

Perth and Kinross Council
Planning and Placemaking Committee – 10 April 2024
Report of Handling by Strategic Lead - Economy, Development and Planning
(Report No. 24/111)

PROPOSAL:	Erection of a dwellinghouse and associated works
LOCATION:	Land 50 Metres West Of Ruchilside Farm, Comrie, Crieff

Ref. No: [24/00043/FLL](#)
Ward No: P6- Strathearn

Summary

This report recommends **approval** of the application, subject to conditional control. The proposal is considered to be a minor departure from the development plan however there are material considerations which justify a departure from the plan in this instance.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks approval for the construction of a three bedroom dwellinghouse with 1 and $\frac{3}{4}$ storeys at an existing farm steading at Ruchilside, in countryside to the south of Comrie.
- 2 The site is currently a farmyard with two non-traditional agricultural buildings which are in a poor state of repair. The site forms part of a landholding of approximately 26.1 hectares which was formerly part of the larger Cultybraggan Farm which itself was subdivided and sold in early 2023. An existing residence named Ruchilside Farm within separate ownership is located directly to the east, and would have once been the farmhouse associated with the existing farm buildings subject to this application.
- 3 The site is adjacent to Core Path CMRI/3 and Right of Way 25/3 along which the access route to the application site is taken from the B827 public road. The westernmost portion of the application site is subject to low river flooding risk, and this is outwith the position of the proposed dwellinghouse.
- 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.

SITE HISTORY

This site

- 5 23/01425/FLL Full Planning Permission application was withdrawn on 29 November 2023 for erection of a dwellinghouse and associated works.

Adjacent to this site

- 6 23/02030/PNA Prior Approval not required for erection of an agricultural building. Decision Made on 18 December 2023.

PRE-APPLICATION CONSULTATION

- 7 Pre application Reference: None
- 8 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

- 9 The Development Plan for the area comprises National Planning Framework 4 and the Perth and Kinross Local Development Plan 2 (2019), along with its associated statutory supplementary guidance.

National Planning Framework 4

- 10 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.
- 11 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 12 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 9: Brownfield, vacant and derelict land and empty buildings
 - Policy 12: Zero Waste
 - Policy 13: Sustainable Transport

- Policy 14: Design, Quality and Place
- Policy 17: Rural Homes
- Policy 18: Infrastructure first
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2019

- 13 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.
- 14 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 19: Housing in the Countryside
 - Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Water Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 58A: Contaminated Land and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2023)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

PKC NON STATUTORY GUIDANCE

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 15 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars, in addition to NPF4.

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 17 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

- 18 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

- 19 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.

CONSULTATIONS

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

External

Perth And Kinross Heritage Trust

- 21 No significant concerns raised in respect of archaeology.

Scottish Water

- 22 No objection subject to standard advice. Private wastewater treatment required.

Scottish Environment Protection Agency

- 23 No objection, subject to standard advice.

Internal

Development Plan

- 24 No comments received.

Development Contributions Officer

- 25 No Contributions required in respect of Primary Education, as there are no current capacity concerns within the Comrie Primary School catchment.

Structures And Flooding

- 26 No objections, subject to planning condition regarding flood resilient construction and standard flooding informative.

Transportation And Development

- 27 No objections, subject to planning condition ensuring no obstruction of the core path during building works.

Environmental Health (Contaminated Land)

- 28 Proposed site is on an existing farmyard and agricultural land. Planning condition recommended regarding evaluation of land contamination in the event of approval.

REPRESENTATIONS

- 29 21 representations were received, including 16 objections and 5 letters of support. The main issues raised within the representations are:

Objections

- Contrary to Development Plan policy, including Housing in the Countryside Supplementary Guidance
- Site is not rural brownfield land and is green belt.
- Adverse effect on visual amenity

