

Perth and Kinross Council  
Development Management Committee – 30 August 2017  
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse at Land 90 Metres South East Of The Garden Cottage,  
Braco, FK15 9LG

Ref. No: 16/01975/FLL  
Ward No: N7 - Strathallan

**Summary**

This report recommends a conditional approval of a detailed planning application for the erection of a new dwelling on a rural site adjacent to The Garden Cottage, Braco, as the development is considered to comply with the Development Plan, and the Council's Housing in the Countryside Guide 2012.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks to obtain a detailed planning permission for the erection of a single dwelling within an area of extended residential garden ground associated with a dwelling called 'The Garden Cottage', which is located on the south side of the A922 Crieff to Braco public road. A detached garage was initially proposed as part of the proposal, however this element has been removed and an amended block plan submitted.
- 2 The site is approx. 0.65ha in size with the principal area relating to a fairly regular shaped site measuring approx. 90m (east to west) by 70m (north to south) - which comprises a grassed open area and tree belts along its edges. The site lies to the south of a small group of dwellings approx. 4km to the north of Braco and to the south of the A922 which runs between Crieff and Braco. To the north and north-west of the site are the curtilages of the neighbouring properties. To the west of the site is an agricultural field, whilst to the south and east is an area of coarse land with a scattering of trees. The new dwelling and its curtilage will be set in an opening surrounded by trees which has been used as an extended garden area associated with the applicant's own dwelling, 'The Garden Cottage', and which I understand was formally used as a tennis court. The opening is surrounded by mature trees which enclosure the main part of the site on all sides. The trees largely comprise native and exotic conifers, but other species such as Yew, Birch and Gean are also present.
- 3 The proposed dwelling will offer living accommodation over two levels, with the upper level contained within the roof space via the use of a mix of dormer windows and roof lights. The vehicular access to the site will be partly from an existing private access (the east to west section) which joins the A922, and (for the southern section) a combination of a new access and the upgrade of existing partly surfaced access which then leads east into the main body of the site.

- 4 To facilitate the new access, a small section of an existing stone wall is to be removed at the point when the access turns south. Whilst no trees are required to be removed to accommodate the footprint of the dwelling, the new access would also require 12 trees to be removed. A tree survey of these trees was submitted during the course of the application. The survey was carried out by a suitability qualified consultant.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of relevance to this planning application is;

### **Scottish Planning Policy 2014**

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

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

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

- 9 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.”*

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

- 10 The Local Development Plan (LDP) 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.
- 11 Within the LDP, the site lies within the landward area where the following policies are applicable to a new residential proposal.

### **Policy PM1A - Placemaking**

- 12 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 adaptation.

### **Policy PM1B - Placemaking**

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

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

- 14 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 RD3 - Housing in the Countryside**

- 15 The development of single houses or groups of houses which fall within the six identified categories will be supported. One of those categories is development which extends an existing building group into a definable site.

### **Policy NE2B – Tree Surveys**

- 16 Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

### **Policy NE3 – Biodiversity**

- 17 The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

## **OTHER COUNCIL POLICIES**

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

- 18 This document 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. This document also sets out the Council's policy on affordable housing provision.

### **Housing in the Countryside Guide 2012**

- 19 This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met. Such criteria include the opportunity for the expansion of existing building groups into definable sites providing that certain criteria can be met.

## **SITE HISTORY**

- 20 Three previous planning applications (05/02225/OUT, 05/02226/OUT and 05/02227/OUT) – each for the erection of single dwellings in outline, were refused planning consent in 2005. The area covered by these three applications is comparable to the site which is subject to this current planning application. The reasons for each of the refusals were;
- 1 *The proposal is Contrary to the Council's Policy on Housing in the Countryside (2005), in that a satisfactory access cannot be provided and as the proposals conflict with other policies contained in the Strathearn Area Local Plan 2001.*
  - 2 *In the interests of pedestrian and traffic road safety, as the development would lead to an unacceptable increase in vehicular traffic using the existing access road which is substandard in terms of visibility and geometry.*
  - 3 *The proposal is Contrary to General Policy 2 of the Strathearn Area Local Plan 2001 in that the development does not pay due regard to the density of existing development within the locality, does not have a satisfactory road access and is not large enough to satisfactorily accommodate the proposals without the loss of established landscaping to the detriment of both the visual and residential amenity of the surrounding area.*
  - 4 *The proposal is Contrary to General Policy 1 of the Strathearn Area Local Plan 2001, which seeks to ensure that the quality of the natural environment is maintained or improved, and existing biodiversity is conserved.*

