

Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/121)

**PROPOSAL:** Erection of 4 dwellinghouses and associated works

**LOCATION:** Land south of Hillcrest, Maryburgh

Ref. No: [20/00524/FLL](#)  
Ward No: P8 - Kinross-shire

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is on land south of Hillcrest, Maryburgh, Kelty. The application seeks detailed planning permission for the erection of 4 detached dwellinghouses and associated works. The majority of the site is located within the identified settlement of Maryburgh, with a small envelope of the site located outside the settlement boundary. The site previously benefitted from an in principle permission (15/01181/IPL) which was granted 31 August 2015. This permission was the renewal of a previous permission (12/00817/IPL) which was granted 16 July 2012.
- 2 With regards to recent site history, in 2017 an application was submitted for the erection of 5 dwellinghouses (17/02139/FLL). The site boundaries for that application extended beyond the settlement boundary and that of the site which was granted in principle. Consequently, the application was refused being contrary to the relevant provisions of the adopted Local Development Plan.
- 3 To address the refusal of that 2017 application, a reduced scheme was submitted in 2018 (18/01083/FLL). This proposal was reduced from 5 dwellinghouses to 4 dwellinghouses and amended the site boundaries to reflect the settlement boundary. Despite these changes, this application was also refused as it was considered that the character of the development did not respect the prevailing character of Maryburgh and there was insufficient amenity space for two of the plots. This decision was appealed to the Local Review Body who subsequently dismissed the appeal.
- 4 In 2019, a further application was submitted attempting to address the reasons for refusal on the 2018 application (19/01616/FLL). Concerns were raised with this application as the layout of the development was still considered not to be in keeping with the prevailing character of Maryburgh due to the cul-de-sac

style of development. However, prior to determination, this application was withdrawn and the current application forms its resubmission, with the layout of the development now facing the public road, a design that has been encouraged by the Planning Authority through discussions on the previous applications.

## **PRE-APPLICATION CONSULTATION**

- 5 Although no recent formal pre-application consultation has been undertaken, there has been significant discussions through the extensive site history and various previous planning applications.

## **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

- 7 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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**

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

## **Creating Places 2013**

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

## **Designing Streets 2010**

- 12 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**

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

## **DEVELOPMENT PLAN**

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

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

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

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*

*life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping Better Quality Places
- Policy 6 – Developer Contributions

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

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

- 18 The principal relevant policies are, in summary;

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 6 – Settlement Boundaries
- 17 – Residential Areas
- 39 – Landscape
- 41 – Biodiversity
- 52 – New Development and Flooding
- 56 – Noise Pollution
- 58A – Contaminated and Unstable Land: Contaminated Land
- 58B – Contaminated and Unstable Land: Unstable Land
- 60B – Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 19 [99/01733/OUT](#) - Erection of 2 houses (in outline) Decision Issued 2 March 2000: Application Approved
- 20 [03/00329/OUT](#) - Renewal of planning permission to erect 2 houses (in outline) Decision Issued 24 March 2005: Application Approved
- 21 [08/00019/OUT](#) - Erection of 4 dwellinghouses (in outline) Decision Issued 8 August 2008: Application Approved
- 22 [12/00817/IPL](#) - Residential development (in principle) Decision Issued 16 July 2012: Application Approved

- 23 [12/01668/AML](#) - Erection of 3 dwellinghouses (approval of matters specified in conditions) Decision Issued 28 January 2015: Application Withdrawn
- 24 [15/01181/IPL](#) - Renewal of existing permission 12/00817/IPL (residential development in principle) Decision Issued 31 August 2015: Application Approved
- 25 [17/02139/FLL](#) - Erection of 5 dwellinghouses and associated works Decision Issued 5 February 2018: Application Refused
- 26 [18/01083/FLL](#) - Erection of 4 dwellinghouses, 2no. garages and associated works Decision Issued 10 August 2018: Application Refused
- 27 [19/01616/FLL](#) - Erection of 4 dwellinghouses and associated works Decision Issued 3 December 2019: Application Withdrawn

