

Perth and Kinross Council
Planning and Placemaking Committee – 10 January 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/11)

PROPOSAL:	Erection of dwellinghouse and garage and associated works
LOCATION:	Land 25 Metres West Of Duncrievie House, Duncrievie, Glenfarg, Perth

Ref. No: [23/00826/FLL](#)
Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation infrastructure 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 Planning permission is sought for the erection of a single dwellinghouse within the grounds of Duncrievie House. Duncrievie House is a large detached villa situated in wooded grounds.
- 2 Planning permission was refused in June 2022 for the erection of two dwellinghouses within the grounds (22/00174/FLL) and a review of the application at the Local Review Body was dismissed on 20 December 2023.
- 3 The proposal was refused for the following three reasons:
 - 1 The proposed development is contrary to Placemaking Policies 1A and 1B of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not contribute positively to the built and natural environment, is out of character with its surroundings and does not respect the character of Duncrievie House and its woodland setting.
 - 2 The proposal is contrary to Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019). The scale, layout and design of the development does not have a good fit with the landscape character of the area and the development does not integrate into or enhance the surrounding environment. The proposed houses

would detract from the visual amenity of the adjacent building group and impact on the wider landscape setting due to extensive tree and shrub removal and ground engineering proposed within the site. In addition, the resultant residential amenity of the new houses would be severely affected by the retained trees which would lead to pressure for further tree felling.

- 3 The proposal is contrary to Policy 40A, Forest and Woodland Strategy, of the Perth and Kinross Local Development Plan 2 (2019) that seeks to protect existing trees and woodland. It is also contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019) which states that there will be a presumption in favour of protecting woodland resources. Development as proposed would result in tree loss for which insufficient mitigation is provided and no information been provided to show how the retained woodland would be protected, managed and enhanced.
- 4 This proposal is for a revised scheme for a single house. The new dwelling will be sited to the southwest of Duncrievie House. The southwestern corner of Duncrievie House is around 14m from the north-eastern corner of the new house. The new house is set at an angle running northeast to south west with the design being the same as in the previously refused application for plot 1.
- 5 The proposed house measures 30m in length and will have 5 bedrooms. There are two elements to the proposal. The south-western section of the building is 9.5 by 14m and is over two floors. The 21 m long north-eastern section is narrower and generally of one storey with a small mezzanine section. The house will be finished in a mix of timber cladding, render, stone and with a slate roof. The southernmost point of the new house will be sited around 14 metres from the boundary with the property known as Bennachie. A separate garage measuring 6m wide by 6.5m deep with a pitched roof is to be sited around 16m to the northwest from the westernmost point of the new hose.
- 6 The existing junction with the public road to Duncrievie House is not being altered. Internally the existing drive to Duncrievie House will be re-aligned to the north of an existing flower bed to serve the existing house with part of this existing section of the access drive used to access the new house. Part of the existing drive will be removed to facilitate the building of the new house.
- 7 There is an area of paddock that is also included in the red line planning boundary to the southeast of the site. This along with other parts of the grounds are proposed as communal landscaping.

Pre-Application Consultation

- 8 Pre application Reference: There have been various pre-application enquiries with regard to residential development within the grounds of Duncrievie House although the last formal request was in 2019.

- 9 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

- 10 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

- 11 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 people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 17: Rural Homes
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2

- 14 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.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions

- Policy 19: Housing in the Countryside
- Policy 27A: Listed Buildings
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

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

OTHER POLICIES

- 17 **Non-Statutory Guidance.**

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

- 19 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

- 20 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

- 21 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

- 22 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

- 23 **20/01686/IPL** application was Withdrawn On 4 February 2021 for Residential development (in principle)
- 24 **22/00174/FLL** Full Planning Permission was Refused On 2 June 2022 for Erection of 2 dwellinghouses, a garage and associated works. Review dismissed by Local Review Body on 20th December 2022.

CONSULTATIONS

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

External

- 26 **INEOS FPS:** No objection received.
- 27 **Scottish Water:** No objection. Capacity for water supply. There is no Scottish Water, public waste water infrastructure in the area. Private arrangements are required.

Internal

- 28 **Transportation And Development:** No objection. Condition requested with regard to street lighting and advice given in relation to ensure access is available to empty the septic tank.

