

Perth and Kinross Council
Planning and Placemaking Committee – 15 November 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 23/308)

PROPOSAL:	Erection of dwellinghouse, formation of parking and associated works
LOCATION:	Land 40 Metres North East Of Birchwood Cottage, St Mary's Road, Birnam

Ref. No: [23/00276/FLL](#)
Ward No: P5- Strathtay

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 located on the north-west side of St. Mary's Road within Birnam Conservation Area. It currently contains three disused holiday lodges which are in a poor state of repair, and the site is also overgrown. The site is flanked by several residences to the south and south-west, with a listed dwellinghouse located further uphill to the north. Erigmore Leisure Park is located opposite the public road to the east.
- 2 The site is within the River Tay National Scenic Area, the Tay SAC Catchment, and a small part of the site along its north-east boundary is designated as Ancient Woodland.
- 3 The proposal seeks to introduce a contemporary style five-bedroom dwellinghouse over two levels at the base of the hill. Although the proposal would involve the removal of three trees, all development would be outwith the Ancient Woodland designation.
- 4 The proposal has attracted more than six objections from members of the public and is therefore required to be considered at Planning and Placemaking Committee.

Pre-Application Consultation

- 5 No pre-application advice was sought.
- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 2: Climate mitigation and adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural places
 - Policy 6: Forestry, woodland and trees
 - Policy 9: Brownfield, vacant and derelict land and empty buildings
 - Policy 13: Sustainable transport
 - Policy 14: Design, quality and place
 - Policy 16: Quality homes
 - Policy 30: Tourism

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38B: Environment and Conservation: National Designations
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 13 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

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 2013

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

National Roads Development Guide 2014

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

Site History

- 18 13/02230/FLL Full Planning Permission application was Withdrawn On 11 February 2014 for Erection of dwellinghouse.

CONSULTATIONS

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

External

Scottish Water

- 20 No objection subject to standard advice. Pre-development enquiry required from applicant in the event of approval.

Internal

Transportation And Development

21 No objection, subject to a condition and informatives regarding access construction.

Environmental Health (Noise Odour)

22 No objection subject to a noise limit condition relating to the proposed air source heat pump and informative regarding the operation of the proposed stove.

Biodiversity/Tree Officer

23 The Biodiversity Officer has requested three planning conditions relating to: complying the conclusions and recommendations of the biodiversity survey, the provision of three bird nesting boxes on site, and an updated invasive non-native species control plan. An informative has been recommended in respect of works avoiding the bird nesting season.

24 Verbal discussions have taken place between the planning case officer and the Trees Enforcement Officer, and a suspensive condition has been requested in respect of tree protection measures.

Conservation Team

25 Advise that the proposal would not have harmful impacts on the Category B Listed Dunaird House or the Birnam Conservation Area.

Development Contributions Officer

26 This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services confirm there are no capacity concerns.

Representations

27 9 representations were received. The main issues raised are:

- Contrary to Development Plan policy
- Disputed Land Ownership
- Inaccurately described as brownfield land
- Impact on nature, trees and biodiversity
- Tree Survey is not detailed enough
- Impact on heritage, including risk of landslips and damage to old road from Torwood House to St Mary's Road by virtue of excavation into the hillside/embankment
- Inappropriate size, scale and design for a conservation area
- Increased risk of flooding due to limited sewage and drainage capacity locally
- Tourism use has not been sufficiently marketed
- Neighbouring amenity concerns, including overlooking of neighbouring windows and gardens
- Overdevelopment of site

- Light pollution
- Loss of open space
- Increased congestion and risk to pedestrians along access route

28 These issues are addressed in the Appraisal section of the report. It should be noted, however, that disputed land ownership is a civil matter, and in any case the referenced area is outwith that to be developed.

ADDITIONAL STATEMENTS

29

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Tree Survey, Bat Survey, Extended Phase 1 Habitat Survey, Invasive Species Management Plan, and Drainage Solutions Report submitted.

APPRAISAL

30 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 Development Plan comprises NPF4 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, as identified elsewhere in this report.

31 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 32 NPF4 Policy 16: Quality Homes supports the principle of residential development within settlements where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies. In this case the site is a short walk from the centre of Birnam, its amenities and public transport options.
- 33 The location is also within the settlement boundary of Birnam and is therefore subject to assessment under LDP2 Policy 17: Residential Areas. This policy supports infill residential development and seeks to protect existing residential areas from inappropriate uses.
- 34 NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. The biodiversity value of brownfield land which has naturalised should however be considered. In this instance, three existing vacant and derelict holiday lodges sit within the site and the proposed dwellinghouse is proposed in a similar location. Biodiversity matters are considered below.
- 35 Whilst the application site contains a number of trees, it is not designated as Open Space in LDP2. Notwithstanding this, any development should be assessed against the relevant trees and biodiversity policies.
- 36 NPF4 Policy 30: Tourism has relevance as the proposal, which seeks to replace three disused holiday lodges. Part (c) requires that the change of use of a tourism-facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area. In this instance, the holiday lodges have lain idle for several years and are in a poor condition and sit amidst overgrown vegetation. Whilst no marketing evidence has been provided, it is clear that the type and age of the properties would limit their desirability. The Erigmore Leisure Park is also located to the east, offering tourist accommodation and facilities. As such, the proposed removal of the three disused holiday lodges is unlikely to significantly impact tourism-related facilities locally and is therefore considered acceptable under NPF4 Policy 30.
- 37 Therefore, the principle of constructing a house on this plot within an existing settlement is accepted against these policies, although subject to detailed consideration of other relevant Development Plan policies, and matters including but not limited to design, residential amenity, parking and access, trees and biodiversity.

