



Securing the future... • *Improving services*  
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building  
2 High Street  
Perth  
PH1 5PH

30 April 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 09 May 2018** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BERNADETTE MALONE**  
Chief Executive

***Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.***

***Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Henry Anderson  
Councillor Bob Band  
Councillor Michael Barnacle  
Councillor Harry Coates  
Councillor Eric Drysdale  
Councillor Tom Gray  
Councillor Ian James  
Councillor Anne Jarvis  
Councillor Lewis Simpson  
Councillor Richard Watters  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Wednesday, 09 May 2018**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 11 APRIL 2018 FOR APPROVAL AND SIGNATURE** **5 - 22**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) APPLICATIONS PREVIOUSLY CONSIDERED**
- (i) 12/00546/FLL - CROOK OF DEVON - FORMATION OF FIVE PERMANENT GYPSY/TRAVELLERS PITCHES, CROOKMOSS, CROOK OF DEVON, KINROSS-SHIRE** **23 - 40**  
Enforcement Report by Interim Development Quality Manager  
(copy herewith 18/152)
- (ii) 17/01260/FLL - COUPAR ANGUS - ERECTION OF 2 DWELLINGHOUSES, LAND EAST OF ABBEYHILL, PRECINCT STREET COUPAR ANGUS** **41 - 66**  
Report of Handling by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 18/153)

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.

All Council Services can offer a telephone translation facility.



## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 11 April 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, H Coates, E Drysdale (Art \*\* (2)(ii) onwards), T Gray, I James, A Jarvis, W Robertson (substituting for Councillor W Wilson), L Simpson and R Watters.

In Attendance: N Brian, A Condliffe, D Niven, J Scott, G Bissett, M Lee, L Reid, D Salman, C Stewart and R Stewart (all The Environment Service); C Elliott and D Williams (Corporate and Democratic Services).

Apologies: Councillor W Wilson.

Councillor R McCall, Convener, Presiding.

### . WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and apologies were noted as above.

### . DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

### . MINUTES

The minute of meeting of the Planning and Development Management Committee of 14 March 2018 (Arts. 125-129) was submitted, approved as a correct record and authorised for signature.

### . DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning application:

Planning Application No.	Art. No.
17/01886/FLL	** (2)(i)
17/02118/FLL	** (2)(ii)

## **APPLICATIONS FOR DETERMINATION**

### **(1) Major Applications**

- (i) **17/00946/IPL – AUCHTERARDER – Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle), land south of Field View, Windsole, Auchterarder – D King Properties (Scotland) Ltd**

J Scott, Team Leader, advised members that should the application be granted, with regards to Condition 1 of Report 18/118, reference to the 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008' should instead read 'Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013'.

#### **Resolved:**

**Grant**, subject to the following terms, amended conditions and informatives:

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

#### **Conditions**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the

development shall be implemented in accordance with the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority. The phasing plan shall ensure the early delivery of the landscaping works.

3. The proposed site layout and phasing plan as submitted are indicative and are not approved.
4. No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery and phasing plan referred to in condition 2.
  - a) The delivery of the development in agreed phases
  - b) Details of any cut and fill operations.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System for during construction and for the completed development.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing/planting to be provided.
  - h) Details of all landscaping, planting including structural planting and screening associated with the development.
  - i) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide). This scheme shall also ensure an access road provides a vehicular link to the remainder of the E25 allocation in the Perth and Kinross Local Development Plan 2014 which extends to the south west boundary of the application site.
  - j) Detailed specification of all street, footpath and other lighting including light spill details and mitigation
  - k) Detailed plan of connection between the site and adjacent footway networks and core paths
  - l) A detailed Construction Management Plan which includes monitoring and mitigation measures for the control of noise dust and vibration

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- m) A detailed Noise Impact Assessment prepared by a suitably qualified consultant
  - n) A detailed Air Quality Assessment
  - o) A detailed Energy Statement
  - p) A detailed Protected Species and Breeding Bird survey
  - q) A detailed Design Statement
- The development shall be implemented in accordance with the planning application(s).
- 5. Notwithstanding the terms of condition 3, the maximum Class 4 Office floor space on site is restricted to a gross floor space of 2992sqm.
  - 6. All trees on site shall be retained. A 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) of all retained trees on site shall be submitted as part any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. This plan shall ensure all protective tree 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 the construction of the development.
  - 7. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.
  - 8. In pursuance of condition 4 b), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.
  - 9. In pursuance of condition 4 c) and prior to the commencement of any works, full details of the finalised SUDS scheme for both during construction operations and for the completed development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.
  - 10. In pursuance of condition 4 (e, f and g), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
    - a) Existing and proposed finished ground levels relative to a fixed datum point.



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

11. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

12. In pursuance of condition 4 (o) and prior to the commencement of any works an Energy Statement, shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. The statement shall adhere to the advice contained within SEPA's

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

consultation response dated 12 March 2018. All work shall be carried out in accordance with the approved statement.

13. The development of the site shall fully accord with the findings of the Flood Risk Assessment (FRA), dated February 2018 (doc ref: 17/00946/27 and 17/00946/28) to the satisfaction of the Council as Planning Authority. No built development or land raising shall occur within the 1 in 200 year plus climate change water level and finished floor levels shall be set no lower than 0.6m above the 1 in 200 year plus climate change water level indicated in the FRA.
14. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
15. No site clearance or removal of vegetation, including trees and shrubs will take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.
16. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

**Justification**

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

**Informatives**

1. Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
5. 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.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
8. The applicant should be aware of the guidance available in relation to Japanese Knotweed which is outlined in SEPA consultation response dated 12 March 2018.

**(2) Local Applications**

**(i) 17/01886/FLL – RHYND – Erection of a clubhouse, formation of parking and associated works, land 70 metres north east of The Workshop, Rhynd – Tay Rowing Club**

Mr G Houston, President of Tay Rowing Club, supporter on behalf of the applicant, addressed the Committee, and, following his representation withdrew to the public benches.

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**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.
2. 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.
3. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
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.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
6. 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
7. 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.
8. 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.
9. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
10. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
11. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.
12. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

13. The premises shall be used solely for the purposes of a rowing club. The use of the premises for any other purpose, including another purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Council as Planning Authority.

**Justification**

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

**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. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
6. 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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

permission for a development does not provide a defence against prosecution under this Act.

7. Perth and Kinross Council Environmental Health Team advise that noisy construction working should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy working on a Sunday.
8. The applicant is advised to review the consultation responses received on the application from Environmental Health, the Bio-Diversity Officer and Scottish Natural Heritage when preparing the Construction Environmental Management Plan.
9. Scottish Water Records indicate that there is a 1145mm Concrete Combined sewer running in the north of the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is your responsibility to accurately locate the position of the pipe for line and depth on site and annotate this information onto your plans. This information should be sent to the Scottish Water Asset Impact Team for review and acceptance using the email address below. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works. The stand-off distance for this sewer is 5 – 6.5 metres (dependent on depth) in every direction on the horizontal plane. No building, private garden or other obstruction should be located within the stand-off distance of a sewer.  
[Service.Relocation@scottishwater.co.uk](mailto:Service.Relocation@scottishwater.co.uk)

**(ii) 17/02118/FLL – PERTH – Erection of 26 flats, land at Allison Crescent, Perth – GS Brown Construction**

Mr Wilson, objector on behalf of several residents of Pullar Terrace, addressed the Committee, and, following his representation withdrew to the public benches.

Motion (Councillors B Band and H Anderson) – Grant, subject to the following terms, conditions and informatives:

**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.
2. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken

and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.
3. Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
  4. The footpath link to the south of the site shall be completed prior to the occupation of the first unit on site. The footpath shall maintained thereafter to the satisfaction of the Council as Planning Authority.
  5. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
  6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further 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 occupation of any unit on site on site. The SUDS system shall accord with the details outlined in approved documents 17/02118/10, 14, 16, 17 and 18.



