

Perth and Kinross Council  
Planning and Placemaking Committee – 5 June 2024  
Report of Handling by Strategic Lead: Economy, Development and Planning  
(Report No. 24/170)

<b>PROPOSAL:</b>	Erection of a dwellinghouse
<b>LOCATION:</b>	Land 15 metres East of Borrowdale, Blairadam, Keltybridge

Ref. No: [23/01695/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 The proposal is for a single storey dwellinghouse in the garden ground of an existing single storey dwellinghouse. The site is located on a corner plot on the south side of the junction of Blairadam Road with Main Street, Keltybridge.
- 2 The application site has been cleared of vegetation, levelled and a retaining wall built on the west boundary of the site. There is a hedge screening the site on the north, east and south boundaries.
- 3 Prior to being cleared, the garden ground sloped gently downwards west to east. The existing dwellinghouse is in an elevated position with its front elevation overlooking Main Street and the open countryside (east). The existing vehicular access is from the north, Blairadam Road, and there is in curtilage parking and a double garage located to the west of the entrance. The amenity space around the dwellinghouse is a mix of hard and soft landscaping.
- 4 Located at a lower level to the existing house, in front of a retaining wall (2.5m), the proposed 4-bedroom bungalow reflects the layout of the existing bungalow and will overlook the public road to the east. A new vehicle access is proposed on the east boundary from Main Street and 3 parking spaces are proposed in the curtilage of the new dwellinghouse together with amenity garden space to the front and side.

- 5 The site is in an established residential area in the settlement of Keltybridge. The site is bound to the north and east by a public road; to the south is an access road to a residential development which is between the site and two 18<sup>th</sup> century Category C listed houses.
- 6 The 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 design and layout of the dwellinghouse.

### **Site History**

- 7 22/02027/FLL Full Planning Permission application was withdrawn on 6 April 2023 for the erection of a dwellinghouse.

### **PRE-APPLICATION CONSULTATION**

- 8 Pre application Reference: None.
- 9 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

### **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 1: Tackling the Climate and Nature Crises
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 7: Historic Assets and Places
  - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety

### **Perth and Kinross Local Development Plan 2019**

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 17: Residential Areas
  - Policy 27A: Listed Buildings
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 42: Green Infrastructure
  - 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 58A: Contaminated and Unstable Land: Contaminated Land
  - Policy 58B: Contaminated and Unstable Land: Unstable Land
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

#### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

#### **PKC Non-Statutory Guidance**

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

## **NATIONAL GUIDANCE**

- 16 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**

- 17 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**

- 18 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**

- 19 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**

- 20 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**

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

### **External**

- 22 **Cleish and Blairadam Community Council** - Objection. Contrary to NPF4 and LDP2 placemaking and detrimental impact on setting and views of listed building.

23 **The Coal Authority** – Initial objection was removed following the submission of a risk assessment for review. Conditions are recommended.

24 **Scottish Water** - No objection. The consultation response highlights there is live Scottish Water infrastructure in the proximity of the development area.

#### **Internal**

25 **Environmental Health (Private Water)** - No objection subject to condition.

26 **Environmental Health (Contaminated Land)** – No objection. Condition recommended for a detailed survey report to be provided prior to the commencement of works on site.

27 **Conservation Team** - No objection. Initially concerned about the impact on the setting of the Category C listed buildings. Revised scheme lessens the impact and conditions recommended to mitigate visual impact.

28 **Transportation and Development** - No objection, subject to conditions. Initial response required the applicant/agent to review the layout of parking. Revised site plan submitted for review.

29 **Development Contributions Officer** – No contributions required.

#### **REPRESENTATIONS**

30 3 representations have been received objecting to the proposal. The main issues raised within the representations are:

- Visual impact
- Impact on setting of listed buildings
- Overdevelopment of site
- Incompatible with rural character and amenity of the area and settlement pattern
- Contrary to NPF4 and LDP2 placemaking policy
- Road Safety

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

#### **ADDITIONAL STATEMENTS**

32

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	Submitted – Coal Mining Risk Assessment

## **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 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, namely.
- 34 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities in considering applications which has a potential to affect the setting of a listed building of preserving the building or its setting.

### **Principal Policies**

- 35 The application site is located in an established residential area in the settlement of Keltybridge. LDP2 reports the settlement has limited facilities but lies close to the much larger Kelty. Due to the growth that has taken place in Keltybridge, a tight settlement boundary has been drawn to limit any significant future growth.
- 36 The principal policies for consideration include NPF4 Policy 14: Design, Quality and Place which states development which is poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. LDP2 Policy 1: Placemaking aligns with this national policy and states development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development. Policy 1B sets out the placemaking criteria which should be met.

- 37 The site is in an established residential area and LDP2 Policy 17: Residential Areas states that in general, encouragement will be given to proposals which fall into one or more categories of development (listed as a-e) and which are compatible with the amenity and character of the area, with the following categories being relevant to the proposal –
- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs, and
  - (c) Proposals which will improve the character and environment of the area or village.
- 38 NPF4 Policy 16: Quality Homes encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations. Policy 16 f) states proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances and relevant to the proposal is part (iii) the proposal is for smaller scale opportunities within an existing settlement boundary.
- 39 Located to the south of the application site are two 18th century Category C listed houses (LB5286). Protecting the setting of the listed buildings is considered through NPF4 Policy 7 and LDP2 Policy 27A.
- 40 These policies are assessed further in the report below.

