

Perth and Kinross Council
Planning and Placemaking Committee – 10 January 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/12)

PROPOSAL:	Erection of a dwellinghouse
LOCATION:	Land 20 Metres North of The Orchard Lochty, Almondbank

Ref. No: [23/01095/FLL](#)
Ward No: P9- Almond and Earn

Summary

This report recommends approval of a detailed planning application for a change of house type from that previously consented and on which development subsequently commenced on a site at Lochty, on the western edge of Perth and within the settlement boundary. 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 This planning application seeks to obtain a detailed planning permission for essentially a change of house type on a consented (and commenced) residential plot within the Lochty area at the western edge of Perth. The detailed planning permission which exists on the site relates to the same nature and quantum of development (one dwellinghouse). Associated development of that planning permission has commenced via a material operation occurring (construction of foundations), as per Section 27 of the Planning Act within the prescribed timescales. The Council has issued written confirmation of this position.
- 2 The site is rectangular shaped and was formerly garden ground which was part of a residential property named 'Ellengowan', which is immediately to the north of the site. A number of planning permissions have been granted since 2002 – all of which have related to the erection of a single dwelling, with the most recent being a 2018 detailed planning permission (Ref: 18/00115/FLL). As previous stated, that approved development has commenced through the formation of foundations but not completed. As such the permission is extant and a significant material consideration in determining the planning balance.
- 3 It is understood that the site has recently been sold, and this further planning application seeks approval for amendments to the approved house type. Those amendments are considered material changes from the previously approved

details and as such, varying the extant permission through the non-material variation process is not considered appropriate. The appropriate mechanism for dealing with the proposed changes is a new planning application.

- 4 As per the earlier permissions, the proposed house will provide two levels of accommodation with the upper level contained within the roof space through the combination of dormers and rooflights – three dormers are proposed on the front elevation (east), and 4 to the rear (west). The principal changes from the 2018 permission are a slightly larger floor area from 131.4 square metres to 144.7 square metres, an increase in ridge line, height from 7.7 metres to 9 metres and changes to the style and number of dormer windows. From a design perspective, these changes cater for the incorporation of an integral garage, with accommodation above. A short section of an existing southern boundary hedge is now proposed for removal, when it was previously being retained.
- 5 All other matters such as vehicular access arrangements, parking provision, bin/recycling collections and drainage remain unaltered from the extant permission.

Pre-Application Consultation

- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 7 Since the approval of the earlier planning application, there has been a change in the Development Plan for the area, which now comprises the National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG). This is a change from the position when application 18/00115/FLL was approved, following consideration against the Local Development Plan 2014, TAYPlan and the statutory supplementary planning guidance of the time. The NPF4, as the most up to date element of the Development Plan, takes precedence if / when there is a conflict between policy intent between the Local Development Plans, statutory SPG and the NPF4. In the case of this application, it is considered there is no conflict between the relevant policies across all parts of the Development Plan but there are some differences in the policy intent – such as between bio-diversity policies.

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

9 NPF4 was adopted on 13 February 2023, with an increased status over previous NPFs, and comprises part of the statutory Development Plan. The Council's assessment of this application has considered all parts of the NPF4, however the following specific policies are particularly relevant to this proposal,

- Policy 2: Climate change and mitigation
- Policy 3: Biodiversity
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 14: Design, Quality and Place
- Policy 22: Flood Risk and Water Management

Prior to an intended earlier consideration of this application at the December Planning and Placemaking Committee, a legal opinion was presented to the Council the evening before covering a number of legal questions. Given the limited time available it was not possible to consider the issues set out and as a result the risk averse approach of withdrawing the application from that Agenda was actioned. This report has considered those questions and some revision undertaken. On a specific aspect of NPF4, these questions included that Policy 17: Rural Homes is relevant to this proposal and should be assessed in the decision-making process. However, as this site is located within the settlement boundary of Perth, which is the principal settlement within the LDP2, and surrounded by 'white' land. Thus, it is not considered that the site is within a rural area, such that Policy 17 is relevant. A fuller explanation of this position is set out in the main appraisal section below.

Perth and Kinross Local Development Plan 2 (2019)

10 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. As was the case for the previous planning applications, the site is located within the settlement boundary of Perth, where the following policies are applicable,

- Policy 1: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 41: Biodiversity
- Policy 52: New development and flooding
- Policy 53: Water Environment and Drainage
- Policy 60: Transport standards and accessibility requirements

Statutory Supplementary Planning Guidance (SPG)

11 The following statutory SPGs are applicable to this proposal,

- Developer Contributions and Affordable Housing (2020)
- Placemaking Guide (2020)

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this proposal are,

Planning Advice Notes

- 13 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

National Roads Development Guide 2014

- 14 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.