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

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 SUDS principles shall be implemented on 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. The treatment facility shall accord with the details outlined in approved documents: 17/02118/12, 13 and 15 and shall also include a sampling and observation point at the post treatment/prior to discharge to the surface water sewer point. Prior to development commencing on site, the applicants shall provide written confirmation from Scottish Water that they will accept drainage from the construction phase SUDS directly into their surface water network. If this confirmation cannot be provided, the applicants must provide an alternative means of draining the construction phase SUDS which shall be submitted to and agreed in writing by the Council, in consultation with SEPA, prior the commencement of any development on site. The system shall adhere to these approved details.
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.
9. All construction operations on site shall strictly adhere to the Construction Method Statement hereby approved (doc ref:17/02118/11) to the satisfaction of the Council as Planning Authority.
10. The landscaped open space within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Justification

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

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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

- 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 developer should be aware of the regulatory requirements outlined within SEPA's consultation response dated 13 March 2018.

Amendment (Councillors W Robertson and M Barnacle) – Refuse the application, as it is contrary to Perth and Kinross Local Development Plan 2014, Policies PM1A and PM1B(c), as the development does not contribute positively to the area due to the three story element not respecting the character of the immediate area.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, H Coates, T Gray, I James, A Jarvis, R McCall and R Watters.

4 members voted for the Amendment as follows:

Councillors M Barnacle, B Brawn, L Simpson and W Robertson.

**Resolved:**

In accordance with the Motion.

COUNCILLOR DRYSDALE ENTERED CHAMBERS DURING THE COURSE OF THIS APPLICATION BUT DID NOT PARTICIPATE NOR VOTE.

- (iii) **17/02161/FLL – ABERFELDY – Erection of 5 dwellinghouses and garages (revised layout and change of house types), site of former Cruachan House Residential Home, Kenmore Street, Aberfeldy – Kailneath Ltd.**

**Resolved:**

**Grant**, subject to the following terms, conditions and informatives:

**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.
2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
4. 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.
5. 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.

6. 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.

### **Justification**

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

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain Road Construction Consent from the Council as Roads

