

Perth and Kinross Council  
Planning and Placemaking Committee – 12 July 2023  
Report of Handling by Head of Planning & Development  
(Report No. 23/209)

**PROPOSAL:** Erection of 3 dwellinghouses and associated landscaping and access

**LOCATION:** Wester Balgedie Farm, Wester Balgedie, Kinross, KY13 9HE

Ref. No: [22/00753/FLL](#)

Ward No: P8- Kinross-shire

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of three dwellinghouses on a site at Wester Balgedie, 3 miles to the east of Milnathort. The site extends to 0.58 (ha) (5840 sq m).
- 2 The site previously contained three agricultural buildings. A large steel portal frame building to the north west of the site has been demolished as has a smaller building to its east. These were deemed to be dangerous and were removed. A third building with masonry wall attached to a stone built steading is also proposed for removal. The demolition of the three buildings (in part retrospect) is subject to a separate application for Conservation Area Consent (22/00838/CON) due to the site being within the Wester Balgedie Conservation Area.
- 3 The site lies within the village boundary, as designated in the Perth and Kinross Local Development Plan 2 (2019) and is within the old 'ferm tou'. There is existing housing around the site to the northeast and southeast with farmland to the south and west. The site is within Wester Balgedie Conservation Area and within the Loch Leven and the Lomond Hills Local Landscape Area.
- 4 The proposal is for the erection of three dwellinghouses. The external finish is primarily black painted vertical timber cladding with zinc roofs. An area of "green roof" is also proposed. The houses all have a similar layout with accommodation over two levels with three bedrooms at first floor level and scope for a fourth bedroom on the ground floor. All have associated garages (5.7m wide by 5.3m deep) with home office accommodation at first floor level.

- 5 The site is accessed from Dryside Road via an existing agricultural access that also serves two residential properties. There is a right of way from the B919 (opposite the Balgedie Toll Tavern) that runs along the field boundary outwith the site and along the vehicular access to the front of the site north east to Dryside Road.
- 6 The site has a lengthy planning history. Planning permission for residential development was refused by Committee in 2008 (07/02325/FUL). An appeal to the DPEA was sisted whilst a revised application was considered. The revised application 09/00195/FUL was subsequently refused by Development Control Committee. The appeal against the earlier decision was eventually dismissed as agreement via a section 75 could not be reached with regard to provision of satisfactory drainage infrastructure.

### **Pre-Application Consultation**

- 7 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**

- 8 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**

- 9 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.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 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 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 18: Infrastructure First

## **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

12 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

13 The principal policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 28B: Demolition within Conservation Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

## **OTHER POLICIES**

### **Non-Statutory Guidance**

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Conservation areas](#)

### **NATIONAL GUIDANCE**

- 14 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**

- 15 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 68 Design Statements

#### **Creating Places 2013**

- 16 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**

- 17 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**

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

## Site History

- **07/01911/FUL** Full Planning Permission application was Withdrawn on 2 November 2007 for Erection of a dwellinghouse and associated works
- **07/02325/FUL** Full Planning Permission was Refused On 6 August 2008 for Proposed erection of 9 dwellinghouses, including 7 new-build houses, conversion and extension of 2 existing steading buildings and alterations and extension to existing farmhouse.
- **08/00484/FUL** Full Planning Permission was Refused On 1 July 2008 for Erection of a dwellinghouse and associated works
- **08/01927/FUL** Full Planning Permission application was Withdrawn On 19 November 2008 for Erection of dwellinghouse, drainage works and associated works
- **09/00195/FUL** Full Planning Permission was Refused On 24 June 2009 for Residential development including 6 new build houses, conversion and extension of two existing steadings and alteration and extension to existing farmhouse
- **09/00696/FLL** Full Planning Permission was Approved On 13 December 2010 for Erection of a dwellinghouse and associated works
- **09/01131/FLL** Full Planning Permission On 3 August 2009 for Erection of an agricultural shed for livestock use in retrospect
- **09/01487/FLL** Full Planning Permission was Approved On 26 November 2009 for Erection of an agricultural shed
- **22/00838/CON** On for Demolition of 3 agricultural buildings (in retrospect)
- **22/00954/CON** On 25 May 2022 for Complete demolition in a conservation area
- **22/01624/TW** was Approved On 17 October 2022 for Tree Works

## CONSULTATIONS

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

### External

#### Scottish Environment Protection Agency

20 No objection following submission of revised phosphorus mitigation calculations, which confirm the use of 'Kinshiell', Kinnesswood for sufficient phosphorous mitigation. Informatives should be attached in respect of the need to apply for a CAR licence from SEPA.