OTHER PKC POLICIES

- 15 The following non-statutory planning guidance are applicable to the proposal,
- Planning for Nature (2020)

SITE HISTORY

- 16 02/00403/OUT - Erection of one dwellinghouse approved (in outline) was approved on 11 June 2002
- 17 09/00221/OUT - Erection of a dwellinghouse (in outline) was Approved On 8 May 2009
- 18 12/00760/IPL - Renewal of planning consent (09/00221/OUT) for the erection of a dwellinghouse (in principle) was approved on 25 June 2012
- 19 13/01899/AML - Approval of matters specified in conditions (12/00760/IPL) Erection of a dwellinghouse was approved on 15 January 2014
- 20 17/00957/FLL - Full Planning Permission for Erection of a dwellinghouse was approved on 4 August 2017

- 21 18/00115/FLL - Full Planning Permission for Erection of a dwellinghouse was Approved on 21 February 2018, and this permission has commenced.

CONSULTATIONS

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

External

Scottish Water: No objection, in terms of public capacity issues.

Transport Scotland (TS): No finalised response has been provided from TS, with more information requested. Officers note that the proposed access arrangements to the trunk road are not altering from previous permissions, including the extant consent and the proposals would result in no significant change. Given this material consideration it is felt a proportionate planning balance that the same standards are applied as was recommended to the extant consent. (Condition 5).

Internal

Transportation and Development: No objection. The level of onsite parking provision (3 spaces) meets with the standards of the National Roads Development Guide.

Environmental Health: No objection in terms of a potential private water supply occurring, if a public connection is not viable or practicable.

Structures and Flooding: No objection in terms of flooding or drainage, subject to conditions concerning surface water disposal.

Development Contributions Officer: No requirement for any additional developer contributions.

Community Waste Advisor: No response received.

REPRESENTATIONS

- 23 Nineteen representations were received, of which seventeen are objecting and two offering support. In terms of the objectors, the main issues raised within their representations are:

- Proposal is contrary to the Development Plan
- Impact on visual amenity
- Impact on residential amenity
- Impact on biodiversity
- Impact on road and pedestrian safety

These issues are addressed in the Appraisal section of the report.

- 24 In terms of the letters of support, these suggest that the proposal would enhance the area and would result in environmental improvements from the site's current condition.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)/ Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecology Survey

APPRAISAL

- 25 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 LDP2 and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 26 In terms of other material considerations, the fact that the site has obtained various detailed planning permissions for very similar proposals (a single dwelling) and that one of those permissions is extant and has seen development commenced, is a significant material consideration in relation in accepting the principle of a 'single dwelling' on this site. Consideration of the Council's other non-statutory policies and supplementary guidance, namely the planning guidance on Planning for Nature is also a material consideration.

Policy

- 27 The principle of a residential dwelling on this site has been established a number of times by previous planning permissions. This is enhanced by the fact that the 2018 permission has been commenced and formal verification of that provided by the Council. This fact requires to be weighted in the planning balance as a material consideration against the terms of the current development plan. In this regard, the current application is also for a single dwelling of a comparable scale, position on the site and sees the same access arrangements as already approved and which could be used if that extant permission was fully implemented. Taking account of this it is the settled view of officers that the principle of a single dwelling and its associated access is acceptable and established. As such consideration of the matters of detail associated to the proposed revised house type itself which require to be undertaken, such as in

relation to visual / residential amenity impacts and other matters, and there are relevant policies relating to these issues in all parts of the Development Plan.

- 28 One of the objectors considers the principle of a dwelling on the site should be revisited, as well as assessing whether or not the proposed details matters are acceptable. The objector suggests that the timeline between the approval of the 2018 permission and now, during which the Development Plan has changed merits such a reassessment. They are also of the view that NPF4 in particular introduces new (or different) policies which, if applied to this proposal could potentially result in a different outcome than in 2018. However, the material consideration of the extant permission must also be accounted for, and it is considered that the policies of NPF4, including accounting for the planning balance associated to the extant consent does not lead to the view that the principle of this application is not acceptable. There is also a suggestion that since the previous approval in 2018 there has been changes in the site's physical characteristics and a potential increase in traffic on the local roads, such that these issues should also be revisited.
- 29 In terms of the NPF4, Policy 14 (Design, Quality and Place) looks to ensure that all new developments have a high standard of design, whilst Policies 1 (Placemaking) and 17 (Residential Areas) of the LDP2 look to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment and protect existing visual and residential amenity of the area concerned.
- 30 The Placemaking SPG promotes good design principles for all new developments and looks to protect both visual and residential amenity by ensuring that both the proposed design is appropriate for its setting, and that existing environs are considered.

