

Perth and Kinross Council  
Planning & Development Management Committee – 9 March 2021  
Report of Handling by Head of Planning & Development (Report No. 21/29)

**PROPOSAL:** Alterations and extension to steadings to form a dwellinghouse and ancillary accommodation

**LOCATION:** Steadings north of West Mill Cottages, Pitnacree

Ref. No: [20/01700/FLL](#)  
Ward No: P4 - Highland

### **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 Full planning permission is sought for the alteration and extension of existing steadings to form a dwellinghouse with ancillary accommodation at land north of West Mill Cottages in Pitnacree. The application site is located on a rising hillside adjacent to a small group of residential buildings. The site is accessed from the A827 via Strathtay Road and a shared bound driveway. The steading proposed for conversion is located to the north of a group of residential dwellings which include South Cottage, Erracht Bank and Pitnacree Cottage. There is a dwelling immediately to the south which was converted into residential use under planning permission 02/01313/FUL and now forms East and West Mill Cottages.
- 2 There are three existing steading buildings on the site which are constructed from a mixture of timber and natural stone. The two northern most buildings are proposed to be converted into a dwellinghouse and the steading building within the south east corner of the site is proposed to be converted in ancillary accommodation. The roofs of the steadings are finished in a corrugated metal. The proposal is to connect the existing steading buildings by constructing a link structure to allow for a narrow floor plan to be created. Accommodation within the dwellinghouse is proposed on the ground floor along the entire length of the steading with an upper level bedroom proposed at the western end of the building where the existing steading is marginally taller than the remainder. Vehicular access is proposed from the existing estate access to the north between an avenue of trees. A parking and turning area is proposed to the north of the converted steading, together with a garden area to the east which is proposed to be bound by native hedging. There is a secondary, smaller building located to the south east of the main steading which is proposed to be converted into an annex/home office with a bathroom which is accessed through the proposed garden. The finishing materials for the steading include a metal clad roof, rubble stone walling as well as vertical and horizontal timber cladding. The south elevation, facing the existing property will be solely served by roof lights with no

windows. The remainder of the windows on the building are proposed to be located on the north elevation facing onto the proposed drive and garden ground.

- 3 This application is a re-submission following the withdrawal of a previous application for conversion into two dwellinghouses (ref: [19/01710/FLL](#)) where concerns regarding certain elements of the proposal were identified by the Planning Authority.

### **Pre-Application Consultation**

- 4 20/00508/PREAPP – advice was provided to the applicant following the withdrawal of application 19/01710/FLL.

### **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 2014**

- 6 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74-83
  - Enabling Delivery of New Homes: paragraphs 109-134
  - Archaeology: paragraphs 150-151
  - Valuing the Natural Environment: paragraphs 193-218
  - Managing Flood Risk and Drainage: paragraphs 254-268

## **Planning Advice Notes**

- 9 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 60 Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 72 Housing in the Countryside
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage

## **Creating Places 2013**

- 10 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.

## **National Roads Development Guide 2014**

- 11 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.

## **DEVELOPMENT PLAN**

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYPlan Strategic Development Plan 2016-2036**

- 13 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 9: Managing TAYplans Assets

## **Perth and Kinross Local Development Plan 2**

- 15 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.
- 16 The principal relevant policies are, in summary;
- Policy 1: Placemaking
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 19: Housing in the Countryside
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - 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 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53B & C: Water Environment and Drainage
  - Policy 58A: Contaminated Land
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Other Policies**

#### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 18 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

#### **Supplementary Guidance Flood Risk and Flood Risk Assessment**

- 19 This draft Supplementary Guidance provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

### **SITE HISTORY**

[19/01710/FLL](#) Full planning for Alteration and extension to steadings to form 2 dwellinghouses. Application withdrawn 22 November 2019.

[19/01711/FLL](#) Full planning application for Erection of a dwellinghouse at Sawmill, South West of West Mill Cottages. Application withdrawn 2 December 2019.

[20/01938/FLL](#) Change of use, alterations and extension to ruinous sawmill to form a dwellinghouse at Sawmill, South West of West Mill Cottages. Pending Consideration.

## CONSULTATIONS

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

### External

- 21 **Perth And Kinross Heritage Trust:** No objection subject to a condition which secures the provision of a standing building survey of the existing buildings on site.
- 22 **Scottish Water:** No objection. Advise that there is currently water capacity available but that there is no public waste water infrastructure within the vicinity of the development site.

