

Perth and Kinross Council  
Planning & Development Management Committee – 23 September 2020  
Report of Handling by Head of Planning & Development (Report No. 20/169)

**PROPOSAL:** Erection of 4 dwellinghouses

**LOCATION:** Land NW of The Croft, Fearnan

Ref. No: [19/02121/FLL](#)  
Ward No: P4 - Highland

**Summary**

This report recommends approval of a detailed planning application for four dwellinghouses within the village of Fearnan, 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 proposal seeks detailed planning permission for the erection of four dwellinghouses on an infill site within the identified settlement of Fearnan, a village located west of Aberfeldy & Kenmore. The site is a grassed paddock which slopes from north to south, and east to west. The site is surrounded by residential properties with public roads partly bordering to the south and west. It is situated at the western end of the village, west of the historic central area, where the 'rigg' system (areas of open space) remains evident in the settlement pattern.
- 2 Each of the four dwellinghouses are individually designed and are of a high design standard. Plot 1 is located at the lower part (south) of the site and sits in a gap between two existing properties fronting the A827. The remaining dwellinghouses are positioned progressively up the slope in a northerly direction.
- 3 Plots 1, 3, & 4 will provide living accommodation over two levels, with the upper floor contained partly within the roof space. Plot 2 is single storey providing one floor of accommodation. A detached, flat roofed, single storey ancillary annex is proposed within the grounds of Plot 4. All external finishes comprise slates, wet dash render and timber features.
- 4 Vehicular access to Plots 1, 2 and 3 is proposed via an existing shared private access which joins the A827 to the south. This access will be improved but will remain private. Plot 4 will have its own individual access taken directly from the minor public road to the west (C449).

**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.

### **Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

### **Planning Advice Notes**

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

- 9 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

### **Perth and Kinross Local Development Plan 2019**

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

- 16 The site is located within the settlement boundary of Fearnan, where the following policies are applicable:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low and Zero Carbon Technology
- Policy 37: Landscape
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area

## **SITE HISTORY**

- 17 None.

## **CONSULTATIONS**

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

### **External**

- 19 **Scottish Water** – No objection
- 20 **Perth And Kinross Heritage Trust** – No objection subject to a condition.

- 21 **Glen Lyon And Loch Tay Community Council** – Objection to the proposal on several grounds (listed below).

### **Internal**

- 22 **Development Negotiations Officer** – No contributions or affordable housing provision required.
- 23 **Transport Planning** – No objection in terms of the proposed access arrangements, or internal parking and parking arrangements.
- 24 **Environmental Health** – No objection in relation to the proposed stoves or contaminated land.

### **REPRESENTATIONS**

- 25 Twenty eight letters of representations have been received, of which nineteen object, including the local village association and Community Council. The main issues raised by the objectors are;
- Proposals considered contrary to Local Development Plan 2
  - Loss of open space
  - Traffic / road safety concerns
  - Visual impact
  - Residential amenity impact
  - Light pollution
  - Loss of farm land
  - Inappropriate house types
  - Drainage
  - Refuse collection
  - Overlooking / loss of privacy
  - Loss of farm land
  - Climate change issues
  - Impact on Transmission lines
- 26 These issues are addressed in the Appraisal section of the report.
- 27 In terms of the letters of support, these focus on the quality of the development proposed and that the investment of new homes in the area is welcomed.

### **ADDITIONAL STATEMENTS**

28	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required. Drainage is via public system.
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Not Required

## **APPRAISAL**

- 29 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 Placemaking Guide 2020, the Affordable Housing and Developer Contributions 2020 and Landscape Supplementary Guidance 2020.

### **Land Use Acceptability**

- 30 The principal issue raised within objections focuses on the developments perceived negative impact on the character of Fearnan, largely from the loss of the open space. In terms of character, the centre of Fearnan contains remnants of a traditional rigg layout. Those important open spaces between buildings, due to their value to the community for either recreational or amenity purposes, are protected from development by Policy 14A of LDP2. However, the application site is not identified as one of these areas.
- 31 The settlement boundary of Fearnan has been drawn to allow for some small-scale infill development to be delivered, to help sustain the existing community, and the application site is one of those opportunities.
- 32 As the site is not part of the protected rigg area a residential development is considered in principle, to be an acceptable land use, providing that it accords with Policy 17 Residential Areas and Policy 1 Placemaking.
- 33 Policy 17 offers general encouragement to proposals for infill residential development, at a density which represents the most efficient use of the site while respecting its environs and encouraging proposals that will improve the character and environment of the area or village. In addition, the Council's placemaking standards seek to ensure that all new development respects existing environs and creates a high standard of development.
- 34 As the site is within the settlement boundary and has not been identified for any specific use, the key considerations are not the acceptability of the land use but rather the acceptability of the proposed density, layout and design.