## **CONSULTATIONS**

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

### **External**

- 29 **Cleish And Blairadam Community Council** – Object to the development as being out of character with the area, overdevelopment, visual impact, loss of rural identity, and concerns with the site boundaries in relation to the settlement boundary.
- 30 **Scottish Water** - No objection. There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development. There is however no Scottish Water Waste Water Infrastructure available to service the development.
- 31 **The Coal Authority** - No objection, subject to the imposition of a planning condition in relation to site investigations.

### **Internal**

- 32 **Structures & Flooding** - The Structures and Flooding Team initially requested further information in relation to the drainage of the site. Having assessed this further information, they have no objection to the proposed development, subject to a condition requiring a survey of the existing drainage.
- 33 **Transport Planning** - Transport Planning initially requested some amendments. Having assessed the further information received Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access and turning facilities.
- 34 **Development Negotiations Officer** - No contributions required.

- 35 **Environmental Health (Contaminated Land)** - No objection subject to conditional control regarding ground contamination.
- 36 **Environmental Health (Noise Odour)** - No objection subject to an informative in relation to the operation of the proposed stoves.

## REPRESENTATIONS

- 37 13 letters of representation, including a letter from Cleish and Blairadam Community Council, were received objecting to the proposal with the following concerns:
- Increase in traffic and road safety concerns
  - Contrary to the Local Development Plan
  - Out of character with the area
  - Overdevelopment, inappropriate density, design, scale and land use
  - Adverse impact upon visual amenity and setting of Maryburgh
  - Flood risk and drainage (reference to septic tanks and soakaways)
  - Concerns with title deeds/ land ownership
  - Impact upon Cleish Primary School
  - Pollution to neighbouring burn
  - Loss of sunlight and daylight
  - Light and noise pollution
  - Loss of view
- 38 These issues will be addressed within the Policy Appraisal section of this report, except for loss of view and title deed concerns. Loss of view is not a material planning consideration and title deeds concerns are a civil matter.

## ADDITIONAL STATEMENTS

39	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted (Supporting Statement)
	Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: Coal Mining Report Flood Risk Assessment Acoustic Report

## APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local

Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Guide 2020.

### **Principle**

- 41 The site boundaries for this current application extend beyond the identified settlement boundary of Maryburgh. However, the proposed area for development is located entirely within the settlement boundary including the garden ground for the four dwellinghouses. It is not proposed to develop any of the site which is located out-with the settlement boundary. The red-line boundary has only been drawn in this way to reflect current land ownership. A condition will be added to ensure that no development takes place out-with the settlement boundary (Condition 10).
- 42 Although comments were made within the letters of representation received regarding the site boundaries extending beyond the settlement boundary, due to the developable area of the site being located entirely within the settlement boundary, this is of limited concern. As the developable area of the site is located entirely within the settlement boundary of Maryburgh on undesignated land, the principle of residential development on this site is considered to comply with the Local Development Plan.

### **Design and Layout**

- 43 Each of the units is considered to be of a relatively high-quality design with an appropriate material palette which is suitable for the site. These materials include; grey tiled roof, smooth white render, timber horizontal cladding and grey upvc windows. The units incorporate large glazing features, a combination of materials and extruding chimney features which give them a high degree of character which is appropriate for this prominent site at the northern entrance to Maryburgh. Whilst some concerns have been raised in relation to the design through the letters of representations received, it is considered that the proposed designs would complement the diversity of designs that are currently in existence on the Maryburgh streetscene. With regards to massing and scale, whilst concerns have been received, the massing and scale is considered to be proportionate to neighbouring plots and thus is not considered to appear out of place or to dominate the streetscene.
- 44 With regards to layout, as mentioned above, the previous schemes for the site have not been supported by the Planning Authority due to the cul-de-sac style development and the lack of usable amenity space for each of the plots. This current application now aligns the development to face the street which is more consistent to the prevailing character of development within Maryburgh. The removal of the cul-de-sac element also allows for each of the plots to have an increased amount of garden ground. Whilst concerns have been raised regarding the building line, it is considered that the building line is appropriate for the site to respect the established character of the village as a whole.