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
11 APRIL 2018

Authority if they wish to offer the Road up for adoption by the Council.

~~~~~

DRAFT



Perth and Kinross Council  
Development Management Committee – 9 May 2018  
Enforcement Report by Interim Development Quality Manager

**PROPOSAL:** Formation of five permanent gypsy/travellers pitches

**LOCATION:** Crookmoss, Crook of Devon, Kinross-shire

Ref. No: 12/00546/FLL  
Ward No: 8 – Kinross-shire

### Summary

Enforcement update on alleged Breach of Conditions 10, 11, 12, 13 and 14 and ongoing monitoring of Condition 15 for the formation of 5 gypsy/travellers pitches at Crookmoss, Crook of Devon

### BACKGROUND AND DESCRIPTION

- 1 This original application was determined on 10 October 2013. The monitoring /enforcement of this application was last considered by this Committee at its meeting on 24 May 2017 in respect of, and following previous updates on, the enforcement position in relation to conditions attached to the permission. It was remitted to report back to this committee after a further 12 month period. Development Management Committee report of 24 May 2017 is appended to this report for ease of reference (Appendix 1).
- 2 Members, in requesting a further update were concerned over the conditions relating to the following areas:
  - (i) Noise (Conditions 12 and 13)
  - (ii) Drainage (Conditions 14 and 16)
  - (iii) Water supply (Conditions 10 and 11)
  - (iv) Landscaping (Condition 15)
- 3 Appended to this report is a copy of the decision notice ref 12/00546/FLL (Appendix 2).
- 4 All other issues in relation to the application and conditions remain the same.

### CONSULTATIONS

- 5 Further consultations and discussions have taken place with Scottish Water, Scottish Environment Protection Agency (SEPA) the Council's Environmental Health and Housing Services.

## **REPRESENTATIONS**

- 6 As no re-notification has been required to be carried out at this stage there have been no further representations received during the 12 months period.

## **APPRAISAL**

### **Noise**

- 7 No further complaints have been received from neighbouring residential properties. With regards to the siting of electricity generators, all the occupied pitches now have a mains electricity supply therefore generators are no longer required. Conditions 12 and 13 remain enforceable and are currently being complied with.

### **Drainage**

- 8 As conditions 14 and 16 cannot be implemented, full Scottish Water Technical Approval has been completed by the residents and, as such, a foul connection for the pitches should be forthcoming. The costs are prohibitive and funding assistance is actively being sought by the residents. Discussions are ongoing with the Head of Housing regarding financial support towards the resolution of the drainage scheme. If approved, this would complete the required funding package and it is anticipated that works could be completed within 8 weeks of confirmation.

### **Water supply**

- 9 As with drainage this is being costed by the residents with a view to connection to the mains. The occupants are currently using bottled water for consumption with a single private water supply for washing.

### **Landscaping**

- 10 Landscaping for the wider site is complete. This relates principally to the perimeter planting, which is more of a priority for the external appearance of the site. Individual pitch landscaping is also underway where pitches are occupied. Site landscaping is being monitored as and when pitches are occupied to ensure that it is maintained to satisfy condition 15.

## **ADDITIONAL INFORMATION**

### **Paddock**

- 11 A separate planning application ref 15/02078/FLL for change of use from a paddock to form 3 (additional) gypsy/traveller pitches and erection of a fence (in retrospect) was refused on 9 March 2016. No further applications have been received and the enforcement notice served on 4 November 2015 relating to a breach of condition 8 of ref 12/00546/FLL remains in place.



- 12 Concerns have been raised with regard to general tidiness and litter in and around the site. This is not a planning matter but can confirm that Waste Services have visited site to review bin provision and continue to monitor the site going forward.
- 13 Further to the last site visit of 13 April 2018 I can confirm one additional pitch has been formed without the benefit of planning permission in the original turning area. I have advised that, as was the case with 15/02078/FLL, because the infrastructure is still not in place and a private waste water treatment system has been rejected on several occasions by SEPA, any application is unlikely to obtain support from the Planning Authority. The resident has confirmed that it is their intention to make an application for planning permission immediately. Any enforcement action will be held in abeyance pending the outcome of this application.

### **CONCLUSION AND RECOMMENDATION**

- 14 The key areas of concerns in relation to the outstanding matters identified in Paragraph 2 are progressing towards resolution.
- 15 It is recommended that a closing report is brought to Committee once all planning matters have been resolved.

Background papers: None  
Contact Officer: Eddie Jordan – Ext 75341  
Date: 26 April 2018

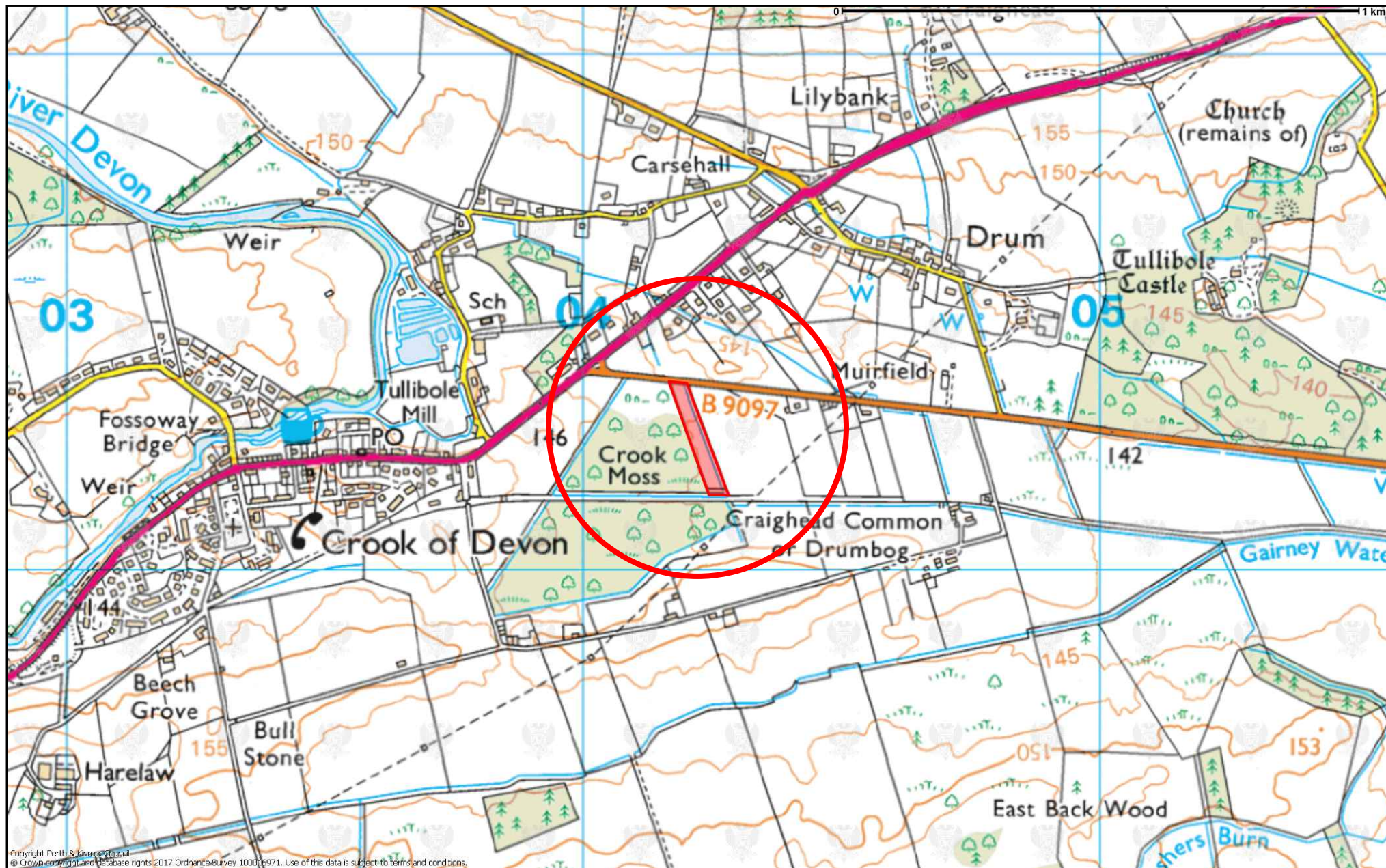
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                             |
|-------------------------------------------------------------|
| <p>You can also send us a text message on 07824 498145.</p> |
|-------------------------------------------------------------|

|                                                                         |
|-------------------------------------------------------------------------|
| <p>All Council Services can offer a telephone translation facility.</p> |
|-------------------------------------------------------------------------|





© Crown copyright and database rights 2017 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



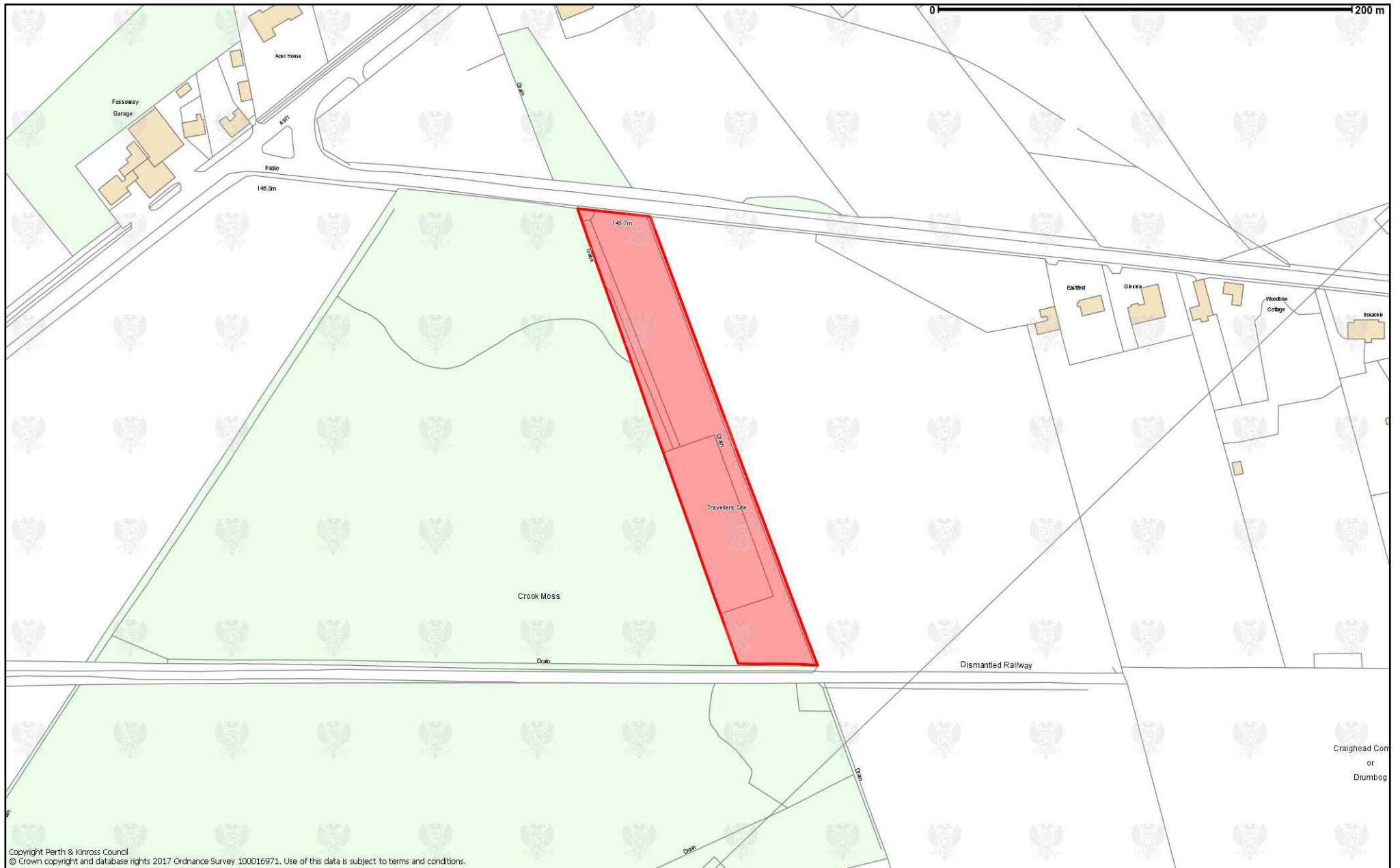
12/00546/FLL

Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway









Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2017 Ordnance Survey 100016971. Use of this data is subject to terms and conditions.

|                                                                                                                                                                                                                                                                                                                                       |                     |  |                                                                                                                                                                                                                                                                       |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>© Crown copyright and database rights 2017 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p> | <p>Scale 1:2500</p> |  | <p><b>12/00546/FLL</b></p> <p>Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway</p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|





ESTABLISHED SITE ENTRANCE & ACCESS TO BE REPLACED BY RELOCATED, IMPROVED, SECURE ACCESS - SEE 1:200 DETAILED PLAN & SPECIFICATION PLAN 3

FROM SECURE DOUBLE-LEAF GATE 5M WIDE NEW ACCESS REDUCES TO 3.5M WIDE

Paddock, enclosed by stock-proof fence

STRUCTURAL LANDSCAPING / SCREENING - SOME 87M FROM ROAD KERB, OVER 10M WIDE BASE, 2.5M HIGH, GRASSED EARTH TRANSVERSE BUND WITH, ALONG RIDGE, CONTINUOUS MIXED BEECH & HAWTHORN HEDGE (SEE ENTRANCE DETAIL 1:200 FOR SPECIFICATION) WHICH LINKS WITH HEDGE ALONG RIDGE OF 2M HIGH BUND ALONG EAST FLANK, 12 BEECH & 12 ROWAN STANDARD STAKED & TIED TREES PLANTED AS SHOWN ALONG NORTH FACE OF 2.5M HIGH & ADJACENT 2M HIGH BUND, AS SHOWN, WITH ENMAG - SEE 1:200 SECTION FOR DETAILS (B-B).

NEIGHBOURING LAND - CROOK MOSS / WOODLAND

SITE BOUNDARY

FOR DETAILS OF PITCH ELEMENTS, PITCH TREE PLANTING & EAST FLANK BUND / HEDGING & TREE PLANTING SEE 1:200 DETAILED PLAN & SPEC. PLAN 2

PLAN 1:500  
BLOCK PITCH LAYOUT & LANDSCAPING



AGRICULTURAL LAND

CROOK OF DEVON

VERGE

B9097

CARSEGOUR BRIDGE

SITE BOUNDARY  
AGRICULTURAL LAND

NOTE: FOUL DRAINAGE CONNECT, BY COMMON OUTFALL, TO SEWER UNDER B9097 - IF SCOTTISH WATER CANNOT ACCEPT THIS ARRANGEMENT, NEW BIO-DISC TREATMENT PLANT TO BE INSTALLED IN THIS AREA, TO MEET LOCAL PLAN LOCH LEVEN CATCHMENT AREA, SEPA, SNH & COUNCIL REQUIREMENTS

MIXED BEECH & HAWTHORN HEDGE ALONG RIDGE OF 2.5M HIGH EARTH BUND, PLANTED AS WHIPS, 60-90cm HIGH, 6-8 PER M @ 2 OFFSET ROWS, WITH ENMAG & PROTECTION FROM RABBITS

