

Perth and Kinross Council  
Development Management Committee – 19 October 2016  
Report of Handling by Interim Head of Planning

**Erection of 13 dwellinghouses and associated works at former site of Levensglenn  
Nursing Home, Glenlornond, Kinross**

Ref. No: 16/00751/FLL  
Ward No: N8 – Kinross-shire

**Summary**

This report recommends approval of the application for the erection of 13 dwellinghouses and associated works as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to the former Levensglenn Nursing Home within the small village settlement of Glenlornond, located 650m to the north of Wester Balgedie. The former nursing home closed in 2014 as it was uneconomical to operate the home and it has remained vacant since its closure. The complex of buildings comprises two single storey wings which accommodated 72 bed spaces and a number of associated buildings containing the kitchen, dining area and offices. The majority of the buildings were originally associated with the former WW1 hospital that stood at Glenlornond until the site was redeveloped for housing during the latter half of the 20<sup>th</sup> Century.
- 2 The existing built development at Glenlornond is quite varied with a wide variety of house styles ranging from bungalows and terraced cottages to more modern two storey houses built in the 1980s and 90's, and two and three storey former hospital buildings that have been converted into flats and houses. The site itself extends to approximately 0.958 ha and is bound to the north-east by the residential properties at Bishops Court and the Lime Tree House, and to the north by the flats at Lornond House. To the north-west lies a public car park, whilst to the south-west the site is open with views across the Loch Leven Basin. To the south and south-east the site is bound by dense mature shrubs and mixed woodland.
- 3 Full planning permission is being sought for the demolition of the existing complex of buildings and the erection of 13 detached dwellinghouses within the site. The proposed development will feature five different house types, all of which are two storeys and of similar design. The plots within the lower western half of the site (Plots 6 – 11) have a slightly lower ridge height with the upper floor accommodation partially accommodated within the roof space and served by dormer windows. The other remaining plots (Plots 1 – 5, 12 & 13) are full two storey dwellings. All of the units have either a single or double integral garages with the exception of Plot 13 which has a detached double garage. The finishing materials are detailed as white rendered walls, elements of natural stone, red pantile type roof tiles, and grey coloured windows, fascias and soffits.

- 4 The development will be served by one single road which will take its access from the existing road within the village directly opposite Lomond House. The applicant is also proposing to provide two new passing places on Dryside Road between Glenlomond and Wester Balgedie, the positions of which will be formally agreed with the Council prior to development.
- 5 It is proposed that all surface water will be handled on site by SUDS arrangements comprising a mixture of swales and drainage trenches. All waste water from the development will be connected to the existing private waste water treatment plant to the north of the Glenlomond which services the entire village.

## **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) was published on 23 June, 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- 8 Of relevance to this application are:
  - Paragraphs 109 – 134: Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

- 9 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 10 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*

- 11 Under the TAYPlan the principal relevant policy is:-

**Policy 5: Housing**

- 12 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

**PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 13 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary:

**Policy PM1A - Placemaking**

- 15 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 PM1B - Placemaking**

- 16 All proposals should meet all eight of the placemaking criteria.

**Policy PM3 - Infrastructure Contributions**

- 17 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**

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that 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.

**Policy EP3B – Water, Environment and Drainage**

- 19 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the

natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C – Water, Environment and Drainage**

- 20 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP7A - Drainage within the Loch Leven Catchment**

- 21 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

### **Policy EP7B - Drainage within the Loch Leven Catchment**

- 22 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

### **Policy EP7C - Drainage within the Loch Leven Catchment**

- 23 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

### **Policy EP12 – Contaminated Land**

- 24 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Policy NE2A – Forestry, Woodland and Trees**

- 25 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B – Forestry, Woodland and Trees**

- 26 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

## **Policy NE3 – Biodiversity**

- 27 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse

## **OTHER POLICIES**

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

- 28 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 29 Until late 2014 the site was in use as a nursing home but due to the poor condition of the buildings and the costs involved with bringing the nursing home up to the Care Commissions standards, the home was closed as it was no longer economically viable to operate the business.
- 30 The site was then purchased by the current applicant in 2015 and a planning application was submitted for the erection of 14 houses (Ref: 15/01834/FLL). The layout of the development and detailed design of the proposed houses was not considered to be appropriate and following further discussions the applicant withdrew the application in order to redesign the proposals. The applicant also needed to undertake further surveys in relation to bats, trees and surface water drainage.