Land Use Acceptability

- 31 Planning permission exists on the site for a single dwelling, and as indicated previously that permission has commenced and been verified. Notwithstanding this, the principle of a single dwelling on the site is considered to continue to align positively with the Development Plan. In the LDP2, the site is located within the settlement boundary of Perth, although not identified for any specific use and considered to be 'white land'. Such land is considered by the LDP2 to be areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Policy 17 of the LDP2 is directly applicable to new development on 'white land' and states that in general terms, encouragement will be given to proposals which fall into one or more of the specific categories of development and when the development proposed are compatible with the amenity and character of the area.

- 32 The specific criteria listed are,
- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
 - (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
 - (c) Proposals which will improve the character and environment of the area or village.
 - (d) Business, homeworking, tourism or leisure activities.
 - (e) Proposals for improvements to community and educational facilities.
- 33 There is no requirement for a development to comply with one of more of these categories, providing that the development is compatible with the existing amenity and character of the area concerned. In this case, the proposal is considered to accord with criteria (a), being a single dwelling and a use and density compatible with the amenity (visual and residential) and character of the area. The character of the area already clearly being residential, and a full assessment on both visual and residential amenity issues are expanded on below.
- 34 Within NPF4, the only policy considered relevant to this proposal, in relation to the land use, is Policy 9. Whilst principally related to brownfield land and vacant and derelict building's part (b) of this policy states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Whilst greenfield sites are typically considered to have not been previously developed and often within countryside areas or out with settlements, the NPF4 is silent on a specific definition in this context so it could be argued that even though this site is within a settlement it could then be considered as greenfield. However, as mentioned above the site has seen planning permission for its development granted and that development commenced. Thus, the site has been previously developed and could therefore be considered as brownfield.
- 35 This site is not allocated for any specific development or purpose within the LDP2. To this end, compliance with Policy 9 would then fall back on the proposal being explicitly supported by policies in the LDP2. As previously discussed, there is policy support for the principle of a dwelling on this site through Policy 17 of the LDP2, and as the proposal does not conflict with any other policy across all elements of the Development Plan, the proposal is considered consistent with the requirements of Policy 9 of the NPF4.

Visual Amenity, Design and Layout

- 36 The proposal is comparable to the 2017 planning permission, in terms of its general appearance and proportions (from the front). While there has been a 1.3 metre increase to its overall height, the dwelling is in the same position, with a small increase in footprint area through the incorporation of an extended garage into the dwelling. The wall to roof ratio has increased thereby having the

appearance of a 1 ¾ storey property as opposed to 1 ½ storey approved previously. The relationship to the boundaries of the plot, are only marginally larger – which have previously been considered to be acceptable. Whilst the Council's Placemaking policies have been updated since 2017, and the NPF4 through Policy 14 adds policy intent on design, the principles of what constitutes good and acceptable design have seen limited change. The current proposal makes a distinct change in the style of dormers, with smaller windows proposed from those consented in 2017 and 2018. However, what is proposed is not considered to look out of character with the wider area nor visually offensive.

- 37 The same applies to the increase in the numbers of dormers on both the front and rear elevations, which has also changed from the previous permissions. The additional number of dormers on both elevations would alter the appearance of the dwelling, but not to a level which would make the resultant dwelling appear visually incongruous, especially when viewed from the A85, such as when travelling eastwards. It is also noted that the property of 'Ellengowan' has a number of dormers on its principal elevation, albeit of a different style than what is proposed in the application.
- 38 All other design and layout matters are considered acceptable, subject to some minor changes secured through condition (Condition 6) and the proposal is considered to comply with the Placemaking and Design policies contained in all parts of the Development Plan.