### **Design, Layout and Residential Amenity**

- 41 The existing dwellinghouse is positioned in an elevated position in a large residential plot measuring 1726 sqm. There is a level change of 3m from the dwellinghouse to the east boundary and Main Street. The lower garden ground, the application site, measures 775 sqm and has been cleared of vegetation and a retaining wall (which is seeking retrospective permission for) built on the west side. There is a hedge on the north, east and south boundaries which screens the site.
- 42 The proposed 4-bedroom bungalow is to be located in front of the existing bungalow, on ground 2.5m below with a retaining wall to the rear. Designed to mirror the position of the existing bungalow the proposed dwellinghouse will overlook the public road to the east. The rear windows of the proposed dwellinghouse will be screened by the retaining wall.
- 43 Finishing materials include rubble stone on the front elevation (east) and white render on the rear (west) and side elevations (north and south) with stone quoins, a clay pantile roof and UPVC or timber windows and doors (Drawings 19 and 20). A new vehicle access is proposed on the east boundary from Main Street and 3 parking spaces are proposed in the curtilage of the new dwellinghouse (Drawing 22).

- 44 A supporting statement (Document 23) outlines that the proposed finishing materials, rubble stone and pantile roof, reflect the surrounding historic environment and more recent developments in the area. The single storey property will be built on a lower level to the existing bungalow and residential amenity and privacy have been carefully considered. At its closest point, there are 7.3 metres from the front wall of Borrowdale, to the rear wall of the proposed house. However, with the change in levels and retaining wall, it is considered that any intervisibility between windows would be limited. Similarly, the ridge level of the proposed dwelling, would also sit around mid window level of the dwelling above (at a separation of around 11.4 metres), therefore any impacts on daylight and sunlight would be avoided. The hedge is to be retained to provide screening and respect the setting of the listed buildings.
- 45 The proposal is for a small-scale infill opportunity in a settlement boundary which is in line with NPF4 Policy 16: Quality Homes paragraph f) (iii). The surrounding density is mixed due to modern residential developments and recent infill developments and the proposed family sized dwellinghouse respects this and would not be out of character and would be an efficient use of the site.
- 46 The proposed design and layout acknowledge the constraints of the site, its topography and the amenity of the existing dwellinghouse. Surrounding residential amenity is protected as a result of the sympathetic layout and the retention of the boundary hedge. The amenity garden ground afforded to the existing dwellinghouse (465 sqm) and proposed dwellinghouse (245 sqm) is sufficient and is comparable with the surrounding residential area. The design complements the existing dwellinghouse and respects the character and amenity of the surrounding area.
- 47 In respect of the design, no information has been provided on the installation and operation of low and zero-carbon generating technologies as required by NPF4 Policy 2 and LDP2 Policy 32. A condition is therefore recommended to ensure that prior to the commencement of development a statement is submitted for approval in writing by the Council 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 (Condition 12).
- 48 In respect of visual amenity, conditions are also recommended to ensure full details of the finishing materials and boundary treatments are submitted for written approval of the Council as Planning Authority, prior to the commencement of the development (Conditions 3 and 4). Further, it is recommended that householder permitted development rights are removed to ensure there is no detrimental impact on visual amenity and the setting of the listed buildings from any extension to the dwellinghouse or erection of outbuildings in the curtilage (Condition 5).
- 49 The proposal will contribute positively to the surrounding environment and the character and amenity of the place. The proposal satisfies NPF4 Policy 14

Design, Quality and Place, NPF4 Policy 16 Quality Homes, LDP2 Policy 1: Placemaking and LDP2 Policy 17: Residential Areas, subject to conditions.

### **Conservation Considerations**

- 50 NPF4 Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. LDP2 Policy 27A: Listed Buildings requires the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting to be appropriate to the building's character, appearance and setting.
- 51 There are two 18th century Category C listed houses to the south of the application site (LB5286). The listed houses are gable to the street and the rear of the houses back onto the south boundary of the application site. There is an access road to a residential development between the listed buildings and the application site. The existing view from the approach north is largely screened by the boundary hedge and the rear elevation of the westernmost listed building, of lesser interest due to later alterations and extension, will be screened by the proposed development with the view of the end listed house retained. The view of the listed buildings from the approach south is retained and not impacted significantly by the proposal.
- 52 A supporting statement (Document 23) outlines that the proposed rubble stone finish of the dwellinghouse reflects the historic environment and the hedge is to be retained to respect the setting of the listed buildings. During the application process the proposal was amended to reduce the footprint of the dwellinghouse and create a more respectful distance between the listed buildings and the application site. Overall, the proposal has been sensitively designed to respect the listed buildings.
- 53 As outlined previously, conditions are recommended to ensure full details of the finishing materials and boundary treatments are submitted for written approval of the Council as Planning Authority, prior to the commencement of the development (Conditions 3 and 4). Further, it is recommended that householder permitted development rights are removed to ensure there is no detrimental impact on visual amenity and the setting of the listed buildings from any extension to the dwellinghouse or erection of outbuildings in the curtilage (Condition 5).
- 54 The proposal satisfies NPF4 Policy 7 Historic Assets and Places and LDP2 Policy 27A: Listed Buildings, subject to conditions.