## **CONSULTATIONS**

### **External:**

- 31 **Scottish Water** – No comments received.
- 32 **Portmoak Community Council** – No objection to proposed redevelopment of site subject to the provision of three passing places of a specification that can accommodate large construction vehicles and warning signage being installed at either end of Wester Balgedie.

### **Internal:**

- 33 **Transport Planning** – No objections to the proposed development subject to the provision of two passing places, the details of which can be secured by condition.
- 34 **Environmental Health** – The proposed development is on land that is identified as having a formerly been a hospital. There is potential for the ground to be impacted by contamination from this former land use. For example, there may be areas where waste was disposed of on site, or areas of made up ground.

- 35 **Local Flood Prevention Authority** – No objection. The site is not at risk of flooding but a small un-named field drain to the south east of the development site which runs from the pond at Hillview could impede the effectiveness of soakaways during a rain event. The detailed investigations relating to infiltration rates and groundwater demonstrate that the proposed swales and infiltration trenches have the capacity to attenuate and cope with surface water run off during high rainfall events. The applicant should ensure that existing surface water drainage can cope with runoff from the increased impermeable area of the proposed development.
- 36 **Contributions Officer** – No education contribution is necessary but a contribution in lieu of on-site affordable housing amounting to £48,750 will be required.
- 37 **Community Waste Advisor - Environment Service** – This development will be on the '3 bin' system. The developer should note the requirements for refuse collection vehicle access to the site if relevant.

## REPRESENTATIONS

- 38 7 valid letters of objection have been received from 6 residents and Kinross-shire Civic Trust. The grounds of objection can be summarised as follows:
- Overdevelopment
  - Inappropriate design / scale
  - Road safety
  - Increase in traffic including large delivery vehicles
  - Existing road infrastructure not capable of accommodating additional traffic
  - Lack of parking
- 39 These issues are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

40	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Bat and Tree Survey Submitted

## APPRAISAL

### Policy

- 41 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 determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which

justify a departure from policy. The most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

- 42 The proposed site is located within the village settlement boundaries of Glenlomond where Policies RD1 'Residential Areas' and PM1 'Placemaking' of the Local Development Plan are directly applicable.
- 43 Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 44 Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 45 Other relevant policy considerations are identified within the in the policy section.
- 46 For reasons stated below, and subject to restrictive conditions being imposed on any consent, I consider this detailed proposal to be consistent with all the aforementioned policies.

### **Design and Layout**

- 47 The design and layout of the proposed development is considered to be acceptable and appropriate given the variety of house styles within Glenlomond. The revised layout and reduced scale of the proposed houses is a significant improvement over the previous scheme. The staggered reduction in height of the proposed houses from east to west reflects the gentle sloping nature of the site and the layout now makes better use of both the physical dimensions of the site and also the views westwards across Loch Leven. The detailed design and finish of the proposed houses also better reflects the more traditional vernacular character of housing in the area and avoids appearing too much like a suburban addition to the village.
- 48 It is therefore considered that the scale, design and finish of the proposed extension is acceptable and in accordance with Placemaking Policies PM1A and PM1B.

### **Residential Amenity**

- 49 It is considered that the proposed layout of the development provides an acceptable level of amenity for both the residents of the proposed new houses and the existing neighbouring houses adjacent to the site.
- 50 The plots range in size across the development but the smallest plot within the development (Plot 8) will still have a rear garden extending to approximately 143sqm which is a reasonable area for a family home and comfortably exceeds the Council's normal minimum standard of 100sqm. Furthermore, most plots have

a rear garden that exceeds 180sqm which is equal to or larger than many of the neighbouring plots within Glenlomond.

- 51 In terms of neighbouring amenity, the proposed development will not result in any significant levels of overlooking or overshadowing. The nearest properties at Bishops Court lie to the north east of the site but these houses are elevated above the site and, as such, any overlooking or overshadowing will be limited. Furthermore, none of the proposed houses will have any windows with direct line of sight within 9m of the site boundary.