### Internal

**Transport Planning:** No objection

- 23 **Environmental Health (Contaminated Land):** There are potential contaminants as a result of the previous use of the land and therefore a condition is recommended to ensure that an evaluation is undertaken to assess the risk from contaminants.
- 24 **Environmental Health (Noise Odour):** No objection subject to an informative advising that the stove system within the property is utilised in accordance with manufacturers recommendations in the interests of air quality.
- 25 **Development Contributions Officer:** No developer contribution required as Grandtully Primary School is not currently considered to have any capacity issues.
- 26 **Biodiversity/Tree Officer:** No objection subject to mitigation measures within the submitted bat survey being implemented on site and to ensure the provision of bird boxes as part of the development.
- 27 **Structures and Flooding:** No objection following review of topographical data and flood risk information subject to finishing floor levels being above ground levels and that the existing culvert is regularly maintained to prevent blockage. A condition is also recommended to secure the detailed design of the SUDS system.

## REPRESENTATIONS

- 28 A total of nine letters of representation have been received. The main issues raised within the representations are:
- Impact on residential amenity
  - Increase in scale and height of building

- Contrary to Development Plan
- Contrary to Supplementary Guidance (including Placemaking and Housing in the Countryside Guide)
- Impact on visual amenity and character of grouping
- Impact on Landscape
- Impact on River Tay Special Area of Conservation
- Lack of drainage information
- Impact on Trees
- Ecological impact
- Light pollution
- Vibration from construction
- Rights of access
- Part of a wider development of the area.
- Buildings are not redundant.

29 These issues are addressed in the Appraisal section of the report other than rights of access which are a civil matter and not a material planning consideration.

### **ADDITIONAL STATEMENTS**

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Likely Significant Effect on River Tay Special Area of Conservation (SAC). An Appropriate Assessment has been undertaken.
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Tree Survey Bat Survey Flood Risk Information Supporting Statement

### **APPRAISAL**

30 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020, the Affordable Housing and Developer Contributions 2020 and Landscape Supplementary Guidance 2020.

## Planning Principle

- 31 The Perth and Kinross Local Development Plan 2019 (LDP2) through Policy 6 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.
- 32 However, through Policy 19 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- Building Groups
  - Infill site
  - New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
  - Renovation or replacement of houses
  - Conversion or replacement of redundant non-domestic buildings
  - Development on rural brownfield land
- 33 Category 5 is relevant in this instance and allows for the conversion of redundant traditional buildings and for limited new build accommodation where there are no other pressing requirements for other uses such as business or tourism. Category 5 goes on to state that permission will be granted for the change of use and alteration of redundant buildings provided they are of traditional form and construction or are non-traditional but are otherwise of architectural merit. The submission states that the buildings are now redundant, although it is noted that neighbours indicate that the buildings were in use as recently as October 2020.
- 34 The submission demonstrates that that the buildings are not capable of use as business/commercial premises. The submission indicates that the buildings are not structurally sound and have suffered from water ingress and therefore no longer serve a purpose for the estate. The submission also indicates that, due to the proximity of the building to existing residential dwellings, the scope for use for commercial purposes is limited as a result of the potential disturbance which would occur, and this argument is accepted by the Council.
- 35 In this instance, the buildings on site are of traditional form and construction and therefore can be considered under Category 5, which allows for new build elements to be included but this requires to be limited and should specifically relate to conversion rather than complete replacement.
- 36 The existing steading structures are to be utilised and converted. The infill/link element between the two existing buildings is considered to be sufficiently small in scale to merit being considered "limited" under Category 5. The existing buildings are seen as small-scale ancillary buildings adjacent to the larger adjacent

dwellinghouse to the south. The policy requires that all proposals should be of a scale, layout and design which is appropriate to and has a good fit with the landscape character of the area. The proposal involves a minor increase in height of the western most section of the building to accommodate the bedroom at first floor level. This results in an increase in ridge height of approximately 0.8m. The overall increase is considered to be negligible and can be accommodated without detriment to the visual amenity or character of the area. The finishing materials include timber cladding and random rubble stone which helps to maintain the rural character of the building and is considered to be acceptable in the context of the surrounding properties where similar finishing materials are apparent.

- 37 The overall design of the dwellinghouse and ancillary accommodation is of a scale, layout and design which is appropriate in the context of the wider site and the surrounding landscape and the proposal results in a development which remains of a subservient scale to the adjacent dwellinghouse despite the minor increase in height which is proposed. This is addressed in more detail in the design and layout paragraph below.
- 38 Overall, the principle of converting the building into residential use is acceptable and complies with the requirements of Category 5 of the Housing in the Countryside Guide. The proposal therefore complies with Policy 19 of LDP2.