- 29 **Development Contributions Officer:** No education contributions are required. A Transport Infrastructure contribution is required of £2,742.
- 30 **Environmental Health (Noise Odour):** Informative note required with regard to woodburning stove.
- 31 **Conservation Team:** No impact on the setting of Duncrievie Cottage listed building with boundary walls.

REPRESENTATIONS

- 32 11 representations were received. The main issues raised within the representations are:
- Traffic and road safety – particularly in relation to Calfford Brae, impact on pedestrians, cyclists, horse riders. Lack of lighting or footpath.
 - Ecological impact – lack of ecological information, tree loss, habitat loss, impact on protected species
 - Residential amenity – overlooking, noise, impact on wellbeing
 - Impact on water supply – problem with existing supply
 - Out of character – design is not subservient, house is a larger footprint than Duncrievie House
 - Impact on landscape setting of Duncrievie House
 - Use of house – is it solely for residential use
 - Contrary to Development Plan – same refusal reasons as before
 - Drainage – no drainage or sewage plans
 - Precedent for other development on the site
 - Lack of light to new dwelling
 - Inaccurate plans
 - Planning process lacks transparency
- 33 The Community Council has made a general comment that due regard has not been taken of the refusal reasons and that the Council does not support unnecessary development.
- 34 These issues are addressed in the Appraisal section of the report. The objection that the planning process lacks transparency is not a material consideration in the determination of this application.
- 35 It is advised that revised plans have been submitted to address any inaccuracies that were particularly identified in relation to the previous tree report submitted.

ADDITIONAL STATEMENTS

36

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Ecological and Tree Report submitted

APPRAISAL

37 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.

38 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.

Principle

39 Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2019 (LDP2), acknowledges that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. The development of single houses or groups of houses which fall within the six identified categories will be supported. This is also referenced in the recently adopted National Planning Framework 4 (NPF4) where Policy 9 states that development on greenfield sites will be supported where the proposal is explicitly supported by policies in the LDP.

40 Policy 17, Rural Homes, of NPF4 is also relevant and seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations and provides criteria in which proposals for new rural homes will be accepted.

- 41 The site lies within the 'landward' area in the adopted Perth and Kinross Local Development Plan 2 (2019) and as such the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 Supplementary Planning Guidance (SPG) on 'Housing in the Countryside', which is the most recent expression of Council policy towards new housing in the open countryside.
- 42 Proposals for housing in the countryside will be supported where they fall into one of the following categories:
1. Building Group;
 2. Infill sites;
 3. New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance;
 4. Renovation or replacement of houses;
 5. Conversion or replacement of redundant non-domestic buildings; and
 6. Development on rural brownfield land.
- 43 In this case it is considered that the Building Group section of the housing in the countryside is relevant. The site is considered to be adjacent to an existing building group where permission may be granted for houses which extend the building group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features which would provide a suitable setting. In this case the site boundary includes the wooded grounds of Duncrievie House as well as part of an adjacent field. Whilst the totality of the identified site that is shown to be within the red line site boundary is not considered an appropriate extension to the group it is accepted that the one house shown to the southwest of Duncrievie House does benefit from some containment and is defined by existing landscaping to the southeast, an existing shrub border to the northeast and landscaping and other property boundaries to the northwest and southwest.
- 44 The following criteria should also be met:
- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
 - New housing will not detract from the visual amenity of the group when viewed from the wider landscape
 - A high standard of residential amenity will be provided for both existing and new housing
- 45 The pattern of development varies in the area with a well established development to the west of the site. This partly reflects the fact that this section of Duncrievie has previously had a defined settlement boundary. This boundary did not include Duncrievie House or the listed building of Duncrievie Cottage to the northeast. This area has a different character and building pattern with Duncrievie House set within mature woodland, a distinct contrast to the more

built-up areas of Duncrievie to the west. In this case it is considered that, on balance, an additional house could be integrated into the site that would not detract from the existing layout, building pattern and existing landscaped setting of Duncrievie House and the existing building group.