STANDARD TREES, BEECH & ROWAN, AS SPECIFIED & LOCATED ON 1:500 BLOCK LAYOUT PLAN

PUBLIC DOMAIN MINIMUM 7.0M DISTANT

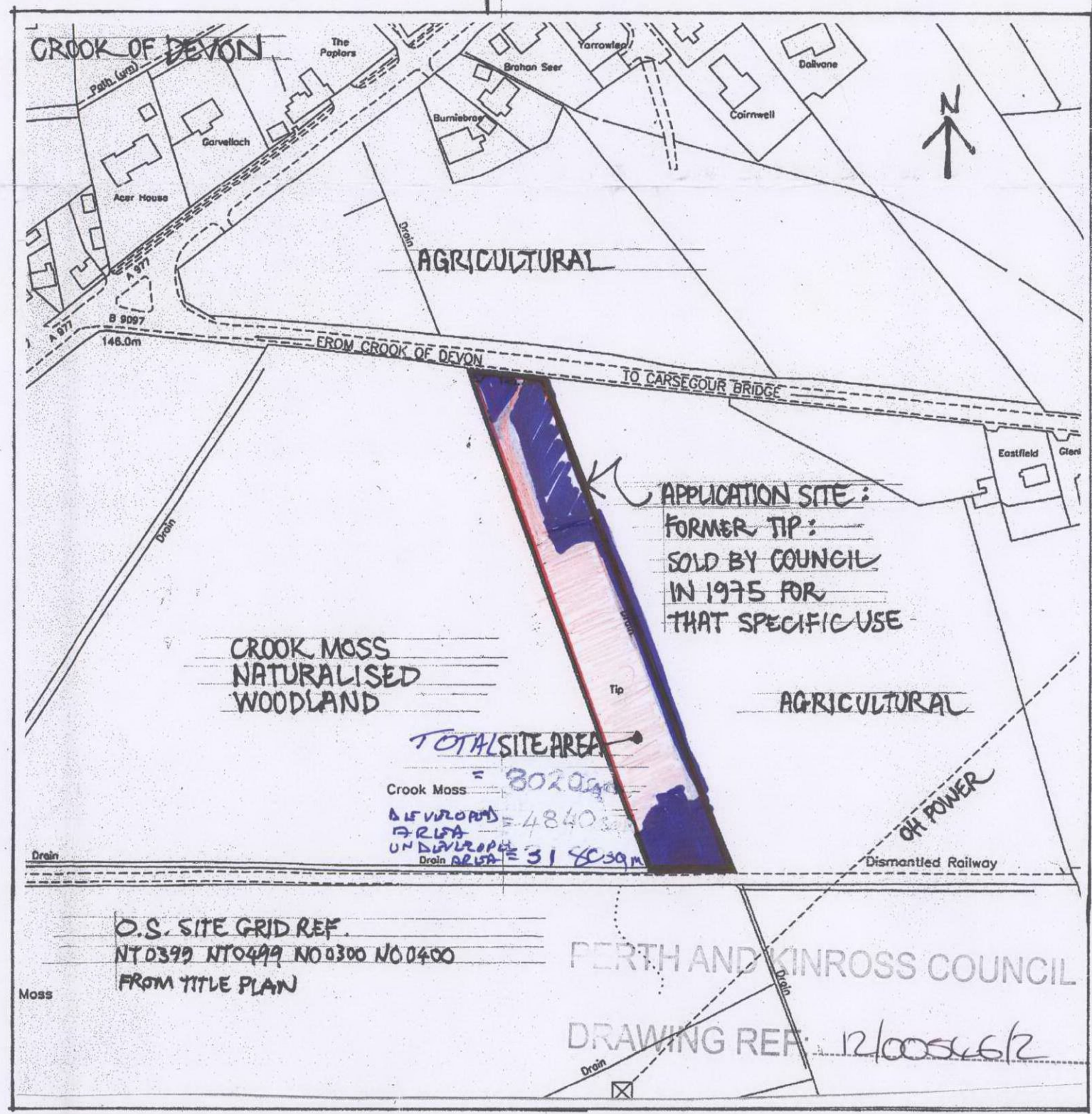
PITCH 1 OF 5  
15M DISTANT

2.5M HIGH  
GRASSED

SECTION B-B  
THRU TRANSVERSE  
LANDSCAPED BUND  
HORIZONTAL & VERTICAL 1:100

NOTE -  
STRUCTURAL LANDSCAPING - ALL TREES & HEDGING TO BE PROTECTED AGAINST RABBITS, ETC  
ANY FAILURES TO BE REPLACED OVER INITIAL 5 YEARS

LOCATION PLAN 1:2500



CHANGE OF USE TO ESTABLISH 5 PRIVATE, PERMANENT, GYPSY / TRAVELLER HOUSEHOLD PITCHES (EACH WITH PROVISION FOR 3 CARAVANS, GRAVEL FINISH YARD, PATIO / DECKED AREA, ANCILLARY UTILITY UNIT (LAUNDRY, TOILET, SHOWER, STORE), LPG TANK, PRIVACY FENCING), COMMON STRUCTURAL AMENITY LANDSCAPING, NEW COMMON TARMAC ACCESS & TWO HORSE PADDOCKS ON FORMER TIP AT CROOK MOSS, CROOK OF DEVON, KINROSS-SHIRE, KY13 0PR

APPLICANTS -  
MESSRS. J. JOHNSTONE &  
M. MACDONALD, % AGENT

AGENT -  
C.S. STRACHAN B.Sc. O.Eng. M.I.C.E  
ADLIYA, 4 LOSSET PARK, ALYTH,  
PERTHSHIRE, PH11 8GA  
TEL. 07842 190827

PLAN 1  
FROM  
MARCH 2012







Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Enforcement Report by Interim Head of Planning

Formation of five permanet gypsy/travellers pitches at Crookmoss, Crook of Devon,  
Kinross-shire

Ref. No: 12/00546/FLL  
Ward No: 8 – Kinross-shire

**Summary**

Enforcement update on alleged Breach of Conditions 9, 10, 11, 12, 13 and 14 for the formation of 5 gypsy/travellers pitches

**BACKGROUND AND DESCRIPTION**

- 1 This application was previously considered by this Committee at its meeting on 16 September 2015, 13 January 2016 and 11 May 2016 in respect of an update on the enforcement position in relation to conditions attached to the permission. It was remitted to report back to this committee after a further 12 month period. Development Management Committee report of 11 May 2016 is appended to this report for ease of reference (Appendix 1).
- 2 Members, in requesting a futher update were concerned over the conditions relating to the following areas:
  - (i) Noise (Conditions 12 and 13)
  - (ii) Drainage (Conditions 14 and 16)
  - (iii) Water supply (Conditions 10 and 11)
  - (iv) Access (Conditions 3, 4 and 5)
  - (v) Landscaping (Condition 15)
- 3 Appended to this report is a copy of the decision notice LPA ref 12/00546/FLL (Appendix 2).
- 4 All other issues in relation to the application and conditions remain the same.

**CONSULTATIONS**

- 5 Further consultations and discussions have taken place with the Scottish Water, Scottish Environment Protection Agency (SEPA) and the Council's Environmental Heath.

## **REPRESENTATIONS**

- 6 As no re-notification has been required to be carried out at this stage there have been no further representations received during the 12 months period. All representations associated with the original application are as detailed in the original Committee Report.

## **APPRAISAL**

### **Noise**

- 7 No further complaints have been received from neighbouring residential properties. With regards to the siting of the electricity generators, all the occupied pitches now have acoustic housing units for their respective generators. The alternative solution of a mains electricity supply while being prohibitively expensive is currently being pursued by the residents with assistance from Perth and Kinross Council. Conditions 12 and 13 are currently in compliance.

### **Drainage**

- 8 Scottish Water were contacted in respect of the likelihood of a mains sewer connection being available to serve the 5 pitches. A flow and load survey has been completed by Scottish Water which revealed current infrastructure is being overwhelmed by surface water infiltration which must be resolved. Scottish Water's 5 Growth Criteria was initiated by the occupants seeking resolution to the restriction on Drum Wastewater Treatment Works. Scottish Water has since lifted the embargo on 'new connections' and the residents have completed the Technical Approval process required by Scottish Water and as such a foul connection should be forthcoming.

### **Water supply**

- 9 Mains water supply will be forthcoming at a time when foul treatment is in place. In line with paragraph 7 this is being currently costed by the residents with a view to connection to the mains. The occupants are using bottled water for consumption with a single private water supply for washing.

### **Access**

- 10 We are satisfied Conditions 3 and 4 have been implemented.

### **Landscaping**

- 11 Landscaping for the wider site is complete. This relates principally to the perimeter planting, which is more of a priority for the external appearance of the site. Individual pitch landscaping is also underway where pitches are occupied. Site landscaping is being monitored to ensure that it is maintained to satisfy condition 15.

## **ADDITIONAL INFORMATION**

### **Paddock**

- 12 The Planning Application submitted for the area of ground between the consented pitches and the road frontage under ref; 15/02078/FLL for change of use from paddock to form 3 gypsy/traveller pitches and erection of a fence (in retrospect) was refused on 9 March 2016. The applicant did not appeal the planning decision and the enforcement notice remains in place. The paddock area has once again changed hands and a meeting is being sought with the new owner to discuss intentions going forward.
- 13 Concerns have been raised with regard to general tidiness and litter in and around the site. This is not a planning matter but I have asked our enforcement officer to raise this with the residents to ensure appropriate waste facilities are in place.

## **CONCLUSION AND RECOMMENDATION**

- 13 Key areas of concern in relation to compliance with the conditions attached to the permission have progressed and we are now moving towards resolution of the outstanding matters.
- 14 We propose a closing report to committee once all planning matters have been resolved.

Background papers: None  
Contact Officer: Eddie Jordan – Ext 75341  
Date: 5 May 2017

**ANNE CONDLIFFE**  
**Interim Development Quality Manager**

|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                                                                                                                        |
| All Council Services can offer a telephone translation facility.                                                                                                                                                                                            |



## PERTH AND KINROSS COUNCIL

Messers James Johnstone And Mathew MacDonald  
Mr Forbes Rowan-Spencer Marr  
Architect And Town Planning Consultant  
16 Craiglockart Road  
Edinburgh  
EH14 1HL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 10 October 2013

Town and Country Planning (Scotland) Acts.

Application Number **12/00546/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 27th March 2012 for planning permission for Formation of five permanent gypsy/traveller pitches (partly in retrospect) Land 300 Metres South East Of Fossoway Garage Fossoway subject to the undernoted conditions.

Development Quality Manager

### **Conditions Referred to Above**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to any further work taking place on the site and within 2 months of the date of this planning consent, the applicant shall submit details of a suitable SUDS scheme, to be implemented alongside the foul drainage infrastructure, all for the approval of the Planning Authority.
3. Within 2 months of the date of this planning consent the vehicular access shall be formed and permanently maintained in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
4. Within 2 months of the date of this planning consent the access shall be provided with a bitumenously bound surface and maintained as so to the satisfaction of the Planning Authority.
5. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

6. Within 2 months of the date of this consent turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be permanently maintained so to the satisfaction of this council as planning authority.
7. Within 2 months of the date of this consent a minimum of 2 No. car parking spaces per pitch shall be provided within the site and shall be permanently maintained so to the satisfaction of this council as planning authority.
8. The area of land directly adjacent and to the north of the application site which is within the applicants' ownership and indicated as a paddock area, shall remain as such and shall not be used for any other purpose unless otherwise agreed in writing with the Planning Authority.