- Adverse impact on residential amenity
- Inappropriate land use, and out of character with the area
- Application form is inaccurate or incomplete regarding existing use, changes to public access routes, sustainable drainage, waste storage, flood risk.
- Landowner has restricted public right of access and proposals would exacerbate this.
- Maintenance access to local flood defences would be compromised
- Flood Risk
- Foul drainage would be too close to the Water of Ruchil and its floodplain.
- Supporting statements have exaggerated extent of crime, damage to crops including by local fishermen, and fly-tipping.
- Ownership of site is unclear
- Proposal is outwith and undermines Comrie settlement boundary, creating a poor precedent.
- There is no provision of a slurry pit for the area to remain in use as a farmyard, so close to the river.
- Doubts as to the veracity and independence of the SAC Report.
- Removal of existing farm buildings
- Construction of a new house would not be more affordable than buying in the village.
- Adverse impact on wildlife
- The nearest bus stops are further away from the site than claimed in supporting documents.
- Financial soundness and economic viability of this farm cannot be demonstrated, as it is too small, and the landowner has farmed the site for less than one year.
- Doubts as to the need for a worker to be on site. A previous herd manager for the previous larger (and now subdivided) farm resided in Muthill.
- Miscellaneous animal husbandry concerns relating to existing land/buildings
- Miscellaneous claims regarding the landowner's behaviour towards members of the public.

Support

- Supports economic development and employment provision
- Enhanced character of area through replacement of existing dilapidated buildings within a building cluster
- Results in environmental improvements
- Many of the objections are unfounded
- Proposal will support sustainability of farming operation
- Proposed farmhouse will enhance security and welfare of animals
- Proposal will preserve rural landscape
- There would be no loss of privacy
- The site has not been known to flood.

30 These issues are addressed in the Appraisal section of the report. However, some matters require to be addressed prior to the appraisal section in light of their limited relevance to planning:

- The behaviour of individuals, or speculation as to their future behaviour, is not a planning matter, and should be pursued under civil law where necessary.
- Animal husbandry concerns are not a planning matter and should be directed to the Council’s Animal Welfare Officer and other relevant organisations.
- Ownership of the site has been satisfactorily clarified by the applicant.
- The provision of a slurry pit, or lack thereof, is not relevant to this application.
- The claimed inaccuracies in the application form will be discussed under the relevant parts of the assessment.
- Whether or not flood defences can be maintained is not directly relevant to this application as the application site does not bound the location of those defences. It is noted that a private road access to those defences coincides with the red site boundary of this application and is a right of way and core path. That matter is discussed in the Roads and Access section of the appraisal.

ADDITIONAL STATEMENTS

31

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	Labour Report submitted

APPRAISAL

32 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, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. 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.

Principle

- 33 Policy 19: Housing in the Countryside of LDP2, it is acknowledged that opportunities do 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. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. Support is also referenced in the recently adopted National Planning Framework 4 (NPF4) where Policy 9 states that development proposals that result in the sustainable reuse of brownfield land will be supported.
- 34 Policy 17 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.
- 35 The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- 1) Building Groups
 - 2) Infill site
 - 3) New houses in the 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
 - 6) Development on rural brownfield land
- 36 The application site does not meet the definition of a building group, is not an infill site, does not involve the renovation or replacement of a house, and does not meet the criteria for the conversion or replacement of a redundant traditional non-domestic building. Attention therefore turns to Section 3 of LDP2 Housing in the Countryside Supplementary Guidance, and Development on rural brownfield land.
- 37 Section 3 of Housing in the Countryside Supplementary Guidance sets out five categories and the criteria for meeting each:
- 3.1 Existing Gardens (of country estates);
 - 3.2 Houses in Areas of Flood Risk;
 - 3.3 Economic Activity;
 - 3.4 Houses for Local People (in housing need); and
 - 3.5 Houses for Sustainable Living.
- 38 The most relevant category for this application site is Category 3.3 which relates to rural housing on the basis of economic need, and this is also supported by

NPF4 Policy 17(a)(v) where “demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work”. Whilst NPF4 Policy 17 doesn’t elaborate on rural business viability or how essential need should be calculated, the Supplementary Guidance to LDP2 does link the essential need for farm worker houses to animal welfare reasons, and states that “evidence should be in the form of a business appraisal, prepared by an independent expert, which demonstrates that the farm is financially sound and economically viable. The appraisal should be based on labour hours for the existing farming operation and must clearly set out the proportion of labour hours and the types of operations which require a full-time worker or workers to be on-site for the majority of the time.” The affordability of alternative accommodation locally within is not a feature of the essential need criteria within Supplementary Guidance.