46 The principle of the development of a single house is supported.

47 The “For All Proposals” section of the policy is also relevant in particular:

48 A Successful, Sustainable Place

- i. Placemaking – proposals should comply with placemaking standards, and
- ii. Scale, layout and design should have a good fit with the landscape character of the area and integrate the development into its setting and also enhance the surrounding environment:

49 A Natural, Resilient Place

- i. Should make a positive contribution to biodiversity

50 Placemaking and other elements of the detail of the proposal will be considered in the report below.

Design and Layout

51 The previous proposal for two houses would have led to the loss of a number of trees and would impact on the setting of Duncrievie House. This proposal, whilst being a significant addition to the grounds does relate more successfully to the building group and Duncrievie House and grounds.

52 Placemaking policies require developments to contribute positively to the quality of the surrounding built and natural environment. Housing in the Countryside “For All Proposals” criteria requires developments to enhance the surrounding environment.

53 It was previously considered that the proposed development for two houses was out of character with its surroundings, did not respect the character of Duncrievie House and its landscaped setting and did not respect the surrounding woodland setting. This application is for one house which has been re-sited to the southwest of Duncrievie House. The garage has also been separated from the house which gives more of a sense of space and reduces the overall mass of the building. This impacts less on the setting of the existing house and grounds.

54 Conditional control is recommended to restrict development that otherwise would be permitted within residential curtilages and to clarify the extent of this curtilage (Condition 15).

- 55 The proposal does now fit in to its surroundings and is in accordance with Placemaking policies and criteria in the Supplementary Guidance and NPF4.

Landscape

- 56 The site is set within the grounds of Duncruevie House which includes an extensive area of long-established woodland that provides a setting for the existing house and sets it apart from other development in the area. The woodland is an important feature and contributes positively to the built and natural environment. After extensive discussions with the agent a revised tree survey was undertaken as there had been shortcomings in the previous survey including that none of the existing trees had been tagged. The revised survey information is a more robust report and provides a better basis to assess the potential impact on the existing trees of the proposed development. There was particular concern that the root protection areas of the trees was not shown accurately which led to questions as whether there was a conflict between the proximity of the new house and the location of the existing trees.
- 57 This proposal seeks to retain the majority of the existing trees. Three trees (550, 551 and 552) will be removed along with a copper beech (548) which has a limited lifespan.
- 58 The report notes that several trees have minor parts of their crowns within the area of unavoidable construction activities and construction access may impact on some tree root protection areas. However it is considered that encroachment will be minor.
- 59 The report recommends a full Arboricultural Method Statement be required together with details of the Construction Exclusion Zone. Conditions will be attached to ensure existing trees are protected (Condition 4) and that a method statement for works around them is submitted prior to works commencing (Condition 5).
- 60 A lack of information was previously identified with regard to management of the retained woodland. This would be requested through a condition (condition 6) as part of a detailed landscape and woodland management and enhancement scheme.
- 61 There had also been concerns that the proposed drainage infrastructure particularly that located in an area of woodland close to the entrance to the site would adversely affect the woodland. Revisions to the plans were made to relocate the drainage infrastructure to an open area proposed between the new house and new garage.
- 62 The revised tree survey is an improvement on previously submitted surveys and gives some degree of comfort that the proposals could be implemented without significantly impacting on the existing tree cover.

- 63 Subject to conditions the proposal is now considered to be in accordance with Policy 40A, Forest and Woodland Strategy that seeks to protect existing trees/woodland and to Policy 40B; Trees, Woodland and Development which states that there will be a presumption in favour of protecting woodland resources. Development as proposed has taken account of the existing trees and with appropriate protection and management will be successfully retained in the future.

Residential Amenity

- 64 There has been concern from objectors that the proposals would result in a loss of amenity from overlooking and general noise and disturbance from the proximity of the new house to existing development. However the distance from the boundary of neighbouring properties at 14m is well within the Council's guidance and there will not be any adverse impact in terms of overlooking or overshadowing of neighbouring land from the new development.

- 65 There was previously concern that the position of the houses in close proximity to trees would result in low amenity in terms of natural light into the houses and sunlight into garden areas which would be likely to result in pressure to remove further trees following occupation. The revised tree report gives some assurances in this regard that it is now considered that the relocated house location is satisfactory in terms of proximity to existing trees and would still allow an acceptable level of amenity for the occupiers of the new house.

Visual Amenity

- 66 The proposed house is set within a woodland setting. It has been demonstrated that the majority of trees will be retained which will preserve the woodland and its contribution to the setting of Duncrievie and Duncrievie House.