9. The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and/or odour, therefrom, are not perceptible in any nearby domestic property.
10. A water supply complying with the appropriate British Standard and in accordance with Scottish Water Byelaws currently in force, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided on the site as soon as practicable. Water supply to caravans shall be supplied through pipes not less than 12.5mm in diameter and approved by the Planning Authority.
11. With regard to the residential caravans, a supply of pure and wholesome water complying with the Water Supply (Water Quality) Regulations 2000, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided and shall be connected to all washing and sanitary facilities within the residential caravans as soon as is practicable to the satisfaction of the Planning Authority. Adequate precautions shall be taken (or cause to be taken) to protect all service water pipes between the connection to the water main and fittings within the caravans, all to the satisfaction of the Planning Authority.
12. All plant or equipment associated with operation of the site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
13. Each of the five gypsy/traveller pitches should have in place a suitably enclosed and acoustically insulated fixed housing unit in which to install any generator brought onto site to the satisfaction of the Planning Authority. This should be installed within 3 months of the date of this consent unless otherwise agreed in writing with the Planning Authority.
14. The private waste water treatment plant and surface water discharge proposals shall be carried out in accordance with Resource & Environmental Consultants Ltd Drainage Assessment dated May 2013 and carried out within the timescale indicated under condition 16 of this consent, that is only after the foul drainage infrastructure has been installed at Harelaw Farm, all to the satisfaction of the Planning Authority.
15. The landscaping proposals including tree and hedge planting shall be implemented within 6 months of the date of this consent or within the first planting season and thereafter maintained to the satisfaction of the Planning Authority.

16. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation as outlined in the Drainage Assessment attached to this consent carried out by REC and dated May 2013 and confirmed by SEPA and SNH as satisfactory shall be installed at Harelaw Farm prior to the foul drainage infrastructure becoming operational at the development site and within 3 months of the date of this consent. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained thereafter all to the reasonable satisfaction of the Planning Authority.
17. Prior to the drainage infrastructure becoming fully operational at the development site the applicant shall submit to the Planning Authority an approved CAR licence under the Water Environmental (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project and that the Planning Authority has confirmed receipt of this licence in writing.

### **Reasons for Conditions**

1. To ensure that the development is carried out in accordance with the plans approved.
2. In the interests of environmental quality and surface water mitigation.
- 3-7. In the interests of traffic and pedestrian safety.
8. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 9-12. In the interests of residential amenity.
13. In the interests of environmental quality.
- 14-15. In the interests of environmental quality and visual amenity.
16. To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with the Kinross Area Local Plan 2004 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.
17. To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with the Kinross Area Local Plan 2004 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

### **Justification**

The proposal is considered to comply with the Development Plan and there are material considerations available which add weight to a recommendation of approval.

### **Notes**

- 1 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.

- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
  - o Displayed in a prominent place at or in the vicinity of the site of the development
  - o Readily visible to the public
  - o Printed on durable material
- 3 The application site will require a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960.
- 4 A Building Warrant will be required for this proposal.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan Reference**

**12/00546/1**

**12/00546/2**

**12/00546/3**

**12/00546/4**



Perth and Kinross Council  
Planning & Development Management Committee – 9 May 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land east of Abbeyhill, Precinct Street, Coupar Angus

Ref. No: 17/01260/FLL  
Ward No: P2- Strathmore

**Summary**

This report provides clarification on two specific matters which resulted in the Committee deferring making a decision on the planning application at the meeting of the Planning and Development Committee on 14 March 2018.

**BACKGROUND**

- 1 This planning application was previously considered by the Committee at its meeting of the 14 March 2018. A copy of the previous Committee Report is appended to this report for information purposes (Appendix 1). The Committee deferred making a decision on the planning application to seek clarification on two specific issues;
  - Confirmation of land ownership & site boundaries
  - Possibility of a vehicular access to Plot 2 via Abbey Road.
- 2 The purpose of this report is to update the Committee on these two matters.

**CONSULTATIONS**

- 3 No further external or internal consultations have been undertaken. A summary of previous consultation responses is contained in the previous Committee Report.

**REPRESENTATIONS**

- 4 No re-notification of neighbours was required. All representations associated with the planning application as initially submitted are detailed in the previous Committee Report.

## **APPRAISAL**

### **Confirmation of land ownership & site boundaries**

#### Site boundaries

- 5 Further to the discussion at the previous Committee on the land ownership and site boundaries I can confirm that there was an irregularity in the previous plans which were available online, attached to the previous Committee Report, and issued to the neighbours as part of the neighbour notification process. There was a minor discrepancy in the applicant's submitted plans, which resulted in the Council incorrectly plotting the application site. However, the correct plan was the block plan which was shown to the Committee during the Council's presentation.
- 6 A full set of amended plans, taking into account the correct site boundaries and updated land ownership position have now been lodged by the applicant and these can be viewed online through the Council's *PublicAccess* portal. The relevant amended plans are numbered 17/01260/9, 17/01260/10, 17/01260/11 and 17/01260/12 and it is these which are under consideration. As the site is slightly smaller than originally shown there was no requirement for further neighbour notification as there would be no new premises to be notified.

#### Land Ownership

- 7 Following the decision to defer, the applicant sought legal advice and consequently re-checked their title deeds for the application site. Contrary to what they previously believed, and what they declared on the original planning application forms, a small section of the planning site was not included within their titles.
- 8 To address this issue, and to ensure that the entire development is on land within the control of the applicant, amended location and block plans have been lodged which removes the area in question. As a result of this, a minor amendment is proposed to the position of the internal access only, with no change to the position of the dwellings.

### **Access from Abbey Road**

- 9 It is confirmed that Abbey Road is a private road. In order for the applicant to take vehicular access from the site to Abbey Road it would be necessary to obtain the formal agreement of all owners of this private road. The applicant has chosen not to pursue this option but rather has requested access from the site to Precinct Street which is a public road. It is therefore necessary to assess the suitability of the proposed new access to Precinct Street. As indicated in the appended Report and as discussed at the March Committee this proposed access is considered to be acceptable.

## **LEGAL AGREEMENTS**

- 10 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 11 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**

- 12 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