- 39 In this instance, a report prepared by SAC Consulting has been submitted and indicates that the labour requirement for the farm equates to 1.15 Labour Units, where 1900 work hours per annum constitutes 1 Labour Unit. However, the proportion of this which relates solely to livestock and therefore animal welfare only constitutes 0.58 Labour Unit. In addition, the SAC Report is silent on the long-term viability of the farm and financial soundness of the business, which may be linked to the fact that the business has been operation for less than one year. This must be read in the context of Category 3.3 of Supplementary Guidance which states the following on Page 15 in relation to New houses to support a new or expanded business: “There must be reasonable certainty, however, that the business will succeed before allowing a new house to be built in the countryside. Providing that the need for on-site accommodation is demonstrated it may be appropriate to allow some form of temporary accommodation, such as a mobile home, for a set period of time. Once the new or expanded business is established and can be demonstrated to be financially sound and economically viable, a planning application can be made to replace the temporary accommodation with a permanent house.” Incidentally, it is noted that there a static caravan is currently sited in the farmyard.
- 40 As such, the proposal fails to satisfactorily demonstrate the economic need for a farm worker to be on site for welfare reasons, and therefore fails to meet the relevant criteria of NPF4 Policy 17(a)(v) or Category 3.3 of LDP2 Housing in the Countryside Supplementary Guidance.
- 41 Turning to Category 5, it provides some clarity in relation to non-traditional non domestic buildings, of which those on site are a prime example. While it is clear they are no longer fit for their designed purpose, the SG clearly advises that the Housing in the Countryside Policy does not support the replacement of non traditional buildings with housing. In respect of Category 6 of Supplementary Guidance, that document defines Brownfield land as “derelict land which was at one time occupied by buildings or structures but these have now been removed,

or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved". This site is occupied by two existing buildings, and whilst they are in a dilapidated state, no structural information has been forthcoming regarding damage by a former use. The application site is not therefore considered to meet the brownfield criteria within LDP2 Supplementary Guidance.

- 42 However, NPF4 offers a different definition of brownfield which is considered to be wider in its scope than that of the LDP2 Supplementary Guidance. It defines brownfield as "Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable." Furthermore, in instances where there is a conflict between NPF4 and any Local Development Plan, the former takes primacy as the most up to date policy position.
- 43 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 be taken into account. NPF4 Policy 17(a)(ii): Rural Homes supports the reuse of brownfield land where a return to a natural state has not or will not happen without intervention. As it was adopted more recently, NPF4 takes precedence in the decision-making process above LDP2.
- 44 In this instance, the existing buildings, one of which is a slatted shed with a slurry tank beneath, are in a poor state of repair and unsuitable for modern farming practices. A recent application under agricultural permitted development rights for a new farm shed to the north-west of this application site was consented in December 2023. The proposed house would be on the site for the existing slatted shed, which is the larger of the two existing buildings. Biodiversity matters have been considered in the relevant section of this report.
- 45 Therefore, whilst economic need has not been satisfactorily demonstrated, the principle of redeveloping rural brownfield land as defined in NPF4 for the purposes of a single dwellinghouse is acceptable, subject to detailed consideration of Development Plan policies, and matters including but not limited to design, residential amenity, parking and access, and biodiversity.

Design and Layout, Visual Amenity, Landscape

- 46 The appearance, orientation, and design of the proposed dwellinghouse would be acceptable and well-integrated into the site and its setting within the Upper Strathearn Local Landscape Area. In general, the proposed layout of the site is considered to be acceptable, and represents an appropriate response to the topography and size of the plot without overdeveloping it. It is unclear what the

material proposed for the front porch of the dwellinghouse is, the extent of landscaping or planting proposed within the proposed residential curtilage, or the appearance of proposed boundary fences. As such, planning conditions shall require further detail of external materials, landscaping and planting, and boundary treatment within the site to ensure that these elements are appropriate for the site's rural setting.

- 47 As such, subject to the above conditional control, this element of the proposal accords with NPF4 Policies 4: Natural Places, 14: Design, quality and place, and 17: Rural homes, and LDP Policies 1A and 1B: Placemaking and 39: Landscape.

Residential Amenity

- 48 The proposed position and orientation of the dwellinghouse within the plot would not create any adverse impact on the living conditions of neighbouring residents in terms of overlooking or overshadowing. The removal of dilapidated agricultural buildings may also improve residential amenity for the neighbouring dwellinghouse in terms of farm-related odours and noise. The proposed plot also provides sufficient amenity ground for future occupiers.

- 49 This element of the proposal is therefore acceptable in terms of residential amenity, and accords with NPF4 Policy 14: Design, quality and place and LDP2 Placemaking Policies 1A and 1B.