### **Density, Design and Layout**

- 35 In this regard the proposed density is low, with only four dwellinghouses proposed over w of approximately 0.6ha. Although all four houses have large footprints, they sit comfortably on their plot without appearing cramped or squeezed, whilst maintaining suitable separation and offering sufficient residential amenity space. The surrounding area comprises a mix of house

types of varying footprint sizes and differing plot sizes. As such, the proposed density is in keeping with the surrounding character.

- 36 In terms of the layout, the four dwellinghouses have been positioned so that each plot offers a suitable residential amenity for future occupiers, protects the residential amenity of existing properties and takes full advantage of the views to the south. The layout is successful in delivering all three of these objectives and whilst this results in a slightly random building placement across the site, this pattern does reflect the settlement pattern within the western side of Fearnan, which contrasts to the former rigg area. Indeed, the layout of development within Fearnan has become generally random in the areas which surround that rigg pattern.

### **Visual Amenity**

- 37 As a result of this development there will be an obvious and inevitable change in the appearance of the site, through the development of a 'green' pocket of land, however, this does not render the proposal unacceptable. It is important to recognise that the site does not have the same visual and characteristic qualities that the rigg areas have, and whilst it might offer a green space for the surrounding residents to enjoy visually, it is not protected by the policies of LDP2 and is not subject to the same protection as the rigg area. It is to be accepted that the rising nature of the site means that any form of development will have a visual impact, but the potential impact has been mitigated through design. Particularly, the low density development of well-designed house types rather than increased numbers of properties with less architectural quality is positive. The design approach utilises more 'cuts' than 'fill' which helps to reduce the visual scale of the dwellinghouses and provide a better landscape fit into the rising land. The result is a development which will be visible from adjacent public roads but will not appear out of character with the western edge of Fearnan

### **Landscape**

- 38 Fearnan is part of the Loch Tay Special Landscape Area and by the nature of what is proposed, the development will change the appearance of the site when viewed from the Loch, and from other viewpoints. However, the development will largely be viewed as part of the village, as a well-considered addition, and the change in appearance will not have a significant impact on the wider landscape character.

### **Residential Amenity**

- 39 In terms of the impact on existing residential amenity, with properties adjacent to the south, west and north-east there is a potential for a negative interaction. The impact on existing neighbouring properties is outlined below plot by plot.

#### **Plot 1**

- 40 This plot is located between two existing properties to the east and west, and both have existing gable end windows at ground floor level facing towards the

site. In this respect the house design has been amended to consider this interaction, with no windows serving habitable rooms proposed at first floor level facing either neighbour. Specifically, a bathroom window faces east, and several roof lights serving a stairway face west – neither of which will result in unacceptable overlooking or loss of privacy. In terms of garden areas' interaction, subject to suitable boundary treatments being introduced (Condition 3), the residential amenity of both neighbours will be protected from overlooking or loss of privacy.

### Plot 2

- 41 The property Pier View is located immediately to the south of Plot 2 and sits considerably lower. Plot 2 will have accommodation over one level but sees a projection that will encroach close to the mutual boundary, currently defined by a post and wire fence. New boundary treatments and landscaping are proposed, which will provide screening to both the rear gardens. Pier View itself will be approx. 18m from proposed windows. However, it is noted that there are a series of large roof lights on the rear of Pier View. Taking into account the levels, the single storey aspect of Plot 2 and also proposed boundary treatments, direct visibility into the living accommodation of Pier View via the rooflights from either the garden area of Plot 2 or the dwellinghouse itself will not be significant. Prior to the commencement of the development, further information on the final boundary treatments and landscaping will be sought required by condition (Condition 3 and 8).
- 42 To the west of Plot 2 is a property called 'Invertay', which is located slightly lower than the site, and therefore will be slightly lower than the proposed dwellinghouse. Several proposed windows face west towards Invertay however these will be approx. 13.5m from the boundary and approx. 20m distance from window to window. Notwithstanding the difference in levels, with suitable boundary treatments and planting, interaction between the two properties can be controlled to an acceptable level. Whilst a great deal of information regarding site levels and sections through the site have been submitted to allow a proper assessment of the proposal, further clarification of the precise ground levels on this plot, and others will be sought via condition (Condition 3).

### Plot 3

- 43 Invertay is also located to the west of Plot 3, and again sits slightly lower. The proposed house will be approx. 14.5m from Invertay, and around 10m from the mutual boundary with an outside seating area at ground level encroaching slightly closer. The proposed dwellinghouse is orientated such that there will be no direct window to window interaction. Particularly, the first-floor windows on the gable end (facing west) are angled away from Invertay. Looking south, rooflights, a pair of large dormers and regular windows are all proposed; however, these again are not directly facing Invertay and both the dormers and regular windows will be approx. 20m away. At present, the mutual boundary does have a scattering of trees, which will provide some degree of screening. However, it is proposed to supplement this boundary with new planting which will be agreed prior to the development commencing. Subject to this, the residential amenity of Invertay will be protected (Condition 8).