Roads and Access

- 67 The new property will access the U67 Calfford Brae via the existing vehicle access.
- 68 Previously the applicant had proposed to realign the vehicle access onto the U67 Calfford Brae, the applicant is not proposing to do this under the current application which will not result in the removal of any trees.
- 69 The applicant has provided sufficient parking for each of the dwellinghouses and is in accordance with the National Roads Development Guide.
- 70 The Streetlighting Partnership have advised that the current Streetlighting system shall be extended along the U67 Calfford Brae to cover the vehicle access to the development, a condition (Condition 8) is recommended to secure its design and installation.

- 71 A Construction Management Plan is also recommended for the site (Condition 9), to take cognisance of the comments raised by neighbours about Calfford Brae and to get agreed routes that construction traffic will use to the site.
- 72 Subject to conditional control the access and roads requirements are met and the proposal is in accordance with policy 60B, Transport Standards and Accessibility Requirements: New Development Proposals of LDP2.
- 73 A number of concerns have been raised in representations received about the increased use of Calfford Brae. The applicant previously agreed to install passing places on the Brae to help alleviate the comments addressed by neighbours. However this has not been offered for this application and in reality the addition of one house would not justify such works.

Drainage and Flooding

- 74 The new properties will utilise a private waste water treatment system with Klargestor septic tank to be located within the proposed curtilage of the new house between the front of the property and the proposed garage. A surface water soakaway is located in an existing grassed area to the northeast of existing woodland. The Arboricultural Impact Assessment and CEZ to be required by condition will ensure that the drainage infrastructure does not have an adverse impact on the existing woodland. The foul drainage was re-located from a site close to the entrance to the site and now avoids impacting on existing trees.
- 75 There has been concern that the proposals will impact on the existing water supply as there is a water pipe across Calfford Brae that objectors suggest could be damaged by extra traffic and construction traffic in particular. However, Scottish Water has commented and does not express any concern with regard to this stating that there is capacity in the Glenfarg Water Treatment Works but that further investigations may be required.
- 76 Subject to conditional control (condition 11) requiring full details of the drainage proposals the proposal is considered to comply with policy 53B (foul drainage) and 53C (surface water drainage) of LDP2.

Waste Collection

- 77 It is noted that there is sufficient storage space for waste and recycling bins to be stored within the curtilage of the new dwellinghouse.

Conservation Considerations

- 78 The property is not listed nor within a conservation area. However policy 31 refers to other historic environment assets. Duncrievie House and its landscape grounds is a historic asset. The proposals will alter the setting of Duncrievie House as it will be sharing its grounds with another large property however the siting of the proposed new house is an improvement on the previous submission

and is more compatible with the character and setting of this asset. Duncricvie Cottage to the north is a listed building however the cottage is far enough away not to be directly affected by the proposed development.

- 79 The proposal accords with policy 31, Other Historic Environment Assets, of LDP2.

Natural Heritage and Biodiversity

- 80 Policy 41, Biodiversity, of LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.

- 81 A Preliminary Ecological Appraisal has been submitted to accompany the application. This was prepared for previous applications with an initial site survey being undertaken in October 2020 and a follow up survey in February 2022. The appraisal concluded that there is limited habitat diversity on site and that the proposed development is unlikely to have any significant effects on habitats or species. The report makes the following recommendations which will be secured by conditions:

- any trees should be checked by an ecologist immediately pre-felling to ensure there is no bat roost present;
- no vegetation clearance will take place between 1st March and 31st August inclusive to protect any breeding birds using the site;
- measures to be put in place to ensure small mammals do not come to harm during construction; open pipes should be closed up at the end of each working day, and trenches should be covered, or a ramp provided to permit animals that fall in a means of exit, to prevent animals becoming trapped;
- chemicals and materials should be stored securely
- if development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge.

Biodiversity Enhancement

- 82 Enhancement of biodiversity should be demonstrated in all projects. The proposed house has an area of sedum flat roof that will benefit biodiversity. Further biodiversity enhancement will be required as part of a landscaping and landscape management condition.
- 83 An informative note will be added to advise that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and

woodland to avoid fragmentation of foraging and commuting opportunities for bats.