- 45 Overall, it is considered that the design and layout of the proposed scheme will complement Maryburgh and will not be out of character with the surrounding development. It is also noted that the vacant site to the south is located within the settlement boundary of Maryburgh and may be developed in the future and affords a potential opportunity to link this development with the remainder of the village to the south.

### **Landscape and Trees**

- 46 The site slopes upwards from the public road in the east to the M90 Motorway in the west. The submitted site sections clarify that the proposal can be suitably accommodated with minimal re-contouring. Small retaining walls are proposed between each of the plots all below 1.2m in height. Conditional control will ensure that full details of the retaining walls will be agreed prior to the commencement of development (Condition 5).
- 47 There are a number of trees located along the southern and eastern boundaries of the site. The majority of these trees are to remain and this will help provide an element of screening for the development, contributing to the visual amenity of the proposed site. Conditional control will ensure their protection during construction (Condition 6).

### **Boundary Treatments**

- 48 During the assessments of the previous applications on the site, concerns were raised with regard to the proposed boundary treatments, particularly to the west of the site which will bound an agricultural field. The proposed development now shows that this boundary treatment will be new timber fencing and hedging. Conditional control will ensure that the hedging is implemented and the fencing is of an acceptable standard in this area (Condition 4). This will help to create a soft boundary treatment with the neighbouring field.

### **Residential Amenity**

- 49 With regards to the proposed dwellinghouses, the orientation of windows on each of the proposed units is considered to be appropriate, with no properties directly looking into each other. Overlooking was a concern on previous applications on the site. This is addressed through the current proposal in terms of how the houses have been orientated. The property at Plot 4 no longer looks directly into the grounds of Hillcrest. It is therefore considered that the siting of the units does not create any issues in relation to overshadowing.
- 50 With regards to Hillcrest to the north of the site, which is the property most affected by the proposed development, it is noted that the principal elevation of this property directly faces the proposed development site. The nearest unit to Hillcrest is Plot 4, which is sited approximately 13.8m from the principal elevation of Hillcrest and 5.3m from the site boundary. The elevation of Plot 4 facing Hillcrest is the gable end and the only windows proposed on the upper floor of this elevation are for a staircase and bathroom. There will therefore be minimal overlooking created from this plot and, as stated above, Hillcrest is the



only existing property affected by the proposed development. Due to the height of the proposed buildings and the gradient of the land, it is considered that there will be no adverse overlooking created from Hillcrest to the proposed new dwellinghouses. There is a proposed intervening land use between Plot 4 and Hillcrest in the form of a field access. This was encouraged by the Planning Authority during the assessment of the previous applications to ensure separation and prevent overlooking and overshadowing.

### **Roads and Access**

- 51 Each of the 4 plots has private parking facilities with Plots 1 and 4 having integrated single garages. All plots will be accessed from the public road and have suitable turning facilities within the site to allow for all vehicles to exit the site in a forward gear. The Council's Transport Planning team initially requested some amendments to the overall arrangement, including the provision of a footpath along the site frontage. These amendments were made and Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access & turning spaces (Conditions 8 & 9). Whilst I note the comments received in letters of representation regarding road safety and traffic generation, I along with Transport Planning am satisfied the proposed arrangements are sufficient for the scale of the development and raise no adverse concerns.

### **M90 Motorway Noise**

- 52 The site boundary is approximately 90 metres from the M90 motorway with an agricultural field separating the two. An Acoustic Report was submitted accompanying the application to demonstrate the acceptability of the site for residential development. The Acoustic Report has been reviewed by the Council's Environmental Health team who have raised no objection. It is therefore considered that the noise associated with the M90 will be at an acceptable level for future occupiers of the proposed development.