### **Roads and Access**

- 52 It is noted that a number of concerns have been expressed in regards to road safety both in respect to the circulation of traffic within Glenlomond and the potential increase in traffic, particularly in relation to larger vehicles, on the main road through Wester Balgeddie on the U243 Dryside Road.
- 53 The existing road that serves as the main access route to Glenlomond is a relatively narrow single lane rural road which runs from the A911 through the small village of Wester Balgedie and then up to Glenlomond. There are a number of points on the road where both width and visibility is quite restricted, particularly within Wester Balgedie itself. A number of concerns have consequently been raised regarding the ability of the existing road network to accommodate the additional type and amount of traffic generated by the development.
- 54 In the first instance, it is important to highlight that until very recently a 72 bed nursing home operated from this site and the amount and type of vehicles generated by previous nursing home will likely have been noticeably higher than the level of traffic that would be generated by this proposed residential development. This would have been particularly notable at shift times but there would have also been traffic from visiting relatives and larger service vehicles delivering provisions for the home. The majority of this traffic, if not all, would have travelled to and from the site via Dryside Road which runs through Wester Balgedie. A significant proportion of the vehicles would have also driven into Glenlomond and used the existing car park to the north west of the site.
- 55 As such, it is not considered that the proposed development of 13 dwellinghouses on this site would result in any increase the level or type of traffic generated by the previous nursing home.
- 56 Nevertheless, the applicant has noted the concerns expressed in relation to the narrow width of Dryside Road leading from Wester Balgedie to Glenlomond and, in order to improve the situation, they are willing to provide 2 passing places on Dryside Road. It was suggested that these passing places would be formed by improving two existing field accesses alongside Dryside Road and provided prior to the occupation of any house. However, it is considered that they should be formed prior to the commencement of development as this would also assist in the safe movement of construction vehicles and should therefore be secured by way of a condition of any consent.



- 57 The applicant has also noted the Community Council's comments in relation to the provision of improved signage for Wester Balgedie and has offered to make a voluntary payment towards the provision of such signage. However, the provision of any road safety signage on a public road is a separate matter that would need to be discussed and agreed with the Council as Road's Authority. It is therefore suggested that the applicant should therefore contact the Road's Authority to discuss any voluntary contribution towards road safety signage.
- 58 The Council's Transport Planner, who has also been consulted, acknowledges the concerns in relation to the existing road network nevertheless but does not consider that the proposal will add significantly to the type and amount of traffic using the local network, nor would it cause the network to operate beyond capacity. Some objectors have suggested that a by-pass be provided by the applicant from the site direct to the A911. However, planning conditions must be fair, reasonable and proportionate to the development being proposed. It is not fair, reasonable or proportionate to expect that a redevelopment of a former nursing home into 13 houses would facilitate such an increase in traffic as to justify the building of a by-pass. The Transport Planner does however agree that it would be reasonable to consider the possibility of formalising some informal passing places along the U243 as per the applicant's commitment referred to above.

### **Flood Risk**

- 59 The site is not located within any areas at risk to a 1 in 200 year flood event, as per SEPA's indicative flood maps. As such the site is not known to be at risk to flooding.

### **Surface Drainage**

- 60 The applicant has undertaken a site investigation of the existing ground conditions and submitted a Drainage Strategy Statement which details the proposed means of surface water drainage. It is proposed that all surface water will be handled on site by SUDS arrangements comprising a mixture of swales and drainage trenches within the development site.
- 61 The Council's Flood Prevention Team have reviewed the proposed drainage strategy and advised that the detailed investigations relating to infiltration rates and groundwater demonstrate that the proposed swales and infiltration trenches have the capacity to attenuate and cope with surface water runoff during high rainfall events. It is nevertheless recommended that the applicant should ensure that existing surface water drainage can cope with runoff from the increased impermeable areas of the proposed development. This matter can be satisfactorily addressed by means of a condition.

### **Waste Water Drainage – Loch Leven Catchment Area**

- 62 The site is located within the Local Leven Catchment Area where foul drainage from new proposals is strictly regulated in order to reduce phosphorus levels entering the loch. However the village of Glenlomond is served by a large private sewage treatment works which was originally constructed to serve the hospital

that previously stood on the site. Crucially the outfall from this private waste water works discharges to the River Eden 3km to the north which is located out with the Loch Leven Catchment Area.

- 63 In this instance the applicant is proposing that all the waste water from the development will be discharged to the existing private system that serves the village. It has also been confirmed that the existing system has sufficient capacity to serve the proposed development. The development will therefore not have any impact on the Loch Leven Catchment Area. However, for the avoidance of any doubt, a condition should be applied which requires all waste water to be connected to the said existing private waste water treatment works.
- 64 It is noted that concerns have previously been expressed in relation a possible leak in the outfall pipe from the private system which may result in the outfall discharging onto land within the catchment area. These concerns are unsubstantiated and no specific evidence has been submitted to support these claims. Furthermore, the licensed discharge point is identified as being to the Eden River and any issue with the operation of the system, such as a potential breach in outfall pipe, is a separate licensing matter which should be raised with SEPA. The issue has in fact been raised with SEPA and they are not aware of any problems with the outfall pipe.