Residential Amenity

- 39 The proposed change of house type does not introduce any new issues in terms of the impact on existing neighbours which have not been previously considered, either in 2017 or 2018. The dwellings approved in 2017 and 2018 were in similar positions on the plot as the current proposal and there was some degree of interaction with surrounding neighbours. This position has not changed, and it is not considered that any new aspects are inherently unacceptable or don't meet relevant guidance/standards: additional dormers/windows/bedroom; increased height and footprint, accommodation over the garage, etc.
- 40 It is however important to assess the current proposal on its own merits in terms of how it impacts on existing residential amenity, and how it delivers residential amenity for future occupiers.
- 41 The principal area of interaction at first floor level would be between the proposed rear dormers, and part of the private garden area of 'Ellengowan' to the north. Both the 2017 and the 2018 permissions would have resulted in some degree of interaction due to the physical relationship of the proposed house and the garden ground of 'Ellengowan', but it is accepted that avoiding any visual interaction in a settlement is an unrealistic expectation and largely commonplace. A more sensible approach is to ensure that any impacts are reasonable (and of a level of what might be expected), and in this case to ensure that any impact is

comparable to what already is likely to occur by virtue of the extant planning permission.

- 42 It is noted that one of the proposed dormers would be several metres closer to the northern boundary than the consented arrangement, which could potentially increase the degree of overlooking, and result in a greater loss of privacy to the affected property from what has been approved.
- 43 The dormer in question serves a bedroom which also has another dormer on the same elevation, so there is no reason why a minor amendment could not be made to change the north most dormer on the rear elevation to a roof light, which would in turn reduce the ability of the user to look sideways. This would also bring the relationship and impact on the neighbour to the north to something similar of the 2018 permission. Condition 6 relates.
- 44 In terms of the interaction with the residential property to the south, it is noted that two side windows are proposed at ground floor level and close to the boundary. Along the boundary there is currently a significant hedge, with a 1.8m fence on the neighbour's side. The applicant has indicated that this fence will remain, but the hedge is to be removed. On this it is understood that an agreement has been reached between the two parties to remove the hedge, which has been affecting the property to the south and with the fence in situ, is challenging to maintain. Subject to the fence being retained, the interaction between the existing and proposed house will be mitigated by the existing fence and there would be scope for a more suitable replacement along the boundary which benefits both parties. Condition 4 relates.
- 45 Lastly, a concern has been raised that the additional height of the dwelling would impact adversely on light entering the ground floor windows of 'Ellengowan', and that shadows would affect both the property and some areas of the garden ground. The Council's Placemaking Guide makes reference to this issue, and in most cases the use of a 25-degree rule is used as a good starting point to establish whether or not further light / shadow assessments are required. The key principles of the test comprise drawing a line at 25 degrees towards a proposed development starting at the mid-point of the ground floor window. The distance between the gable of the proposed dwelling, and that of Ellengowan, is approximately 13.5 metres. An officer's assessment, showed a marginal 'breach' of the 25-degree line, and professional planning judgement has led to the view that it is not proportionately necessary to seek any further, more detailed, assessment. In respect of the potential for overshadowing of garden ground, it is accepted that the change to massing over the garage area, and slight increase to ridge height would result in a slight increase of overshadowing to neighbouring garden ground. However, this would not be to an extent which would warrant the refusal of this proposal, and would be more evident in winter months with a low sun.
- 46 Accordingly, subject to the imposition of conditions the proposal is considered to be in accordance with Policies 1 and 17 of the LDP2, and the guidance provided within the Placemaking Guide 2020.

Roads and Access

- 47 The proposed change of house type raises no new issues concerning parking provision or access related matters from that related to the extant consent. Standard conditions which are similar to those attached to the extant planning permission are again recommended (Condition 5). It is considered unreasonable to apply any more onerous standards to this permission, given the fact the extant permission could be fully implemented, thus using the planning balance/judgement.

Drainage and Flooding

- 48 The proposed change of house type raises no significantly new issues concerning drainage or flooding matters. It is not identified on SEPA Flood Maps as being at risk from either surface or river flooding, the nearest area being beyond the property known as 'The Orchard' to both the west and south west of it associated with the East Pow. A standard condition requiring all surface water to be disposed of in a manner which does not shed onto neighbouring land is recommended (Condition 3). The proposal is therefore considered to comply with Policy 22 Flood Risk and Water Management of NPF4 and Policy 53 Water Environment and Drainage of LDP2.

Waste Collection

- 49 The proposed change of house type raises no new issues concerning waste or recycling provision, and collection will continue to take place at the road end.

Conservation Considerations

- 50 The proposal has no implications in terms of impacting on listed buildings, conservation areas or local archaeology.