#### Scottish Water

21 No objection. There is no Scottish Water waste water infrastructure in the area. Private arrangements are required.

## **Internal**

### **Development Plan**

- 22 Policy advice given with regard to Development Plan policies 14A, 27 and 28, 39, 40 and 41.

### **Transportation And Development**

- 23 No objection.

### **Development Contributions Officer**

- 24 No developer contributions required.

### **Conservation**

- 25 No objection following clarification of the proposed re-use of salvaged stone.

### **Perth And Kinross Heritage Trust**

- 26 No objection. No heritage assets require to be recorded.

### **Environmental Health (Noise Odour)**

- 27 No objection subject to plant noise condition.

### **Environmental Health (Contaminated Land)**

- 28 No objection subject to contaminated land condition.

### **Community Waste Advisor - Environment Service**

- 29 Consultation response awaited at time of report.

### **Representations**

- 30 Eleven representations of objection were received. The main issues raised within the representations are:

- Contrary to Development Plan
- Visual amenity
- Out of character
- Inappropriate land use
- Light pollution
- Noise pollution
- No affordable housing
- Loss of open space

- Over intensive development
- Drainage
- Bin storage
- Traffic generation, parking and road safety
- Biodiversity
- Misleading supporting information

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

32 Thirteen representations were received in support of the proposal.

### **ADDITIONAL STATEMENTS**

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	Drainage strategy report

### **APPRAISAL**

33 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 planning guidance.

34 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 compliance with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### **Principle**

35 NPF4 generally seeks to ensure that development is focussed within towns and cities but acknowledges the need to sustain rural economies while protecting the countryside where it genuinely contributes to the policy outcomes. However, suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

- 36 This principle is also evident in Perth and Kinross Local Development Plan 2019 (LDP2), which generally seeks to direct development to sites within settlement boundaries with Policy 17 Residential Areas encouraging development inside settlement boundaries where existing residential amenity will be protected and where possible improved. The policy requires development to be compatible with the amenity and character of the area and to fall within one or more of a number of categories including c) that supports proposals which will improve the character and environment of the area of village.
- 37 Policy 14A of LDP2, Open Space Retention and Provision, is also relevant. This requires that areas of open space be protected except in limited circumstances. The proposed development will result in the loss of a small amount of open space between the former farm buildings and the A911 in order to provide the necessary drainage infrastructure, albeit that land is not useable open space for the community, and has historically been grassed land associated with the farm. The vast majority of it would however remain.
- 38 In Local Development Plan 2 Wester Balgedie settlement area was drawn tightly to restrict over development particularly given the conservation area covering the area of the development and surrounding buildings. The open space shown on the settlement map supports this, helping preserve the rural nature of the settlement, and protecting the village from overdevelopment. LDP2 however specifically encourages the redevelopment or conservation of the farm buildings subject to appropriate design and layout. The farm buildings have been demolished leaving redevelopment here appropriate providing the design and layout are suitable.
- 39 Policy 14A provides for an exception to the protection of open space where: “ the proposed development involves a minor part of the site which would not affect its continued use as a recreation or [as relevant here] amenity resource.” The intrusion of the development is a minor incursion into the open space designation and does not significantly impact on its function.

### **Design and Layout**

- 40 Policies 1A and B of LDP2 Placemaking and Policy 14, Design, Quality and Place, of NPF4 require the design and scale of development to respect its surroundings and to deliver well designed development.
- 41 The proposed buildings are located on a site previously occupied by substantial agricultural buildings. The new houses are set below the ridge line of the existing farm house and are stepped down across the site from the north east to the south west. The development proposed is of a linear long house form with ancillary garage buildings set at a different angles, and staggered, to break up the massing of the development. There are large areas of glazing most notably on the southwest facing gables.