## CONSULTATIONS

### EXTERNAL

21 None .

### INTERNAL

- 22 **Developer Contributions Officer** has indicated that no Developer Contributions are required in relation to Primary Education, A9 Junction Improvements or Transport Infrastructure.
- 23 **Transport Planning** have visited the site, and confirmed that the existing access with the public road is acceptable for the development which is proposed.
- 24 **Bio-Diversity Officer** has commented on the proposal and is satisfied that there is unlikely to be any impact on protected species, but suitable Informatives and conditions should be attached to any permission in relation to tree protection measures and to remind the applicant/developer of their requirements under the Wildlife and Countryside Act.
- 25 **Perth and Kinross Heritage Trust** have commented on the proposal in terms of archaeology issues and the impact on the setting of an adjacent scheduled monument and have raised no objections.

### REPRESENTATIONS

- 26 Nine letters of representations have been received, all of which are objecting to the proposal. The main issues raised within these objections are;
- Proposal is contrary to the Local Development Plan
  - Proposal is contrary to the Housing in the Countryside Guide 2012
  - Roads safety concerns
  - Impact on residential amenity
  - Inappropriate house type
  - Loss of trees
  - Impact on wildlife
  - Impact on environmentally sensitive sites
  - Impact on Historic Garden and Designed Landscape
  - Unsustainable location
  - Impact on archaeology / scheduled monument(s)
  - Impact on the setting of listed building(s)
  - History of refusals on the site
  - Drainage concerns
  - Concerns over the use of the garage
- 27 The above matters are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not submitted
Reports on Impact or Potential Impact	Tree survey submitted

## APPRAISAL

- 29 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP). In terms of other material considerations, consideration of the sites previous planning history and compliance with the other relevant Council's policies are material considerations.

### Policy

- 30 The principal Development Plan land use policies directly relevant to this proposal are largely contained in the LDP. Within that Plan, the site lies within the landward area where *Policies PM1A (general development) and RD3 (Housing in the Countryside)* are directly applicable.
- 31 *Policy PM1A* seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the associated supplementary planning guidance (SPG) would be applicable to new proposals in the landward area. The most recent SPG on housing in the countryside is the 2012 version.
- 32 In addition to these key land use policies, *Policies NE2B (tree surveys) and NE3 (bio-diversity)* are applicable to the proposal.
- 33 It is noted that within the letters of representations mention has been made of the relevance of *Policy TA1B (Transport Standards)* of the LDP. Whilst the general aims of this policy should be noted i.e. to ensure that all new developments do not adversely affect the local road network or jeopardise road and pedestrian safety, this policy is only directly applicable to new proposals which generate 'significant' new travel movements - which would not be the case here.
- 34 For reasons stated below, I consider the proposal to be consistent with the relevant LDP policies and the SPG on Housing in the Countryside.