Natural Heritage and Biodiversity

- 51 The proposed change of house type raises no new issues concerning ecological issues. The planning application has been supported with an Ecological Constraints Survey, which takes into account Great Crested Newts and the survey, conclusions and recommendations are considered acceptable and would result in positive outcomes beyond the extant consent, details of landscaping controlled via Condition 4 and mitigations set out in the Ecological Constraints Survey via Condition 7. The proposal is therefore considered consistent with Policy 3 of the NPF4, Policy 41 of the LDP2 and the guidance offered by the Planning Guidance on Planning for Nature.

Southern Hedge

- 52 Both the 2017 and the 2018 planning permissions sought to retain the southern hedge in its entirety through conditions. The applicant has indicated they wish to

remove the hedge for the eastern half of the southern boundary, and that the construction of both the 2018 permission and the proposed would require its removal. With an existing fence providing mitigation for residential amenity, the removal of a small portion of the hedge is considered acceptable – subject to some degree of compensatory planting within the wider garden area. Condition 4 relates.

Retaining Wall

- 53 The proposed dwelling will encroach to within 1m of the boundaries of the site. To the north of the site is an existing retaining wall. It would be the applicant's responsibility to ensure that their development does not compromise the structural integrity of the wall and comply with all the relevant building regulations through the submission of a competent and approvable Building Warrant submission. An informative note is recommended to highlight this position (Informative 3).

Water Supply

- 54 Scottish Water have indicated that there is sufficient capacity within the public system to service this development. In the unlikely event that a connection was not a viable or practical option, any new private supply will have to comply with the relevant private water regulations. An informative note to this effect is recommended (Informative 5).

Climate Change

- 55 In line with the requirement for new developments to be designed to reduce, minimise and avoid greenhouse gas emissions, in this instance it is appropriate to add a condition to require a scheme that demonstrates how 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 (Condition 8). Notwithstanding, as a development within an existing defined settlement boundary, it also contributes to development being located in a sustainable location, with access to local services. The proposal is therefore considered in accordance with NPF4 Policy 2 Climate change and mitigation and LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development.

Developer Contributions

- 56 A developer contribution in relation to Transport Infrastructure was paid in relation to 17/00957/FLL. As the number of residential units across the site is not increasing from the extant permission, then there is no requirement for any additional contributions.

Economic Impact

- 57 The proposal would have little impact on the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

- 58 The applicant opted to make some minor changes to their design statement during the course of the planning application, however these changes did not affect the key principles of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 59 None required.

DIRECTION BY SCOTTISH MINISTERS

- 60 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

- 61 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, the LDP2 and statutory SPGs. This report fully assesses the extent to which NPF4 has introduced changes relevant to the application, from those issues previously considered. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

RECOMMENDATION

Approve the planning application, subject to 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. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices. Prior to the commencement of the development hereby approved, precise details of the surface water drainage system shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full and completed before the first occupation of the dwelling.

Reason: In order to ensure the site is adequately drained.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments, new compensatory planting to both offset the loss of the portion of the southern boundary hedge and other landscaping of the site, as well as providing net biodiversity gain shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full and completed before the first occupation of the dwelling. In the event of any planting failing within 5 years it shall be replaced on a 'like for like' basis within the next available planting season.

Reason: In order to clarify the terms of this planning permission, and to protect visual and residential amenity.

5. Visibility splays shall be maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland. For the avoidance of doubt, these splays are the triangles of ground bounded on 2 sides by the first 2.4metres of the centreline of the vehicular access (the set back dimension) and the nearside trunk road carriageway measured 120metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05metres and 2.00metres positioned at the set back dimension to an object height of between 0.26metres and 1.05metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, reflective of the requirements of the extant planning permission and resulting in a no net detriment position from that which would result from that approved development.

6. The north most dormer window on the rear (west) elevation is not approved. Prior to the commencement of the development hereby approved, an amended rear elevation which replaces the dormer with a rooflight shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full, and the rear elevation shall remain unaltered thereafter.

Reason: In order to protect existing residential amenity.

7. The Mitigations set out in paragraph 4.2 of the supporting Ecological Constraints Survey dated 20 June 2023 shall be implemented in full during the construction phase of the development.

Reason: In the interests of protecting and enhancing ecology and biodiversity.

8. Development shall not commence until specifying measures for maximising environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of the dwellinghouse.

Reason: In the interest of protecting the environment and sustainability.

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.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved. The applicant should undertake their own due diligence concerning the impact on the existing retaining wall along the northern boundary.

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 applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. 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.
6. In terms of Condition 3, the applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#) and the SUDS Manual (C753) as it contains advice relevant to your development.

Background Papers: 19 letters of representation
Date: 22 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

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