### **Roads and Access**

- 55 A new vehicle access is proposed from the public road, Main Street, on the east boundary of the site. During the application process, an amended proposed site plan was submitted to address initial consultation comments from Transportation and Development. The plan shows a reduction to the hedge height on the east

boundary and an additional parking bay in the curtilage with three spaces proposed in total (Drawing 22). Transportation and Development are satisfied with the proposed vehicular access and the level of in curtilage parking. Conditions are recommended to ensure the access is formed as per the Council's Road Development Guide and the hedge is retained at a maximum height of 1.05m in the interests of road safety (Conditions 10 and 11).

- 56 The application site is in an established residential area in the settlement boundary of Keltybridge. The proposal satisfies NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

### **Drainage and Flooding**

- 57 There is no flood risk associated with the site. The proposed site plan shows porous drainage to the driveway with attenuation tanks set below to manage surface water drainage from the development (Drawing 22). Foul drainage is proposed to connect to the public drainage network. Full details of surface water drainage and foul drainage will be required to be submitted with a building warrant.

- 58 The proposal satisfies NPF4 Policy 22 Flood Risk and Water Management, LDP2 Policy 53B: Water Environment and Drainage: Foul Drainage and LDP2 Policy 53C: Water Environment and Drainage: Surface Water Drainage.

- 59 The development is in a village with private water supplies believed to serve properties in the vicinity (including Maryburgh and Keltybridge Supply). Environmental Health recommend a condition and informative to ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. This is in line with NPF4 Policy 22 d) and LDP2 Policy 53E: Water Environment and Drainage: Water Supply.

### **Contamination**

- 60 The proposed development is within a former mining area. The Coal Authority initially objected to the proposal on the grounds of mining concerns and a Coal Mining Risk Assessment was requested for review during the application process. This was subsequently updated at the request of The Coal Authority (Document 09).
- 61 The Coal Authority whilst withdrawing its objection to the proposed development, remain concerned regarding the level of assessment contained within the Coal Mining Risk Assessment of the risk posed by coal mining legacy to development at the application site. The Coal Authority request conditions are attached to any permission granted to ensure that prior to the commencement of development

intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance (Conditions 6 and 7). This is in line with NPF4 Policy 9 c) and LDP2 Policy 58B: Contaminated and Unstable Land: Unstable Land.

- 62 Environmental Health note there is a risk of ground gas contamination to future users. Further information is required to determine this risk and a condition is recommended to ensure a Preliminary Risk Assessment (Phase 1 Desk Study) is submitted for consideration by the Council as Planning Authority prior to the commencement of the development (Condition 9). This is in line with NPF4 Policy 9 c) and LDP2 Policy 58A: Contaminated and Unstable Land: Contaminated Land.

### **Natural Heritage and Biodiversity**

- 63 There is a hedge around the north, east and south boundary of the site and this green infrastructure is protected as part of the development. The hedge adds to the visual amenity of the area as well as providing a shelter and habitat for biodiversity. The proposed drawings show its retention and a condition is recommended to ensure the hedge is retained in perpetuity (Condition 4). Transport planning have requested the hedge on the east boundary is maintained to a height of 1.05m for road safety reasons as the vehicular access is proposed on this boundary and a condition is recommended to ensure this (Condition 11).
- 64 The proposal satisfies NPF4 Policy 14 Design, Quality and Place and NPF4 Policy 20 Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, subject to the aforementioned conditions.

### **Material considerations**

- 65 Three representations have been received objecting to the proposal.
- 66 The issues raised have been fully considered and addressed in the report and are not of sufficient weight to justify refusal of the planning application.

### **Developer Contributions**

- 67 None required in line with Supplementary Guidance.

### **Economic Impact**

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

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

- 69 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 design and layout of the dwellinghouse.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 70 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 72 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. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application, subject to conditions.**

## **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.

20. 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, 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. For the avoidance of doubt the existing hedgerow shall be retained in perpetuity.

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

5. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

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

6. No development shall commence until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

7. Prior to the occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the

completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

8. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

9. 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.

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 development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B

Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 3 metres from the boundary of the public road surface.

Reason - In the interests of road safety.

11. Prior to the commencement of the development hereby approved, the existing hedge along the east boundary and in the location of the proposed vehicle access shall be trimmed to a maximum height of 1.05m. The hedge height on the east boundary shall be permanently retained thereafter.

Reason - In the interests of road safety.

12. Prior to the commencement of development hereby approved, a statement shall be submitted for approval in writing by the Council as Planning Authority 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. The statement as agreed shall be fully implemented 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.

## **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. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the 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.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. 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 design and layout.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)
11. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Background Papers: 3 letters of representation  
Contact Officer: Claire Myles  
Date: 24 May 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING**

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