### **Coal Mining**

- 53 The site lies within an area where coal mining once existed. This creates the potential for ground instability through unused and unmapped mines. Through the previous applications for the site, the Coal Authority objected to the proposals, however this was addressed through the submission of additional information and conditional control. The Coal Authority has responded to this consultation and again has no objection to the proposed development subject to conditional control (Condition 7).

### **Contaminated Land**

- 54 Given the history of the previous coal mining activity in the area there is a potential ground gas issue at the proposed development site which should be considered in order to determine the suitability of the site for the proposed use. Environmental Health, in their consultation response have therefore recommended a condition, requiring a Desk 1 study to be undertaken prior to

the commencement of works. This will ensure that any ground contamination is dealt with accordingly (Condition 2).

### **Natural Heritage and Biodiversity**

- 55 There are no records of protected species on the development site and the current state of the site as an agricultural field does not provide a high quality habitat opportunity for protected species. It is therefore considered unlikely that there are protected species present on the site and therefore, in agreement with the Council's Biodiversity Officer, no biodiversity surveys were requested.

### **Drainage and Flooding**

- 56 A drainage plan has been submitted which shows that the development will be connected to the existing drainage culvert in place which runs underneath the road to the east. Whilst the letters of representation are noted which raises the drainage of the site as a cause for concern, this is considered to be appropriate for the scale of the development. A drainage report was submitted with the application to demonstrate the effect of the development during a 1 in 200-year flood simulation. This drainage report concludes that there will be no adverse impact from the development compared to the existing situation.
- 57 The Structures & Flooding team originally objected to the proposed development due to a lack of information regarding the drainage of the site. This information was subsequently submitted in the form of an amended drainage report and Structures & Flooding have now removed their objection, subject to conditional control (Condition 3)

### **Waste Collection**

- 58 Each of the plots has sufficient storage for the required number of waste bins. An informative is proposed in relation to waste collection (Informative 12).

### **Conservation Considerations**

- 59 The site is not in a designated Conservation Area or in close proximity to any Listed Building or any other designated site of historical interest. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **Developer Contributions**

#### Affordable Housing

- 60 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 61 This application is for four units only and therefore no contribution is required in respect of Affordable Housing.

## Primary Education

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

## **Economic Impact**

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

## **LEGAL AGREEMENTS**

- 65 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 66 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**

- 67 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.
- 68 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application.**

## **Conditions and Reasons for Recommendation**

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

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

- 2 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.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 3 Prior to the commencement of development, a CCTV survey of the existing culvert downstream of the site (under the road) shall be carried out, and a report on its condition and any remedial works required shall be submitted to the Council as Planning Authority for approval. Thereafter, any remedial works agreed shall be undertaken prior to the construction of the dwellinghouses, to the satisfaction of the Council as Planning Authority.

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

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

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 5 Prior to the commencement of development, full details of the retaining walls shall be submitted to the Council as Planning Authority for approval. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

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

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

- 7 The recommendations in the Coal Mining Surveys hereby approved (20/00524/9), shall be fully adhered to during the construction period and shall be in full consultation with The Coal Authority, all to the satisfaction of the Council as Planning Authority.

Reason - To take account of the coal mining risk associated with the development site.

- 8 Prior to the development hereby approved being completed or brought into use, each vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

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

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

- 10 For the avoidance of doubt, the area of land located out-with the settlement boundary of Maryburgh shall not be developed as part of this planning permission.

Reason - In order to clarify the terms of the permission.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/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 Environment Protection Agency.
- 6 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
- 7 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be

submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 8 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.
- 9 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 10 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.

- 11 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn).
- 12 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 13 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 13 letters of representation  
Contact Officer: Sean Panton  
Date: 16 July 2020

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

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