- 84 The proposal will be subject to conditional control (Conditions 12, 13 and 14) that will link the development to the maintenance and management of the existing woodland and allow the safeguarding of features of importance to biodiversity. Subject to conditional control the proposal therefore accords with NPF policy 3 and policy 41, Biodiversity, of LDP2.

Embedding Low and Zero Carbon Generating Technology in New Development

- 85 Policy 32 of the LDP requires that a proportion of the energy use of each building is provided by low and zero-carbon generating technology. The proposals do not detail any low or zero-carbon generating technology. As such a condition (Condition 16) will be applied to require calculations to demonstrate compliance with policy 32 of LDP2, and the wider principles of Policy 1: Tackling the Climate and Nature Crisis, and Policy 2: Climate Mitigation and Adaptation of NPF4, with measures to be in place prior to occupation of the property.

Developer Contributions

Primary Education

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

Transport Infrastructure

- 89 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 90 The site is located in the 'Reduced' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance)

- 91 A Transport Infrastructure contribution of £2,742 is required prior to issuing any planning permission.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 93 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 site layout and the submission of a revised tree survey.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 94 A legal agreement may be required if the applicants opts to delay payment of the required transportation infrastructure contributions.

DIRECTION BY SCOTTISH MINISTERS

- 95 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

- 96 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.
- 97 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Delegated Approval, subject to the settlement of Developer Obligations and the following conditions :

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. The conclusions and recommended action points within the supporting tree survey submitted and hereby approved (document) 19 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.
4. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.
5. Prior to the commencement of any works on site a Method Statement for work within any of the Root Protection Areas (RPAs) of the existing trees shall be submitted for the agreement of the Planning Authority. Work within the RPAs shall be undertaken in accordance with the agreed Method Statement.

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

6. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The plan should include measures to enhance biodiversity and be based on need identified in site specific surveys, surrounding habitats and landscape character, and follow ecologist recommendations. The landscape management and maintenance plan as agreed shall, shall be fully implemented to the satisfaction of the Council as Planning Authority.
7. The area identified as Communal Landscaping to the southeast of the new house shall be retained as agricultural land and is not approved as communal landscaping or domestic garden ground. A revised plan showing the landscaped areas shall be submitted and agreed in association with Condition 6.

8. Prior to commencement of works, a street lighting design for extending the current street lighting system on the U67 Calfford Brae to cover the vehicle access into the development site at Duncrievie House must be approved by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. The street lighting shall be installed prior to use of the vehicle access into the development site at Duncrievie House.

Reason: In the interests of road safety

9. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) taking cognisance of the concerns raised about the U67 Calfford Brae, which shall include the following:
 - restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - arrangements to ensure that access for emergency service vehicles are not impeded; and
 - details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management.

10. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.
11. Development shall not commence on site until details of foul and surface water drainage systems have been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The surface water drainage scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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.

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 15 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).

13. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason: In order to prevent animals from being trapped within any open excavations.

14. An updated ecological survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

15. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 3A and 3B of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved. For the avoidance of doubt the areas identified as communal landscaping on plan 15 are not considered to be curtilage of the dwellinghouse and do not benefit from householder permitted development.

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

16. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted to

and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

Justification

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

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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.

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. 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.

5. The location of the foul drainage infrastructure should be in a suitable location for emptying and be located within 25 metres of the private vehicle access to be in line with Building Standards. A private wastewater treatment plant and septic tank should be provided with an access for desludging. The desludging tanker should be provided with access to a working area that:
 - will provide a clear route for the suction hose from the tanker to the tank, and
 - is not more than 25m from the tank where it is not more than 4m higher than the invert level of the tank, and
 - is sufficient to support a vehicle axle load of 14 tonnes.
 6. The applicant is advised to contact the Street Lighting Partnership to obtain the locations of plant. Contact Perth & Kinross Council Street Lighting Department for further details.
 7. The applicant should ensure they familiarise themselves with the legislative requirements under the Controlled Activities Regulations. More detail on this is provided in section 2 of SEPA's Standing Advice document which is online at [sepa-triage-framework-and-standing-advice.pdf](#)
 8. 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.
9. The developer is advised that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.

Background Papers: 11 letters of representation
 Date: 22 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

<p>If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.</p>
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<p>You can also send us a text message on 07824 498145.</p>

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