- 42 The external wall finishes are of black painted timber cladding with dark grey/black zinc roof. There is also an area of “green roof”. Some salvaged stone from buildings and walls demolished on site will be used in the landscaping.
- 43 The proposed development is considered to be a good fit for the site, with appropriately scale and detailing to complement the agricultural setting and character at this location and therefore accord with Policies 1A and B and Policy 14 of NPF4.

### **Landscape**

- 44 Policy 39 of the LDP2 requires the landscape character of the area to be respected and to not erode local distinctiveness, diversity and quality. Policy 4(a), Natural Places, of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 45 The site sits within the Loch Leven and Lomond Hills Local Landscape Area. The designation is intended to ensure that the landscape experience of the loch and hills are not adversely affected by new development. The new buildings will impact to some degree on the views of Bishop Hill on the approach from the A919 and less so on the approach from the west on the A911. However the mass of the buildings themselves do not intrude significantly to impact on the general rural nature of the area given other two storey more traditional buildings in the area. The black and metal proposed is a contrast to the surrounding buildings and an improvement on the pre-existing structures. The dark, recessive tone will be less visible in the landscape and from longer views of the site.

### **Residential Amenity**

- 46 Policy 17 of LDP2 requires developments to protect or, where possible, improve residential amenity. The site has been derelict for a number of years and the proposal will improve the amenity of the area. Whilst there may be some noise and disturbance during construction this is limited and it would not be appropriate to control this by condition for what is a relatively small scale development.
- 47 There are other residential properties to the north east and south east of the site, the Round Yard being around 20 metres away across the access track. The distance and orientation of the new development mean that there will not be any impact on existing residential amenity terms of overlooking or overshadowing. The three new dwellinghouses run parallel to each other and whilst window to boundary distances on the side elevations are less than the 9 metres generally recommended the placing of windows and intervening walling will mean that there will not be any impact from overlooking. Each property also has an area of private amenity space.
- 48 Environmental Health has commented in terms of proposed air source heat pumps. As these are domestic sized units noise levels should not exceed WHO recommended levels. However it is recommended that a condition be attached to protect residential amenity (Condition 10).

## **Visual Amenity**

- 49 A derelict site is being brought back into use which will improve visual amenity. The scale, massing and material finish of the buildings is considered appropriate in terms of visual impact. Letters of representation have expressed concern about the large windows proposed that may impact on the rural unlit nature of the area particularly in winter evenings however this impact is likely to be limited by the residents' desire for privacy at night and visual impact is expected to be limited.

## **Roads and Access**

- 50 The plans initially submitted did not show the vehicle accesses into the plots proposed, nor did they show any car parking on site for any delivery vehicles or access for service vehicles to reach the waste treatment plant. It is also noted that the applicant has not shown the redline boundary to the public road network.
- 51 Following discussions with the agent a plan showing parking was submitted. The applicant has advised that works to the private access track will be minimal. Transport Planning has no objection to the additional three houses that will be accessing the roads network.
- 52 It is noted that an asserted right of way to the Balgedie Toll runs along the shared access. An informative note will be added to highlight the importance of retaining public access along this route (Informative 6).

## **Drainage and Flooding**

- 53 Policy 53B of the LDP2 states that settlements where there is limited or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. A private system is required in this instance. This site is also within the Loch Leven Catchment where policies 46A and 46B of the LDP2 applies. These policies require the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development from the catchment. All applicants are required to submit details of the proposed method of drainage, and details of phosphorus mitigation.
- 54 An initial drainage strategy and mitigation proposal, had not been agreed by all necessary parties, as such a revised solution required to be tabled. SEPA has been re-consulted on the proposal and has no objection subject to conditions to ensure that the drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area. Conditions to ensure compliance with policy 46A and B will be applied (Conditions 3 and 4).