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

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

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

- 2 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 - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. For the avoidance of doubt, these details shall incorporate details of the new gate piers. The scheme

as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area, and to protect existing residential amenity.

- 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 order to protect the historic character of the area.

- 5 Prior to the commencement of development hereby approved details of all glazing (windows and rooflights) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area.

- 6 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme

- 7 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. Under no circumstances should any activities (including the storage of materials) encourage into the root protection areas or under the canopy of the adjacent oak tree.

Reason – In order to protect the existing trees from unnecessary damage

- 8 Prior to the occupation of either dwelling, the respective vehicular access shall be formed (and thereafter retained) in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. Precise details of the associated gate pillars at either side of the access(es) and / or any proposed gate feature shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety and to protect the historic character of the area.

## **B JUSTIFICATION**

- 15 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**

- 16 None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see *section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial

stages of design from Scottish Water and the Scottish Environmental Protection Agency.

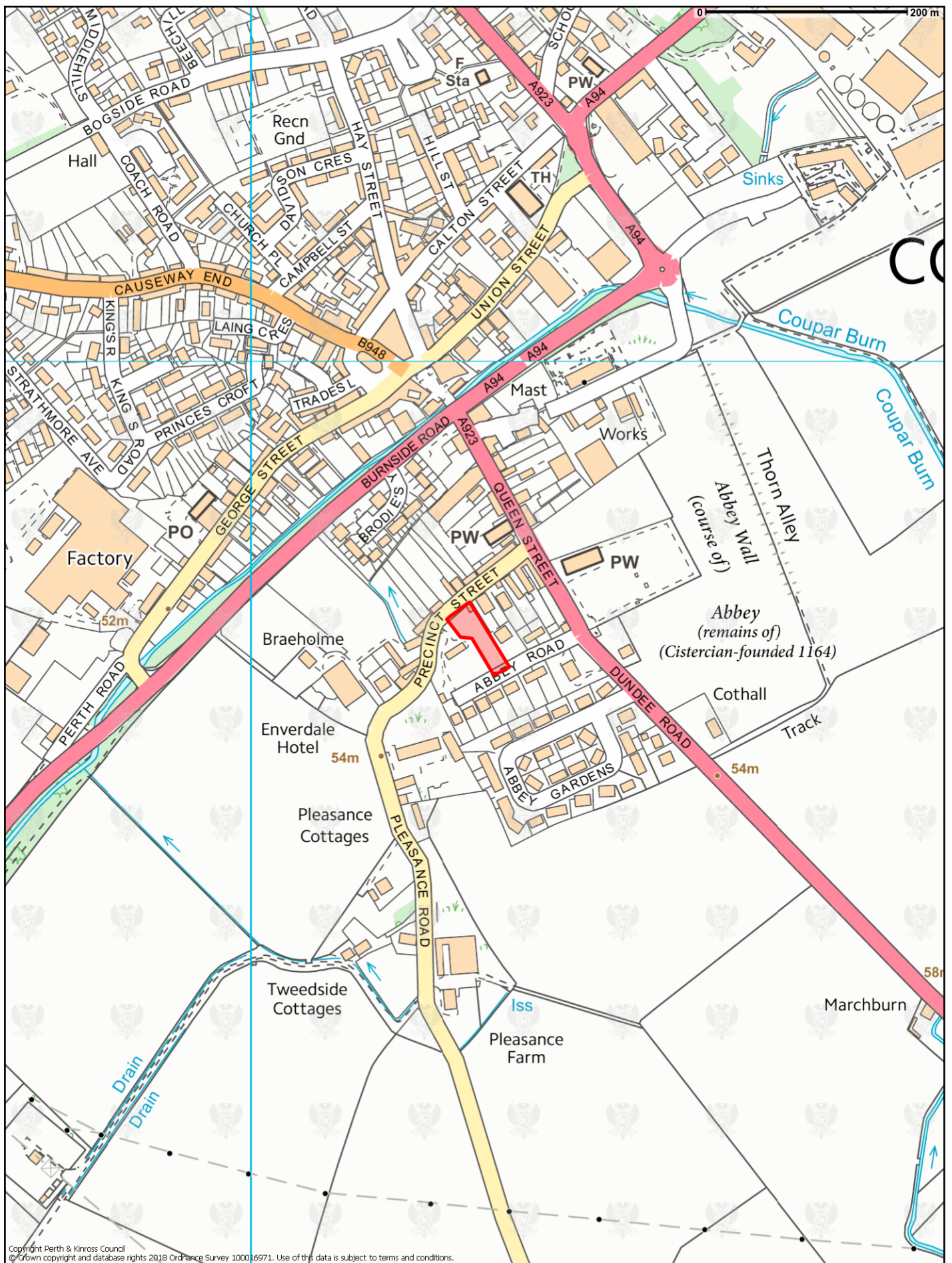
Background Papers: Committee Paper of 13 March 2018  
Contact Officer: Andy Baxter, 01738 475339  
Date: 26 April 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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.

All Council Services can offer a telephone translation facility.



© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Planning & Development  
Management Committee**



Scale 1:5000

**17/01260/FLL**

**Erection of 2no. dwellinghouses at Land 30  
Metres East Of Abbeyhill, Precinct Street,  
Coupar Angus**









Perth & Kinross Council

Copyright Perth & Kinross Council  
© Crown copyright and database rights 2018 Ordnance Survey 100016971. Use of this data is subject to terms and conditions.

© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Planning & Development  
Management Committee**



Scale 1:1250

**17/01260/FLL**

**Erection of 2no. dwellinghouses at Land 30  
Metres East Of Abbeyhill, Precinct Street,  
Coupar Angus**





Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land east of Abbeyhill, Precinct Street, Coupar Angus

Ref. No: 17/01260/FLL  
Ward No: P2- Strathmore

**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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This planning application seeks to obtain a detailed planning consent for the erection of two detached dwellings on a site located within the settlement boundary of Coupar Angus, and within the towns Conservation Area. The site is also immediately adjacent to the residential property named Abbeyhill, which is a category B listed building.
- 2 The site is sandwiched between Precinct Street (to the north) and Abbey Road (to the south). The shape of the site roughly resembles hour glass shape - ranging in its width from 30m at the Precinct Street end, to 17m across the middle to approx. 27m at the Abbey Road end. The length of the site (north to south) is approx. 75m.
- 3 The area is residential in character, with residential properties surrounding the site on all sides. The site largely laid to grass, with an existing outbuilding at the north eastern corner. There are several existing trees/bushes on the site (most ornamental), with a more substantial tree at the northern end of the site. Along the western and eastern boundaries with the neighbouring properties is existing hedging.
- 4 The proposal is to divide the site into two plots, roughly across the centre. The northern plot would have its own access directly onto Precinct Street using the existing access, whilst a second new access onto Precinct Street is proposed to give the southern plot its own private access.
- 5 Both the dwellings are of the same house type, which is a traditionally designed house type with accommodation provided within the roofspace via the use of dormers. The external finishes are stated as being natural slates on the roof, and a smooth render wall finish. The existing outbuilding is included within the curtilage of the northern plot, and is proposed to be used as a domestic store/garage.

- 6 A planning in principle consent currently exists on the site for a residential development, and the site has benefited from various other planning in principle consents since 2006.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 10 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**

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

### **Scottish Planning Policy 2014**

- 12 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.

- 13 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**

- 14 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
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places**

- 15 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**

- 16 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**

- 17 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.

### **Historic Environment Scotland Policy Statement 2016**

- 18 This document sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

## **DEVELOPMENT PLAN**

- 19 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 20 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:
- 21 *“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.”*
- 22 The following policies of the TAYplan 2017 are of particular importance in the assessment of this application.

### **Policy 6 - Developer Contributions**

- 23 Seeks to ensure suitable infrastructure is in place to facilitate new development. Developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 9 - Managing TAYplans Assets**

- 24 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

### **Perth and Kinross Local Development Plan 2014**

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population*

*and economic growth.*” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 26 The site lies within the settlement boundary of Coupar Angus, within the towns Conservation Area and within the setting of a Listed Building. To this end, the principal relevant policies are,

### **Policy HE2 - Listed Buildings**

- 27 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy HE3A: New Development in Conservation Areas**

- 28 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

### **Policy PM1A - Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy RD1 - Residential Areas**

- 31 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidencethat the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 32 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 33 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 34 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing 2016**

- 35 This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

## **SITE HISTORY**

- 36 Planning consent has existed on the site since 2006 when an outline (now planning in principle) consent was granted (06/02505/OUT) for a residential development. That consent was renewed in 2010 (10/00113/IPL), in 2013 (13/00309/IPL) and then again in 2016 (16/00187/IPL).
- 37 The 2016 consent still remains valid (until 9 March 2019) however the planning application currently under consideration is not an application for approval of



matters specified, as the applicant has chosen to apply for a detailed planning application.

## **CONSULTATIONS**

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

### **External**

39 **Scottish Water** – No objection to the proposal in terms of capacity

issues. **Internal**

40 **Structures and Flooding** – No objection to the proposal in terms of flood risk or surface water drainage issues.

41 **Transport Planning** – No objection to the proposal in terms of traffic volumes, access matters or parking provision.

42 **Development Negotiations Officer** – Confirmation that there is no requirement for any Developer Contributions.