#### Plot 4

- 44 To the north-east, house 4 will be located approx. 30m from a neighbouring property to the east (Croft Cottage). A single storey ancillary annex will be closer; however, this will only have entrance doors facing towards that neighbouring property at a distance of approx. 19m. A condition will be imposed restricting the annex to ancillary accommodation only (Condition 2). There could be some interaction between the two garden areas, but new boundary enclosures and landscaping along the mutual boundary is proposed and this will protect each amenity. There is a further dwellinghouse to the north of Plot 4, however this property is a substantial distance away sitting higher up the slope and there will be no significant interaction between the two properties.
- 45 Internally, the proposed dwellinghouses have been designed, positioned and orientated in such a way to ensure that overlooking and loss of privacy does not occur amongst them. All four dwellinghouses also have an acceptable level of usable private amenity space, with suitable parking and turning areas that comply with the Council's standards.
- 46 Due to the sloping nature of the site, engineering works will be required to create level areas for each dwellinghouse, particularly Plots 2 and 3. The proposed works respect the contours of the site and whilst some significant cuts are proposed, the applicant will be using landscaped slopes to manage levels as opposed to more engineered and visually obtrusive retaining structures. This approach will help to ensure that the development progresses up the slope in a visually acceptable manner.

#### **Roads and Access**

- 47 Two vehicular access points are proposed: a shared private access that serves Plots 1-3 and a driveway for Plot 4. Both accesses have been reviewed by the Transport Planning team who are satisfied that the geometrics and visibility splays are acceptable, and that road and pedestrian safety will not be compromised upon completion. In order to deliver both accesses, some small trees and bush/scrub vegetation will be removed, all of which are in the control of the applicant.
- 48 The shared access to Plots 1-3 will have the current surface improved, but it is not intended to bring the road up to an adoptable standard and it is not considered necessary by the Council to do so. New passing places will be incorporated into the improvements, but any issues over the long-term maintenance is a civil matter for the various owners and not the Council.
- 49 In terms of an increase in traffic on the local roads, the level of additional vehicular movements generated by the development will be low, and the local road network can absorb such an increase.

#### **Drainage and Flooding**

- 50 Foul drainage will be via the public sewer system. Disposal of surface water will be via soakaways, which will be designed in such a way to ensure that no



surface water is dispersed onto neighbouring land, including the public road. Some details have been submitted as part of this application, but further details are required and will be requested prior to the commencement of the development (Condition 13)

- 51 In terms of flooding, the site is not identified as being at risk from flooding. As mentioned above, surface water runoff will be designed to ensure that water is dispersed away from neighbouring land/properties and away from the public road.

### **Contaminated Land**

- 52 A search of the historic records for the site did not raise any concerns regarding ground contamination.

### **Waste Collection**

- 53 An area for the presentation of bins at both access points is proposed. Precise details of the means of the accompanying enclosures will be submitted prior to the commencement of the development (Condition 6).

### **Conservation Considerations**

- 54 The proposal does not directly affect any Listed Building or Conservation Area.
- 55 In terms of local archaeology, the site is potentially archaeologically sensitive due to the close proximity of the Oakbank Crannog (amongst others) in Loch Tay. Whilst previous small-scale archaeological investigations on the immediate shoreline failed to identify any loch side activity, except for a possibly enhanced natural outcrop, it is recommended that prior to the commencement of the development, a programme of archaeological works is undertaken, and this is secured by condition (Condition 7).

### **Natural Heritage and Biodiversity**

- 56 There is no recorded evidence of protected species within the site and, with most trees and hedges being retained, the impact on local wildlife will be minimal. Whilst the main area of the site will be developed, the improved landscaping and planting will provide additional habitat for bio-diversity.
- 57 It is noted that Policy 47 of LDP2 states that otter surveys will be required in relation to sites that are both within 30m of a watercourse, and within the Loch Tay Catchment area. Fearnan is within the catchment, but as the site is more than 30m away from any watercourse that will be suitable for otters, it is not required in this case.

### **Public Paths**

- 58 There are no core path or right of ways affected by the proposal, although it is the Council's understanding that there is a private right of access at the northern end of the site, however, this is a civil issue between the parties involved and not a matter for the Council.

## **Trees / Hedges**

- 59 The majority of the existing trees and hedges along the boundaries will be retained and incorporated into the development. Some removal is proposed to facilitate the required visibility splays for the accesses, however, this is considered acceptable and appropriate replanting will compensate for the losses. Within the site, there are two trees of significant note, one to the north and the other in the centre, both are proposed to be retained. Suitable conditions will be placed on this permission to ensure that these trees (as well as the ones to be retained along the boundaries) are suitably protected during the construction phase (Conditions 9 & 10).