## Land Use Acceptability

- 35 The site lies within the landward area of the adopted LDP, where *Policy RD3* is directly applicable. *Policy RD3* specifically relates to the Housing in the Countryside Policy and is directly linked to the associated SPG, the Housing in the Countryside Guide 2012 (HITCG). The HITCG 2012 offers a more detailed policy background to that of the text contained in *Policy RD3*, and is the most recent expression of Council opinion towards new housing in the open countryside. The acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the requirements of the HITCG 2012.
- 36 As the proposal is not a conversion of a traditional, non-domestic building, is not a replacement of an existing house, is not a development on a former brownfield site and is not an infill site between two existing buildings, the only section of the HITCG 2012 which this proposal can be reasonably assessed against is that of the building group's category. The HITCG 2012 offers support for new developments both within and adjacent to existing building groups providing that the development proposed does not have an adverse impact on the character or amenity of the existing group and that the development proposed takes place within a definable site which is capable of absorbing the proposed development.
- 37 A building group for the purposes of new housing in the countryside is defined as being three or more buildings of a reasonable size in a coherent group. To the north of the site, there are a number of existing dwellings which in my view collectively make up an existing building group. The key question for this proposal is therefore whether or not the site can be considered to be a reasonable extension of that group into a definable space which does not adversely affect the character or amenity of the existing group.
- 38 The main part of the site, where the dwelling is proposed to be located is set within an area of open space which is surrounded by trees on all sides. Whilst some trees are proposed to be removed to allow for a new access to be delivered, the siting of the dwelling will take place in an area which will allow for the majority of trees along the edges of the site to be retained, which in turn provides a good level of natural containment and landscape framework for the development proposed. I therefore consider the proposed site to be a natural extension of the existing building group, into a site which has a good (and existing) landscape framework which is capable of absorbing the development proposed.
- 39 In terms of impacting on the character of the existing group, the proposed site relates well to the neighbouring plots in terms of its size, and the location of the dwelling is such that the proposed dwelling would not be isolated or remote from the existing buildings. Nevertheless, whilst close to the existing buildings and their curtilages, the existing tree cover along the boundaries would provide for a suitable visual barrier between the existing dwellings and proposed dwelling which would reduce any visual / residential amenity impact on the existing residents. I therefore consider the proposal to be consistent with the requirements of the HITCG and *Policy RD3* of the LDP and that the proposal

would constitute an extension of the existing building group into a definable site, which would not adversely affect the character or amenity of the existing group.

### **Design and Layout**

- 40 In terms of the design and layout of the proposed dwelling I have no concerns. The traditional style of the house type proposed is perfectly suitable in this rural environment, and would be in keeping with other dwellings in the area – although due to the existing woodland cover intervisibility between the existing dwellings and proposed dwelling would be limited. In terms of the siting of the dwelling on the site, the position of the dwelling is also considered to be appropriate and will ensure that the mature trees which align the sites boundaries can be maintained, and that a suitable level of usable private amenity space is provided.

### **Visual Impact**

- 41 In terms of the visual impact of the proposal, the tree cover along the southern and western edges of the site will provide screening from the adjacent public road. It would be the case that the dwelling may be visible through the trees and through the new opening for the access; however this visibility would be minimum and would not result in an adverse impact on the character of the area.

### **Residential Amenity**

- 42 In terms of the impact on existing residential amenity, I have no concerns. Whilst I note the concerns raised within the letters of representations concerning residential amenity issues, the location of the dwelling on the site and the extent of existing tree cover will ensure that existing residential amenity is protected, and that unacceptable overlooking or loss of privacy will not occur.
- 43 In terms of being able to offer a suitable level of usable amenity space for future occupiers of the dwelling, a sufficient level of usable amenity space is available without the need to remove further trees.

### **Roads and Access**

- 44 Within the letters of representations, the key area of concern focuses on the suitability of the existing access with the public road and its ability to accommodate more vehicular movements. I am also aware that one of the reasons for refusal on the previous planning applications related to road safety concerns at the access with the public road. From studying the previous files, there have been no physical improvements to the access in terms of its geometrics since the previous planning applications were considered in 2005; however there has been a change in the way that visibility requirements are assessed with the publication of Designing Streets and also the National Roads Development Guide.



- 45 Transport Planning are aware of the site history, the level of representations received and have visited the site to assess the visibility in both directions and to consider the geometrics of the existing junction - which already serves a number of dwellings. After reviewing the existing arrangement, they are satisfied that there is adequate visibility in both directions to accommodate one additional dwelling, but they would have concerns if more dwellings were to be proposed.
- 46 Accordingly, whilst I appreciate the concerns of the local residents I am satisfied that the proposed existing access with the public road is suitable to accommodate the proposed dwelling.
- 47 In terms of the internal arrangements, whilst the existing private access already serves a number of properties, in this rural location it would not be reasonable to seek the upgrade or adoption of the shared section of the existing private access (east to west section). It is also the case that for an application for the erection of a single dwelling, it would be unreasonable to request significant improvements which would not be proportionate to what is being proposed.