## **Waste Collection**

- 55 Space for waste collection and recycling are included in the development. An informative note will be added to highlight the importance of liaising with PKC Waste

Management regarding arrangements for waste and recycling arrangements in the area (Informative 7).

### **Conservation Considerations**

- 56 The site is within the Wester Balgedie Conservation Area. Policy 28 of LDP2 requires proposals involving the demolition and replacement of buildings within a conservation area to enhance or preserve the character of the area. In this case it is concluded that the scale and siting of the proposed residential development protects the character of the conservation area. The reasoning for this relates to the scale and form of the development, in comparison to that which existed previously, together with the quality of the design and materials being proposed. A condition (Condition 5) will be added to confirm details of hard and soft landscaping. As the site is within the Conservation Area any additional sheds, boundary features or domestic garden features will require planning permission. This will ensure that domestic development within the curtilage of the site is controlled and the rural character of the setting will be preserved.
- 57 Policy 27 Listed Buildings of the LDP2 requires that the design of any development that affects a listed building or its setting should be appropriate to the listed building's character, appearance and setting. The proposal to re-develop the site will improve the appearance of the site and not impact on the setting of the C listed farmhouse building to the east.

### **Natural Heritage and Biodiversity**

- 58 There are two mature trees indicated on the plans to the south east of the site. These are identified as being retained. A condition will be attached to ensure that these trees are protected during construction (Condition 7). As the site is within the Wester Balgedie Conservation Area the Council would need to be notified if any work was proposed to the existing trees.
- 59 The existing derelict site has limited biodiversity value. A small green roof area has been provided as an enhancement to biodiversity. The landscaping plan (Condition 5) will provide an opportunity to detail enhancement of biodiversity. An informative note highlighting the Planning for Nature guidance will be added (Informative 8).

### **Embedding Low and Zero Carbon Generating Technology**

- 60 Proposals for all new buildings will be required to demonstrate 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. A statement will be required to be submitted demonstrating compliance with this requirement (Condition 9).

## **Developer Contributions**

### **Primary Education/Affordable Housing**

- 61 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.
- 62 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.
- 63 There is no requirement for the provision of affordable housing on this site due to the small scale of the proposal being less than 5 units.

### **Contaminated Land**

- 64 Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.
- 65 A condition is recommended to ensure that any contamination on the site is identified and appropriately mitigated (Condition 8).

### **Economic Impact**

- 66 Any economic impact will be focused at the construction phase of development.

### **Supporting Information**

- 67 Letters of representations have raised concerns that some of the supporting information submitted with the application is misleading. The supporting information is open to interpretation and does understandably give a positive slant to the proposal. The Planning Authority's assessment is based on current Development Plan policies and has not been unduly influenced by everything presented in the supporting documents.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 68 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the proposed drainage strategy and proposed site plan to include vehicular access to the septic tank.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 69 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 70 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

### **A 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. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:
  - (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at 'Kinshiell', Main Street, Kinnesswood, has been installed,
  - (b) Following the installation of the foul drainage infrastructure at the remote property/properties, the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy 46 A & B: Loch Leven Catchment Area of the Perth and Kinross Local Development Plan 2 (2019) and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

4. Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy 46 A & B: Loch Leven Catchment Area of the Perth and Kinross Local Development Plan 2 (2019) and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

5. 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 to the satisfaction of the Council as Planning Authority.

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

6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

7. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

8. 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
- IV. condition of the site on completion of decontamination measures.

9. 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.

10. 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).

11. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

## **B JUSTIFICATION**

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

## **C 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.
4. 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 the proposed drainage strategy and proposed site plan to include vehicular access to the septic tank.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The asserted right of way no. 47/11 that runs from Balgedie Toll to Dryside Road must not be obstructed during building works or on completion of the development.
7. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.



8. The applicant should take account of Planning for Nature Guidance available on the Council's website at <https://www.pkc.gov.uk/ldp2biodiversity> when finalising landscaping proposals for the site
9. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
10. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
11. 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](mailto: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](http://www.pkc.gov.uk).

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

Background Papers: 25 letters of representation  
Date: 30 June 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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