## **Loss of Historic Farm Land**

- 60 In terms of modern farming, the site is small, and its permanent loss will not impact negatively on the overall supply of farming land in the wider area. In terms of its historic significance, it is the view of PHKT that it is possible that the area may have been used by the Crannogs for onshore activity. In this context, whilst earlier survey work of the immediate shoreline did not discover any artefacts of note, it is nevertheless recommended that archaeological work is undertaken. It is however the case that unlike the other rigg areas of the village, this area has not been identified as part of the historic agricultural land, which benefits from specific protection through LDP2.

## **Holiday / Second Home**

- 61 A concern has been raised within the representations that these properties will be second homes, and not primary residences. There is no evidence that this will be the case. However, the planning system has limited controls over the occupation of properties as second homes, and it is not considered that this possibility can be addressed through any planning permission.

## **Impact on Loch Tay (SAC)**

- 62 Loch Tay is part of the River Tay Special Area of Conservation (SAC). In this regard, given the site is located on ground which slopes towards the loch and, whilst it is very unlikely that soil or construction related materials will manage to enter the loch, given the distance and nature of intervening land, it is considered reasonable to require a basic Construction Method Statement. Any required mitigation will be secured via condition (Condition 12).

## **Open Space**

- 63 A small area of open space is proposed at the north eastern corner of the site. This will become the responsibility of future occupiers to maintain and will not be adopted by the Council.

## **Light Pollution**

- 64 All the dwellinghouses will have glazing facing south. However, the dwellinghouses will be seen within the context of the village which already has

light emissions from existing dwellinghouses during darkness. The potential introduction of new light from internal rooms is therefore not considered to be significant.

### **Climate Change**

- 65 The Community Council has raised concerns over impact on climate change. Policy 32 of the LDP2 states that proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies, and that a statement will be required to be submitted demonstrating compliance with this requirement. This will be addressed fully through the Building Warrant process, however, a pre-commencement requirement for a statement of intent will be requested by the applicant (Condition 14).

### **Overhead Transmission Lines**

- 66 The potential need to redirect / move underground any of the existing utility lines which cross the site will be a matter for the applicant to resolve and address via separate discussions with the operators of the lines.

### **Developer Contributions**

#### Affordable Housing

- 67 This is a development of less than five dwellinghouses, so there is no requirement for any Affordable Housing Provision.

#### Primary Education

- 68 The local primary school at Kenmore is not operating at capacity, so there is no requirement for any Primary Education contributions.

#### A9 Junction Improvements

- 69 The site is located outwith the catchment area for A9 Junction Improvements

#### Transport Infrastructure.

- 70 The site is located outwith the catchment area for Transport Infrastructure contributions.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 72 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 73 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**

- 74 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 75 In this respect, account has been taken of the Local Development Plan and material considerations and in this case, it is considered that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.
- 76 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application, subject to the following conditions**

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

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

2. The ancillary accommodation associated with Plot 4 hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse.

Reason – In order to retain control of the use of this building.

3. Prior to the commencement of the development hereby approved, details of the proposed internal and perimeter boundary treatments for the site and garden ground levels (AOD) shall be submitted for the written agreement of the Council as Planning Authority. The schemes as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect residential amenity.

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

Reason – In order to protect road and pedestrian safety.

5. Prior to the commencement of the development hereby approved, visibility splays at both proposed vehicular access points shall be provided to the left and right as per approved plan 19/02121/53, when measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

Reason – In order to protect road and pedestrian safety.

6. Prior to the commencement of the development hereby approved, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme for each plot has been provided in full.

Reason – In order to ensure that acceptable provision for waste / recycling storage is provided.

7. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason – In order to comply with the aims of the Scottish Planning Policy.

8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason – In order to clarify the terms of this planning permission and to ensure that residential amenity is protected.

9. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies a Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all related fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason – In order to ensure that trees which are to be retained are protected during the construction phase.

10. Prior to the commencement of the development hereby approved, all trees on site and along the boundaries (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 – In order to ensure that trees which are to be retained are protected during the construction phase.

11. All trees on site and along the boundaries, other than those marked for felling on the approved plans, shall be retained.

Reason – In order to clarify the terms of this planning permission.

12. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason – In order to ensure that the environmental interests of the River Tay Special Area of Conservation are protected.

13. Prior to the commencement of the development hereby approved, details of the means of surface water disposal across the site shall be submitted shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that surface water is managed.

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

5. The applicant should be aware that Scottish Water are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

Background Papers: 28 letters of representation

Contact Officer: Andy Baxter 01738 475339

Date: 10 September 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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