Design and Layout, Visual Amenity

- 38 The appearance, orientation, and modern design of the proposed dwellinghouse is considered acceptable and well-integrated into the site and its setting, by virtue of its modest height and position at the base of the hill, away from most public views. This creates an opportunity for a more contemporary design, and the

proposed use of proposed finishes such as black-painted timber cladding of various textures, black brick, and sedum green roofs, would enhance this sensitive response to context, with only three trees proposed to be removed. The agreement of the specific external finishing materials can be agreed via condition (Condition 3).

- 39 An existing leylandii hedge along the south-west boundary is proposed to be replaced with a native hedgerow, in addition to several new trees which will provide higher quality screening along that boundary. The proposed Landscaping Plan is also considered to be acceptable and controllable via condition (condition 9).
- 40 The proposed layout of the site is also considered acceptable, and whilst the house would occupy a larger footprint than its closest neighbours, it represents an appropriate response to the topography and linear nature of the plot without constituting overdevelopment.
- 41 In respect of sustainability, a recommended condition (Condition 6) requires the provision of information relating to the reduction in carbon emissions and the use of low and zero carbon technologies as required through NPF4 Policy 2: Climate mitigation and adaptation and LDP2 Policy 32.
- 42 As such, this element of the proposal accords with NPF4 Policies 2: Climate mitigation and adaptation, 14: Design, quality and place, 16: Quality homes, and LDP Policies 1A and 1B: Placemaking and 32 Embedding Low & Zero Carbon Generating Technologies in New Development.

Residential Amenity

- 43 The single storey elements vary between 4.5 and 6.2 metres from the south-west boundary of the site, thus below the 9 metre distance from built form to boundary. However, the window placement on these elevations has been carefully considered to ensure that there would be no harmful overlooking of 4 and 5 Robertson Court. This is achieved through the use of a combination of high and low level windows facing southwards. In addition the rear (north facing) windows of Birchwood Cottage do not serve habitable rooms and are obscured by a variety of outbuilding structures.
- 44 The first-floor areas are set back at least 13 metres from the south-west boundary and more than the guidance required 18 metres from any neighbouring building. As such, there would be no harmful overlooking of neighbouring properties from this part of the proposal.
- 45 There is no concern regarding overshadowing due to the orientation of the proposal relative to its nearest neighbours, and whilst there would be a greater amount of light emitted from the site than at present, this is not to a level which would adversely impact residential amenity.

- 46 A stove and flue is proposed, and the flue shall terminate above the eaves of the proposed dwellinghouse, aiding dispersal of smoke. Environmental Health have not objected, subject to an informative which recommends adherence to stove specifications.
- 47 An Air Source Heat Pump is proposed, and for this reason Environmental Health have recommended a noise condition (Condition 8). Subject to adherence to this, the impact on residential amenity of noise would be acceptable.
- 48 The amount of private garden ground associated with this proposal would also be acceptable.
- 49 As such, this element of the proposal accords with NPF4 Policies 14: Design, quality and place, and LDP2 Policy 17: Residential Areas.

Roads and Access

- 50 The proposal seeks to use an existing vehicle access from St. Mary's Road, which previously served the existing three holiday lodges. The vehicle access shall be upgraded to Perth & Kinross Council's current standards, and this can be secured by planning condition (Condition 7).
- 51 The applicant has advised that parking for three vehicles is proposed on site, which is in line with the standards within the National Roads Development Guide. A bin store is proposed between the proposed dwellinghouse and the public road, and this is considered acceptable.
- 52 It is acknowledged that objections raise matters of congestion and pedestrian safety along St. Mary's Road, which does not have a dedicated footway close to the site. However, the plot previously accommodated three holiday lodges, and whilst not used in recent years they remain the established baseline and their replacement with a single dwellinghouse is not considered to increase potential traffic or pedestrian safety risks.
- 53 The Council's Transport Planning Team have raised no objections, subject to conditions and informatives relating to the access. As such, the proposal accords with NPF4 Policy 13: Sustainable transport and LDP Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Conservation Considerations

- 54 The proposal is within Birnam Conservation Area and the setting of B-listed Dunaird House, and its associated Coach House. On this the proposed house and its contemporary design is well shielded from wider views by other dwellinghouses, and the significant tree cover to be predominantly retained. In addition, its effect on the setting of the nearby listed building is minimised by its scale and positioning at the base of a steep hill atop which the listed building sits, as demonstrated in sectional drawings submitted. As such, the proposal is not

considered to adversely affect the setting of the listed building nor adversely impact the appearance of the conservation area.