### **Drainage and Flooding**

- 48 As the site is located outwith any publicly sewered area, the dwelling would be drained via a new private drainage system. Difficulties do sometimes occur for private drainage systems in rural areas which have poor ground conditions; however these challenges are not routinely matters for planning to become heavily involved and are normally matters which are addressed thoroughly through an assessment of the technical standards when an associated building warrant application is submitted for consideration. I therefore am satisfied over drainage matters.
- 49 In terms of flooding, the site is not within an area which is vulnerable to flood waters and surface water disposal will be via an appropriately designed soakaway system. Consequently, I have no concerns in relation to either drainage or flooding matters.

### **Protected Species**

- 50 Within the letters of representations, it has been raised that the proposal would adversely impact on bats and their roosts, which are protected under the Habitats Directive. The trees which are proposed to be removed as part of this development are not typically used by bats. After reviewing the tree survey, the Council's Bio-Diversity Officer is of the opinion that there is no need for an ecological survey of the site as the likelihood of bats on the site is low, however it would be the case that some birds may be using the affected trees for nesting purposes. He has recommended that standard Informatives are attached to any decision notice which reminds the applicant of their responsibilities in terms of the Wildlife and Countryside Act.

## **Archaeology**

- 51 Within the representations the impact on local archaeology has been raised as an area of concern. Whilst the Roman road is close by, it is the view of the PKHT that there is no need for any archaeological work prior to development of this site. This is due to a combination of the nature of the Roman archaeology which is associated with the Roman road to the north west of the development site, the fact that there are no records of any activity in the area of the proposed development and because the site has been previously developed in the past by virtue of the former tennis court.

## **Impact on Scheduled Monuments**

- 52 To the south of the site there is the Scheduled Monument of Shielhill, which is associated with the Roman road. However, due to the distance and the limited intervisibility between the monument and the site, the proposal would have limited impact on the scheduled monument of Shielhill.

## **Contaminated land**

- 53 There are no known contaminated land issues associated with the site, or any previous land uses which would raise a concern.

## **Provision of Waste / Recycling Storage**

- 54 The waste and recycling of the existing residents is presented at the end of the existing private access in an informal arrangement, and this will be the same arrangement for any new dwelling. However, there may be some scope for a more formal collection area to be created close to the road end, and the approval of this planning application would be an opportunity to advance this. To this end, an appropriately worded condition is recommended to be attached to the consent which would require details of any proposed storage area to be submitted for the further approval in writing by the Council prior to any works commencing.

## **Impact on Historic Garden and Designed Landscape**

- 55 Within the representations it has been suggested that the proposal would have an adverse impact on the setting of Braco Castle and its grounds which is a Historic Garden and Designed Landscape. The site is significantly divorced from Braco Castle and its grounds, and therefore any development on this site would not result in an adverse impact on the historic interests associated with the castle.

## **Impact on Trees**

- 56 As part of the proposal, 12 trees are proposed to be removed and these trees have been surveyed as part of an arboriculture assessment. Of the 12 trees, only two were identified as 'A' category trees of high quality and value and these were Douglas Firs. The remainder of the trees have been identified as being of low value. Whilst some of the trees would be visible from outwith the site, collectively the proposed tree removals would have a minor impact on the visual amenity of the area - which would be compensated by new replanting on a 1 for 1 basis. The trees which are proposed to be retained will all be protected by restrictive planning conditions for both during the construction phase and thereafter, to ensure firstly that they are not needlessly damaged during the construction phase and to ensure that the level of screening and privacy that currently exists is subsequently maintained for the benefit of the affected neighbours.
- 57 Additional conditions relating to the surfacing / construction of the new access where it affects trees that are proposed as being retained will be sought to ensure that low impact construction is proposed to ensure that unnecessary damage and compaction of existing tree roots is avoided.

## **Future use of the garage**

- 58 Within the letters of representation concerns have been raised over the proposed future use of the detached garage. The applicant has removed the garage from the proposal, and an amended block plan reflecting this change has been submitted.

## **Impact on Environmentally Sensitive sites**

- 59 The Carsebreck and Rhynd Lochs Site of Special Scientific Interest, and the Shelforkie Moss Special Area Conservation (SAC) are located approx. 2km to the south of the site. Bearing in mind this distance, the proposed dwelling is unlikely to affect the environmental interests of either designation and that an Appropriate Assessment in relation to the SAC is not necessary.

