amenity and Conservation Considerations

- 49 The site of the proposed development is to the north of Gentian, a category B listed building. The building was listed after the previous permission was granted. The application site is on higher ground and concerns have been raised that the new dwellinghouse would be more visually prominent than Gentian.,

- 50 In this respect, augmenting the landscaping of the site is of particular importance. While some removal of trees on the site is proposed to accommodate the dwellinghouse, the proposals include the retention and protection of the remaining mature trees and introduce compensatory planting in the north of the site. The Conservation Officer considers the approach to Gentian from the south west to be particularly sensitive, and notes that additional planting would be beneficial as this would provide a stronger visual separation between the properties. This could include additional beech hedging to help to mitigate the landscape impact of the proposed house. Subject to conditional control to agree details of the proposed landscaping, including numbers, species and size, the impact on visual amenity is considered acceptable and the setting of Gentian appropriately secured (Condition 2).

Roads and Access

- 51 Policy 60B: Transport Standards and Accessibility Requirements of LDP2 requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant as it provides detail on parking and access requirements. The hardstanding proposed in front of the house is sufficient for parking for at least two vehicles and turning space to allow cars to enter and leave the site in a forward gear is required by roads guidance. The retention of the space for these uses can be secured by condition (Conditions 5 and 6).
- 52 The site is served by a private access from the C448 public road that also serves a number of other properties. The access indicated on the planning application comes into Garth from the east, though there is also a western access. Both meet up at the property known as the Old Fire Station from where the access runs northwards for around 40 metres between buildings before reaching the application site. This section of the access is narrow and concerns were raised with regard to potential difficulties with large vehicles accessing the site such as for construction, service vehicles and emergency vehicles. There are existing properties served by the access and the addition of one house is not considered to be a significant addition in terms of capacity of the access. Transport Planning has raised no concerns in respect of the existing access or the access within the site and therefore, in terms of this planning application, the access is considered to be adequate. Disruption during construction will be temporary and minimal. A condition will be attached to ensure that surface water run-off during construction is controlled to protect the local water environment and neighbouring property (Condition 7).
- 53 There was also an objection on the grounds that the applicant does not have a legal right over the eastern access and further, that that access is unsuitable and that the western access should be used. Any legal dispute over access rights is a matter that is outwith the scope of the planning authority.

Drainage and Flooding

Flood Risk

- 54 There is a burn running along the north eastern boundary of the site. The Council's Flood Team was consulted and advised that there was a potential risk of flooding in the garden area if the burn was to overtop at a culverted inlet to the north east. A full flood risk assessment was not requested due to there being an extant permission on the site. However a revised site and section plan was submitted to show proposed lowering of ground levels to the rear of the house so that flows are encouraged away from any threshold into the property to reduce risk of issues arising from (potential) surface water ponding. This change to the plans do not affect finished floor levels or the finished height of the building. Flood resilient construction is advised for the development and will be required by condition (Condition 8) together with a requirement for a temporary surface water treatment facility to manage surface water during construction (Condition 7).

Drainage

- 55 Objections relating to the impact of surface water from the site which may have been exacerbated by works on the new access have been submitted. Following complaints, the applicant installed some measures within the field to direct surface water away from the existing access road. Structures and Flooding has requested that full details of surface water discharge including from the access road and other runoff such as from the roof be sought via condition (Condition 9).

Foul drainage

- 56 Although initially lacking, information on the foul drainage system is shown on the revised site plan. An area has been identified some 5m away from the dwellinghouse and further detail will be provided as part of the application for a building warrant. The provision of a wastewater treatment plant is covered by the building regulations and is dealt with as part of the technical assessment process. This will ensure the foul drainage is to an appropriate standard.

Private Water

- 57 There have been objections due to local issues with the quality and quantity of the water supply in the area. It is intended that the proposed development will use an existing private supply and objectors are querying whether the applicant is permitted to connect to the existing supply. The legalities of whether the applicant can connect to the existing water supply is not a planning consideration. The Council's Private Water team has been consulted and a suspensive condition (Condition 10) and informative notes will be attached to ensure that existing private water and drainage infrastructure is safeguarded as part of the development of the site and that the new house has an adequate and consistently wholesome supply of water (Notes 7 and 8).