Roads and Access

- 50 The vehicle access to the public road network for the property will be via the existing shared vehicle access into the site from the B827. The shared vehicle access forms part of the core path network. The nearest bus stops are at Dalginross to the south of Comrie.
- 51 Parking will be provided on site for three vehicles, which is in line with the requirements of the National Roads Development Guide.
- 52 Concern has been raised in representations regarding blocking of public access within the wider farm. The Council's Community Greenspace Team are investigating this under the Land Reform (Scotland) Act 2003, and this is a matter separate from the assessment of this particular planning application.
- 53 A planning condition has been recommended by the Council's Transport Planning Team to ensure that the core path adjacent to the application site and along the access from the B827 is not obstructed during building works.
- 54 As such, subject to conditional control the proposal accords with NPF4 Policy 13: Sustainable transport and LDP Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 55 Scottish Water have not objected to the proposal subject to private waste water treatment being pursued.
- 56 SEPA and the Council's Flood Team have not objected to the proposal as the proposed building is outwith the extent of low river flooding risk. Informatives shall draw attention to their respective advice.
- 57 Furthermore, the plot size is such that surface water and foul drainage can be satisfactorily accommodated outwith flood risk extents.
- 58 In these respects, the proposal accords with, the proposal accords with NPF4 Policies 4 and 22, and LDP2 Policies 46A, 46B, 53B, 53C, and 53E.

Waste Collection

- 59 There is sufficient space for bins to be stored within the site. As regards collection, it is unclear what is proposed in terms of bin presentation, and a condition shall require further details of this. Subject to such conditional control, this element of the proposal would be acceptable and in accordance with NPF4 Policy 12: Zero Waste.

Conservation Considerations

- 60 There are no conservation concerns associated with this proposal.

Natural Heritage and Biodiversity, Soils

- 61 NPF4 Policy 3: Biodiversity and LDP2 Policy 41: Biodiversity seek to protect and enhance all wildlife and wildlife habitats whether or not formally designated, and promote biodiversity enhancement. Policy 58A: Contaminated Land is also of relevance in light of the agricultural use of the site.
- 62 In terms of land contamination, Environmental Health Team have advised that contamination may exist by virtue of the site's use to date as a farmyard and associated buildings. As such, and given the proposed change of dwellinghouse and garden ground which is considered to be the most sensitive land use, a planning condition shall require evaluation of contamination on site, and implementation of decontamination measures where required.
- 63 No proposed biodiversity enhancement measures have been proposed as part of this planning application. As such, a condition shall require two bird nesting boxes to be installed on the proposed house. As set out elsewhere in this report, a planning condition shall require details of landscaping and planting on site, which in turn would have a biodiversity benefit. The existing site is of limited

biodiversity benefit, and the removal of existing buildings does not raise concern in policy terms in this instance. As such, subject to such conditional control, the proposal would accord with the intent of NPF4 Policy 3 and LDP2 Policy 41.

Energy

- 64 LPD2 Policy 32 seeks to ensure that all proposals for new buildings are required to demonstrate that at least 10% of the current carbon emissions set by the Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. This is also supported by the intent of NPF4 Policy 2. No technical details of how this would be achieved have been submitted with the current application, and as such a planning condition shall require this to be demonstrated.

Developer Contributions

- 65 None required in this instance.

Economic Impact

- 66 The economic impact of the proposal is likely to include the construction phase, and provision of accommodation associated with the operation of a farm business.

VARIATION OF APPLICATION UNDER SECTION 32A

- 67 This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 68 None required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 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. There is however a minor departure from the adopted Local Development Plan 2 (2019). However,

given the clear advise from the Chief Planner, in such instances, NPF4 takes primacy, and as such, 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 the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the 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, 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 - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

6. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- I. the nature, extent and type(s) of contamination on the site;
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed;
- III. measures to deal with contamination during construction works; and
- IV. condition of the site on completion of decontamination measures.

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

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

7. 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.

- 8. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and approved in writing by the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

- 9. The core path which forms part of the access track to the site shall not be obstructed during building works or on completion. Any damage done to the core path and associated signage during building works shall be made good before occupation of the dwellinghouse. Any temporary restrictions to public access required to facilitate works on site must be agreed and approved in writing first with the Access Officer.

Reason - In the interests of public access along the core path.

- 10. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 11. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, two 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.

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

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

None.

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 applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from the Scottish Environment Protection Agency (SEPA).
7. 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.
8. 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: 21 letters of representation
Contact Officer: John Cooney
Date: 28th March 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

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