## **Impact on Listed Buildings**

- 60 Within the representations, concerns have been raised regarding the impact that the proposal would have on the setting of existing listed buildings. There are no listed buildings which are affected by the proposal.

## **Impact on Existing Boundary Wall**

- 61 Within the representations concerns have been raised regarding the structural impact that the new access would have on an existing garden wall. Whilst it is not envisaged that any structural damage will occur to the wall during the construction of the small section of new access, any damage caused by the applicant during construction would be their responsibility. However, this would be a civil matter between the interested parties involved.

## **Private Water / Drainage**

- 62 The development is within an area where there are known private water supplies. To ensure that the development does not adversely affect any existing private water supplies, a standard Informative note will be attached to any consent. Likewise, to ensure that no existing private foul drainage systems of neighbours are affected by the development and remain accessible for future maintenance, a standard Informative note in relation to this matter is proposed to be attached to this consent.

## **Previous Refusals**

- 63 Whilst the 2005 planning applications was considered by the Council over 12 years ago, they are still (to a degree) material considerations, particularly bearing in mind the similarities between the Council's Housing in the Countryside Policies in 2005 and now. However, there are material differences between the proposal(s) from 2005 and the one which is now under consideration. The proposals in 2005, whilst submitted individually, were ultimately a proposal for three dwellings on the site subject of this current application, and was assessed as such in terms of compliance with the relevance Housing in the Country policies and also its access arrangements. It would remain the case in 2017 that such a proposal would be unacceptable from a land use point of view due to the density being out of character with the existing building pattern, and the access being unsuitable for three dwellings. It would also be the case that the erection of three dwellings on the site would require substantial tree removal, which is not necessary for the proposal currently under consideration.

## **Sustainable Location**

- 64 Within the letters of representation a concern has been raised that the proposal should not be supported as the site is not in a sustainable location. The site is rural, remote and located away from local amenities and would probably require any new occupier to have a car to allow them to function on a day to day basis. However, the development of single houses in the countryside do not normally raise issues regarding sustainability, and the assessment of the acceptability of such proposals is based on compatibility with the Council's relevant Housing in the Countryside policies.

## **Developer Contributions**

### Primary Education

- 65 The local primary school (Braco) is not currently operating at over its 80% capacity. There is therefore no requirement for any Developer Contributions in relation to Primary Education.

### Transport Infrastructure

- 66 As the site lies outwith the catchment area for Transport Infrastructure, no contributions in relation to Transport Infrastructure are required.

### A9 Junction Improvements

- 67 As the site lies outwith the catchment area for A9 Junction Improvements, no contributions in relation to A9 Junction Improvements are required.

### Affordable Housing

- 68 As this proposal is for a single dwelling, there is no requirement for any onsite affordable housing provision or financial contribution.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 70 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 71 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**

- 72 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, whilst I appreciate the concerns raised within the letters of representations and especially those in relation to concerns over the existing access with the public road, the proposal complies with the relevant provisions of the LDP and there are no material considerations that would justify departing therefrom. On that basis the planning application is recommend for approval, subject to conditions.

### **RECOMMENDATION**

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

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

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

- 2 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 occupation or bringing into use of the development, whichever is the earlier.

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

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

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

- 4 Prior to the commencement of any works on site, precise details of the new section of access shall be submitted for the approval in writing by the Council as Planning Authority. The details must demonstrate fully that the new surface will not have an adverse impact on the roots of adjacent trees. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that the retaining trees are not damaged by the new access.

- 5 Prior to the commencement of works on site details of a) any new waste and recycling facility enclosures / storage areas and b) proposed locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. The residential unit hereby approved shall not be occupied until the agreed details have been provided in full.

Reason – In order to ensure that suitable provision is made for waste and recycling bins.

- 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 – In order to ensure that unnecessary damage to trees does not occur.

- 7 All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason – In order to protect existing visual and residential amenity.

- 8 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 to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that an appropriate level of replacement planting is implemented.

## **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 required.

## **D Informatives**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (*see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 7 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.

Background Papers: 9 letters of representations.  
Contact Officer: Andy Baxter – Ext 75339  
Date: 17 August 2017

**NICK BRIAN**  
**Interim Head of Planning**

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