- 55 It has been mentioned in the public representations that the proposal would conflict with a former road approach to Torwood House. It is considered, having examined 19th century Ordnance Survey mapping, that the route of that former road would have been further uphill towards Dunaird (formerly named Torwoodbank) than the site of the proposed dwellinghouse, where the hill levels off briefly near the north-east edge of the application site. As such, there is no heritage concern in this respect.
- 56 The proposal therefore is considered to accord with NPF4 Policy 7: Historic Assets and Places and LDP2 Policies 27A: Listed Buildings and 28A: Conservation Areas: New Development.

Natural Heritage and Biodiversity

- 57 The concern outlined in representations is acknowledged; the site contains extensive tree cover, and a Tree Survey, Phase 1 Habitat Survey, Bat Survey and Invasive Species Management Plan have been submitted.
- 58 It is considered that the Habitat Survey is sound, subject to a condition (Condition 10) requiring adherence to its conclusions and recommendations. The Bat Survey has not identified bat roosts in the development area, although in the interests of biodiversity enhancement a condition (Condition 11) requires the provision of three bat boxes.
- 59 The extent of tree and hedge removal and replacement planting is also considered acceptable (Condition 9), and a further condition (Condition 4) shall secure the protection of retained trees including an on-site inspection of such measures by the Council's Trees Enforcement officer.
- 60 It is unclear if measures outlined within the Invasive Species Management Plan in respect of rhododendron have been undertaken since 2021 as they appear to have been for giant hogweed, and as such a planning condition (Condition 5) shall require an updated Non-Native Species Control Plan to be submitted prior to the commencement of development, and the implementation of any approved measures which result from that Plan.
- 61 In respect of the National Scenic Area designation, the proposal would not adversely affect the integrity of the area or the qualities for which it has been designated given its sensitive and contemporary design within a mature landscaped setting.
- 62 It is considered that, subject to the recommended conditions and informatives, the proposal accords with the intent of NPF4 Policies 3: Biodiversity, Policy 4: Natural Places, and 6: Forestry, Woodland and Trees, and LDP Policies Policy

38B: Environment and Conservation: National Designations, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development and 41: Biodiversity.

Other Matters

- 63 In response to concerns raised in representations regarding the structural implications of building into the base of the hillside, the applicant's Structural Engineer has analysed the position and provided written assurance that the extent of excavation of the hillside would be limited, and that a low retaining wall (c.1 metre) would form part of the proposals. Such matters would also be covered by the Building Warrant process.
- 64 The public representations regarding drainage and flooding are also acknowledged. However, Scottish Water have not objected and have suggested there is sufficient water and wastewater capacity locally. In the event of planning permission being granted the applicant should engage with them directly, and an informative draw attention to Scottish Water's advice note.
- 65 The site is not identified by SEPA as being vulnerable to surface water or river flooding. Furthermore, the plot size is such that drainage can be satisfactorily accommodated in accordance with Policy 53 of LDP2.

Developer Contributions

- 66 The Developer Contributions Guidance is applicable to this application, but no contributions towards primary education are required as there are no identified capacity constraints in this school catchment. The proposal is therefore in accordance with LDP2 Policy 5 Infrastructure contributions.

Economic Impact

- 67 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development, although bringing into use to a previously developed site which has not contributed to the local economy for some time.

VARIATION OF APPLICATION UNDER SECTION 32A

- 68 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to supporting documents to provide clarity regarding trees, biodiversity and heritage.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 69 None required.

DIRECTION BY SCOTTISH MINISTERS

- 70 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

- 71 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 72 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. 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 the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4. Prior to the commencement of any works on site, an independent and fully qualified Arboricultural Clerk of Works (ArbCoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the construction and shall have the responsibility of ensuring tree protection measures are implemented in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction, and tree protection measures are maintained secure at all times, and until completion of the development. In addition the following is required:
- (a) The developer's appointed ArbCoW to contact the local Planning Authority tree officer to arrange a prestart meeting for inspection of all tree & ground protection measures before commencement of development.

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

5. Prior to the commencement of the development hereby approved, an updated Invasive Non-Native Species Control Plan shall be submitted to and approved by the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason: To ensure the proposal complies with LDP2 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development.

7. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre

radii kerbing of Type A Road construction detail. The Type A Road construction detail shall continue to the entrance for a minimum distance of 3 metres.

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

- 8 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.

Reason: In order to safeguard the neighbouring residential amenity in the area.

- 9 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 to the satisfaction of the Council as Planning Authority, 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.

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

- 10 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 29 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 11 Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, three bird nesting boxes shall be provided on the completed building or nearby trees. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

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. 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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
6. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
7. 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. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
8. 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.

9. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to trees, biodiversity and heritage information.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 9 letters of representation

Contact Officer: John Cooney
Date: 3 November 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

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