Waste Collection

- 58 The application advises that details of facilities for waste and recycling provision will be provided at the building warrant stage. This is acceptable as the proposal only relates to a single house. An informative note to ensure the applicant is aware of waste service requirements will be added (Note 9).

Natural Heritage and Biodiversity

- 59 An initial Ecological Assessment and Bat Survey was carried out in February 2021. This was followed up with an Ecological Assessment and Full Bat Survey Report being carried out on the site in May 2021. This report contains a full assessment of the site and mitigation measures. The survey did not identify any major ecological constraints as no squirrel dreys, otter holts, badger setts or water vole burrows were identified. No significant impacts or disturbance issues relating to protected mammal species (other than bats) are therefore predicted as a result of the development subject to it being carried out in accordance with the report's recommendations. A condition to that effect is attached (Condition 11).
- 60 Due to the presence of bat roosts, no works can be undertaken before a derogation licence from NatureScot (formerly Scottish Natural Heritage) has been issued. The submitted Ecological Assessment and Full Bat Survey Report contains sufficient information for the planning authority to be satisfied that all three tests are likely to be met. The same tests need to be passed in order for NatureScot to issue a licence. All measures listed in Section 6 of the report: Bat Protection Plan must be adhered to in full.
- 61 Long Term Roost Compensation is required for the loss of one bat roost and allowing bats to access the completed dwellinghouse through integrated bat boxes, bat bricks and Morris slates is encouraged and would result in a positive contribution to biodiversity through this development.
- 62 A condition is recommended to ensure the conclusions and mitigation measures outlined within the survey (Document Ref. 15) are implemented on site (Condition 11). A further condition is recommended to ensure the provision of three swallow nest boxes on the site to enhance local biodiversity (Condition 12). Subject to the implementation of measures outlined in the report and controlled by condition the development is considered to comply with policy 40: Biodiversity.

River Tay Special Area of Conservation (SAC)

- 63 Policy 38A: International Nature Conservation Sites seeks to ensure that development does not impact on sites designated under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas). The River Tay Special Area of Conservation (SAC) is located approximately 350 metres to the south of the site. As mentioned above a temporary surface water treatment facility is to be requested by condition (Condition 7) with a permanent sustainable urban drainage system also being required (Condition 9). This together with the distance from the River Tay SAC will ensure that the

development does not have a significant effect on the Tay SAC and as such is in accordance with Policy 38A.

Zero carbon technologies

- 64 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development of LDP2 requires all proposals 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. Information to satisfy the requirement of policy 32 will be required by condition (Condition 13).

Developer Contributions

- 65 Policy 5: Infrastructure Contributions of LDP2 applies which refers to the Developer Contributions and Affordable Housing Supplementary Guidance. As the site has extant permission for one dwellinghouse no developer contributions are required.

Economic Impact

- 66 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 67 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 the ground levels to the rear of the proposed house which resulted in an Amended Proposed Site Plan (Document 12) and Amended Proposed Site Sections (Document 13). Documents 02 and 07 are superseded. A Preliminary Ecological Appraisal (Document 14) and an Ecological Assessment and Full Bat Survey (Document 15) were also submitted and added to the list of associated documents.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 68 None required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 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. This may need expanded.

- 71 Accordingly the proposal is recommended for approval subject to the following conditions.

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 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.

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

3. 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 the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local

Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

5. 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 road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

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

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

8. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason: In order to take account of the flood risk from the adjacent watercourse.

9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS), including details of the receiving drain, has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer

Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the provision of effective drainage for the site.

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason: To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

11. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document reference 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to the submitted Ecological Assessment and Full Bat Survey Report, Jenny Wallace Ecology, 31 May 2021.

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

12. Prior to occupation of the approved development at least three swallow nest boxes shall be provided on the completed dwellinghouse.

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

13. Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a) the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

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 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.
6. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
7. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
8. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the

filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-RA/pdf/Flood_Risk_and_FRA - June 2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-RA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)

11. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
12. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
13. 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 the ground levels to the rear of the proposed house which resulted in an Amended Proposed Site Plan (Document 12) and Amended Proposed Site Sections (Document 13). Documents 02 and 07 are superseded. A Preliminary Ecological Appraisal (Document 14) and an Ecological Assessment and Full Bat Survey (Document 15) were also submitted and added to the list of associated documents.
14. 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: 12 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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