43 **Perth And Kinross Area Archaeologist** – No objection to the proposal, but has recommend a condition requiring an evaluation of the site to be undertaken.

## **REPRESENTATIONS**

44 13 letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the letters of representations are,

- Contrary to the Local Development Plan
- Adverse Impact on Conservation Area
- Adverse Impact on setting Listed Building
- Impact on existing boundary wall
- Impact on a tree outwith the site
- Parking Issues
- Increase in Traffic Volumes
- General Road safety issues
- Impact on residential amenity
- Impact on visual amenity

45 These issues are addressed in the Appraisal section of the appraisal.

## **ADDITIONAL STATEMENTS**

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | Not Required |

## **APPRAISAL**

- 46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014.
- 47 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 site's previous planning history, the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document.

### **Principle**

- 48 Within the adopted LDP, the application site lies within the settlement boundary of Coupar Angus where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only I consider the proposed residential use to be entirely compatible with the existing uses, and this echoes the position taken during the consideration of the previous planning in principle/outline consents.
- 49 I consider the key land use issues for this detailed proposal to be whether or not the proposed layout and design is acceptable in the context of protecting the existing character and amenity (visual and residential) of the area, and whether or not the proposal is acceptable within its historic setting. For reasons stated below, I consider the proposal to be acceptable on both fronts.

### **Residential Amenity**

- 50 In terms of the impact on existing residential amenity, I have no concerns. Both the dwellings have been designed with the principal windows facing

north and south, to avoid unnecessary window to window interaction with existing properties. The closest interaction occurs with the southern dwelling, which has a pair of patio doors approx. 5m from each of its side boundaries towards the neighbouring properties rear garden areas. Whilst there are existing boundary treatments on both sides which provide a degree of protection for the existing properties, I intend to seek further landscaping / boundary treatments along these edges to ensure that the existing residential amenity of the adjacent properties are sufficiently protected (conditions 3, 6).

- 51 No regular windows are proposed at first floor level facing either east or west but rooflights are proposed on these elevations, and I note that this has been raised within the representations as an area of concern. However these roof lights serve a ground floor, double height void room with no first floor accommodation so direct overlooking is unlikely to occur as a result of these particular rooflights.
- 52 In terms of the internal interaction, the two dwellings are located approx. 18m apart and would be separated by new boundary treatments / landscaping. In addition to this, both the proposed plots provide a suitable level of usable private amenity space for the size of dwellings proposed. I am conscious of the fact that the northern plots rear (south) garden depth is slightly less than the recommended 9m at 7m, but I nevertheless consider this arrangement to be acceptable.
- 53 As well as its rear amenity area, the northern plot also has a usable area to the north which collectively gives it more than 100 sq m of usable space. It would also be the case that if the dwelling was moved further forward to achieve the 9m, then an existing tree, which is proposed to be retained would be jeopardised. To this end, I consider the 7m depth of the garden of the northern plot to be acceptable, and collectively I have no concerns in terms of residential amenity issues in relation to the impact on the existing (neighbouring) dwellings or the proposed.

### **Impact on Conservation Area / Setting of a Listed Building**

- 54 The site is located within the Conservation Area of Coupar Angus, and within the setting of Abbeyhill, a category B listed house which is located immediately to the west. Conservation advice has been sought internally which raised no concerns regarding the impact on either the Conservation Area or the setting of the listed building. I acknowledge the comments and concerns raised within some of the representations regarding the appropriateness of the house type, however I do not agree that the design or scale of the dwellings are inappropriate for this historically sensitive area, nor do I agree that the proposed finishes are unacceptable and would out of character with the surrounding area. I do however intend to seek further clarification of the new boundary treatments both internally (condition 3), details of the gate pillar/gate features relation to the accesses (condition 8), as well as details of the external finishes (condition 4). Subject to these requirements, I have no concerns in terms of the impact on the cultural assets of the area.

## **Design, Layout and Visual Amenity**

- 55 As stated above, I consider the design and scale of the proposed dwellings to be acceptable and complimentary to the Conservation Area, and the adjacent listed building. In terms of the impact on the more general visual amenity of the area, the development will inevitably change the appearance of the site when viewed from both Precinct Street and Abbey Road. However, a change in the way that a site looks should not necessarily render a proposal unacceptable. What must be considered is whether or not the resultant visual change is acceptable in its own right, and in the context of its surroundings. In this case, I consider the proposed location of the dwellings on the plots and their design and appearance to be acceptable, and would not result in a visual change that could be considered incongruous. To this end, I consider the design and layout of the proposal, and its resultant visual impact to be acceptable.

## **Roads and Access**

- 56 Within the letters of representations a significant number of concerns have been raised regarding traffic and parking issues. The scale of this development means that the level of additional vehicular movements directly associated with the development would be relevantly low, and would not have an impact on the local road network. In terms of the proposed accesses, these have been considered by my colleagues in Transport Planning, and subject to the new access being formed in accordance with the relevant access detail they have no objection to the proposed access arrangements from Precinct Street.
- 57 It is acknowledged that the new access is close to an existing private access which already serves Abbeyhill, and that visibility to the west is restricted, however the presence of a pavement, the existing access and its associated bellmouth area all help the visibility which is already restricted by the curvature of the road on the other side of the neighbour's existing access. No changes to the height of the wall are proposed, however as the location of the wall is set back approx. 2.9m from the kerb of the road it is not considered necessary to seek the reduction in the height of the wall to improve visibility. On street parking issues have also been raised within the letters of representation, however as off street parking for at least two cars is proposed for both dwellings, it is unlikely that this development will contribute to any existing on street parking issues.

## **Drainage and Flooding**

- 58 The proposal raises no issues in terms of either drainage or flooding matters. I do however note that a concern has been raised within the letters of representation in relation to flood risk. My colleagues in the Structures and Flooding team have reviewed the proposal, and have no concerns in relation to flood risk either onsite or off site as a result of the development. In terms of the disposal of surface water, this will be via a soakaway system which will ensure that surface water from the site does not spill onto neighbouring land.

## **Waste Collection**

- 59 The collection of waste and recycling will be from Precinct Street, which I have no objection to.

## **Natural Heritage and Biodiversity**

- 60 There are no known protected species or local wildlife within the site.