#### **Presence of Protected Species - Bats**

- 65 The applicant has undertaken a Bat Survey of the existing structures within the site. The survey concluded that whilst all the buildings contain external features which could potentially offer opportunities for bat access, there was no evidence of any bats within the buildings.
- 66 Whilst the findings of this survey are accepted, it is possible that the structure could be used by bats at any point prior to development which is acknowledged within the survey. It is therefore considered prudent that the applicant should take suitable precautions to ensure that no bats are harmed during the demolition of the buildings and this should be highlighted by way of an Informative note.

#### **Retention of Trees**

- 67 The site itself does not contain any trees but there is a dense area of mixed woodland that extends the full extent of the south eastern boundary. This area of woodland is a substantial landscape feature of the both the site and the village. It provides an important level of containment to the site, particularly when viewed from the south.
- 68 Whilst none of these trees actually stand within the site, the canopy of a substantial number of these trees extends onto plots 5, 6, 12 and 13.

- 69 In order to assess the impact that development would have on the adjacent trees the applicant has undertaken and submitted a Tree Survey. In summary, the survey identifies that only one tree (a sycamore) which is located to the east of Plot 13 would be potentially affected by the proposals. All other remaining trees are assessed as either being too low down the banking to be affected, or are already in an area where the root system will be up to the foundation of the existing building. In conclusion, the survey recommends the removal of the single sycamore tree identified in order to facilitate the development of Plot 12 with the remaining trees protected as per the requirements of BS 5837 2012.
- 70 From a review of the survey and a site visit it is considered that the loss of the single sycamore tree identified will not diminish the integrity, both in terms of landscape or biodiversity value, of the adjacent woodland. I am therefore satisfied that subject to suitable protective measures, the proposed development will not have a significant impact on the trees immediately adjacent to the site boundary. As noted in the report, the existing timber fence that runs the entire length of the boundary with the woodland would provide adequate protection to the trees. However, it is nevertheless recommended that a condition be applied to ensure that adequate tree protective measures are put in place for the duration of the development.

### **Contamination**

- 71 The Contaminated Land Officer (CLO) has reviewed the proposals and advised that the proposed development is on land that is identified as having a formerly been a hospital. There is consequently potential for the ground to be impacted by contamination from this former land use. For example, there may be areas where waste was disposed of on site, or areas of made up ground. The CLO has therefore recommended a condition requiring that prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) submitted for consideration by the Council as Planning Authority.

### **DEVELOPER CONTRIBUTIONS**

#### **Education**

- 72 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 73 This proposal is within the catchment of Portmoak Primary School which presently has no capacity concerns.
- 74 No education contribution is therefore required in this instance.

## **Affordable Housing**

- 75 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.
- 76 In this particular instance the affordable housing requirement is 3.25 units (13 x 25%). On this occasion, a commuted sum payment is considered acceptable in lieu of onsite provision. The commuted sum for the Kinross Housing Market Area is £15,000 per unit. The total commuted sum payment in lieu of affordable housing is therefore £48,750.

## **ECONOMIC DEVELOPMENT**

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

## **LEGAL AGREEMENTS**

- 78 It is possible that a s75 legal agreement may be required to secure the payment of the required affordable housing contributions if the applicant chooses to defer the payment.

## **DIRECTION BY SCOTTISH MINISTERS**

- 79 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 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**

- 80 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of the development hereby approved, samples of all external finishing materials shall be submitted to and agreed in writing by the Council as Planning Authority. The finishing materials as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 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.

- 4 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. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 5 Prior to the commencement of works on site, the applicant shall agree in writing a scheme of localised road widening on the U243, to the satisfaction of the Council as Roads Authority. The approved works shall then be undertaken prior to the commencement of any development on the application site.

Reason - In the interests of road safety.

- 6 All foul waste water from the proposed development shall be discharged to the existing private waste water treatment plant that serves Glenlomond village.

Reason – In order to ensure that all waste water is discharged to the existing system and in the interests of protecting the qualifying interests of the Loch Leven.

- 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.

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

- 8 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.

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

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

- 10 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.

## **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**

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the

application may be refused under delegated powers without any further discussion with the applicant.

## **D INFORMATIVES**

- 1 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.
- 2 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.
- 3 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).
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that the granting of planning consent 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 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.
- 7 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

- 8 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 7 letters of representation

Contact Officer: David Niven – Ext 75345

Date: 4 October 2016

**Nick Brian**  
**INTERIM HEAD OF PLANNING**

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