## **Archaeology**

- 61 Within the letters of representations some concerns regarding archaeology have been raised. PKHT have commented on the planning application, and have confirmed that the site is within an area that is considered to be archaeologically sensitive, and that the precinct boundary of the medieval Cistercian Abbey is thought to run through the development site. In February 2008, Scotia Archaeology carried out an archaeological evaluation within the northern half of the site on the footprint of the proposed northern dwelling, and no archaeological remains were encountered. However, trial excavation in 1999 in a garden to the immediate south of the southern half of the development revealed archaeological deposits associated with the monastery. To this end, it is recommended that a further archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. A compliance condition is therefore recommended to be attached to any permission to ensure that this evaluation takes place (condition 2).

## **Impact on Trees**

- 62 Within the site there are a number of existing bushes and ornamental trees, with one larger tree located within the northern part of the site – as well as existing hedging along the side boundaries. Whilst some of the smaller bushes/trees are to be removed, all of the noteworthy trees are to be retained as part of the development and this is shown on the submitted plans. Suitable conditions are proposed to ensure this (condition 7), and to ensure that adequate protection measures are in place to protect the trees during the construction phase. A concern has also been raised within a letter of representation that the development may affect a large oak tree, which is located at the southern end of the western neighbour's garden. Whilst the branches of this tree do overhang the planning site, the canopy of the tree is a significant distance away from principal area subject to development. However, this tree would be subject to the standard tree protection condition (condition 7) to ensure that the root protection area of this tree is not unnecessarily damaged during the construction phase, and that no onsite storage / construction activities take place within the trees root protection area or under the canopy - which will cross over onto the application site.

### **Existing Outbuilding**

- 63 Within the letters of representation a concern has been raised that the approval of this development could put at risk the existing outbuilding which is located at the north eastern corner of the site within the curtilage of the northern plot. This building is protected by virtue of being within the Conservation Area and any proposals for its demolition would require Conservation Area Consent. Any such application would require relevant supporting evidence to justify the demolition in line with the guidance required by Historic Environment Scotland. In any event, I do not consider this development would compromise or jeopardise the existing building and ultimately it is shown as being retained (and used) as part of this proposal.

### **Previous 2016 Consent**

- 64 Within the letters of representations a concern has been raised that the 2016 planning permission should not have been granted, and should have been refused on the basis that the proposal did not include full details of the proposed development. It is the case that there was a material change in Council policy between the 2013 consent and the 2016 application being considered, insofar as the new Local Development Plan (under Policy HE3A) specifically stated that applications for planning permission in principle in Conservation Areas would not be considered acceptable without detailed plans, including elevations, which show the development in its setting.
- 65 In light of this and bearing in mind the planning history of the site, the Council took the view that the 2016 proposal was contrary to the Development Plan, but there was material reasons (the site history) which justified the approval of the planning application. To highlight this, the following informative note was attached to the permission which made it clear that any further renewals would not be accepted in the absence of details:
- 66 *"The applicant should be fully aware that the submission, as lodged, is contrary to Perth and Kinross Council's Local Development Plan 2014 Policy HE3A insofar as detailed plans, including elevations have not been lodged as part of the formal planning application. In the event that of a future planning in principle permission being submitted, any such application which does not include detailed plans (including elevations) will be refused on the basis of non-compliance with Policy HE3A of Perth and Kinross Council's Local Development Plan 2014"*

### **Existing Boundary Wall**

- 67 A concern has been raised within the representations in relation to works to the existing boundary wall with Precinct Street. The initial plans submitted indicated the wall being 1.5m in height which would suggest a reduction from its current height of approx. 1.9m from its base. The submitted design statement however alluded to the retention (and repair) of the wall, with the only change being the required opening for the new access. The applicant has

clarified the position and submitted an amended plan which shows retention of the wall at its current height.

### **Developer Contributions**

#### Primary Education

- 68 The local primary is not operating at over 80% capacity. To this end, there is no requirement for a Developer Contribution in relation to Primary Education

#### Transport Infrastructure

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

#### A9 Junction Improvements

- 70 The site is located outwith the catchment area for A9 Junction Improvement contributions.

#### Affordable Housing

- 71 As this development is for less than 5 dwellings there is no requirement for any Affordable Housing requirements.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 73 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 74 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**

- 75 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

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

## **RECOMMENDATION**

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

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

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

- 2 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 - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area

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

Reason – In order to protect the historic character of the area, and to protect existing residential amenity.

- 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 order to protect the historic character of the area.

- 5 The rooflight(s) hereby approved shall be installed using recessed flashings (for example, EDN or EKN by Velux or equivalent).

Reason – In order to protect the historic character of the area.



- 6 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme

- 7 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. Under no circumstances should any activities (including the storage of materials) encourage into the root protection areas or under the canopy of the adjacent oak tree.

Reason – In order to protect the existing trees from unnecessary damage

- 8 Prior to the occupation of each dwelling, both vehicular accesses shall be formed (and thereafter retained) in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. Precise details of the associated gate pillars at either side of the access(es) and / or any proposed gate feature shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In the interest of protecting road and pedestrian safety.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D      INFORMATIVES**

- 1    This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (*see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2    Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3    As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4    No work shall be commenced until an application for building warrant has been submitted and approved.
- 5    The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 13 letters of representation

Contact Officer:        Andy Baxter, 01738 475339

Date:                        1 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                             |
|-------------------------------------------------------------|
| <p>You can also send us a text message on 07824 498145.</p> |
|-------------------------------------------------------------|

|                                                                         |
|-------------------------------------------------------------------------|
| <p>All Council Services can offer a telephone translation facility.</p> |
|-------------------------------------------------------------------------|