### **Design and Layout**

- 39 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Furthermore, the siting criteria outlined within the Housing in the Countryside Guide is also relevant. The proposal also requires the landscape character of the area to be respected and meet the requirements of Policy 39, given the sites location within the Strathtay Special Landscape Area (SLA). It is inevitable that the character of the buildings will change from agricultural to domestic given the development which is proposed. However, the proposed design and materials used will retain, as much as possible, the rural character of the buildings and they will remain at a scale which is subservient to the adjacent building and continue to relate successfully to the character of the rural building group. The proposal is therefore considered to be a sensitive adaption and conversion of the existing building as required by the above policies and guidance.
- 40 A small domestic scale landscaping scheme accompanies the application with native hedging proposed on the garden boundaries. A cross section has also been provided to demonstrate the level changes which are proposed on site and shows that the garden ground to the north will be partly stepped to accommodate the access, parking, turning area and entrance into the proposed house.
- 41 The vehicular access, main garden ground for the house and main door into the dwelling are proposed to face north, away from the existing properties in order to limit the impact on residential amenity and to secure privacy for future occupiers and those occupying the adjacent dwellings to the south. A small triangular garden ground area is proposed within an open field to the north of the building. The proposed garden ground is partly bound by the estate track to the north and occupies a small triangular area of agricultural land which is limited in terms of its



agricultural merit. On that basis, its use as a small garden area for a new dwelling, which allows the existing building to be brought back into active use, is considered to be acceptable.

## **Landscape**

- 42 The application site and building group is part of the Strathtay Special Landscape Area and by the nature of what is proposed, the development will change the appearance of the site when viewed from surrounding receptors. However, the development will largely be viewed as part of the existing building group, as a well-considered addition, and the change in appearance will not have a significant impact on the wider landscape character.

## **Residential Amenity**

- 43 The Council's Placemaking Guidance states that windows should generally be positioned to ensure a minimum of 18m between windows and 9m between windows and boundaries. In the previous submission the windows on the south elevation facing the existing dwelling were proposed to be high level in an attempt to address overlooking to the building to the south which is located 6.5 metres from the south facing elevation of the proposed development. These upper level windows have now been removed entirely from the proposal and replaced with high level rooflights to ensure there is no overlooking to the neighbouring property and this is considered to be acceptable. A north/south sectional drawing has been submitted to enable an understanding of the level change between the site and the adjacent dwelling to the south. This shows the existing situation compared with the proposed and indicates that the building is proposed to increase in height by approximately 0.8m. The majority of the existing building has a ridge height of 4.02m and this part of the building is proposed to be 4.82m in height. The western most section of the building is proposed to increase in height from 5.03m to ridge, up to 5.9m to ridge to accommodate the first floor bedroom. Concerns have been expressed in representations regarding the possibility of the increased height of the building impacting upon day light to the existing dwelling to the south.
- 44 As the sun rises in the east and sets in the west, and takes a southerly path across the sky, it is more likely that the proposed dwellinghouse would be overshadowed by the existing dwelling to the south. It is therefore less likely that the proposed development will result in extensive overshadowing to the dwelling to the south in comparison with the existing situation.
- 45 The majority of the windows on the new dwelling are north facing and therefore any overshadowing from the existing dwelling to the south is considered to be minor in impact and not considered to result in any significant detrimental impact to the future occupiers of the new dwelling.
- 46 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.

- 47 Having carried out an assessment of the proposed development the increased height of the building does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.
- 48 The assessment outlined above is based upon a worst-case scenario and, given the orientation of the proposed development relative to neighbouring properties, the impact is considered to be acceptable.
- 49 The garden ground for the proposed dwelling is located to the immediate north of the garden ground serving the adjacent property to the south east and therefore has potential for overlooking from the garden into the neighbouring property given the topography here. Therefore, an appropriate boundary treatment should be installed on this boundary to ensure overlooking is avoided. This can be secured by condition (Condition 2).
- 50 The ancillary, building, similar to the main dwellinghouse, is proposed to be served solely by rooflights on the west and east facing roof planes. The only door serving the building will face north into the proposed garden. The ancillary accommodation is therefore not considered to result in overlooking to neighbouring properties or have an impact on residential amenity. A condition is recommended to ensure the annex/home office remains in the same ownership as the main dwelling (Condition 3).
- 51 Overall, the development is considered to be acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the Local Development Plan where it relates to residential amenity.

### **Light Pollution**

- 52 The letters of representation raise concerns regarding light pollution from the proposed roof lights. The development site is part of a small-scale residential grouping in a rural location and therefore, whilst it is noted that there will be some minor light spill from these windows it is not considered to be of a level which would be significantly different from the existing light levels from adjacent residential properties.

### **Developer Contributions**

- 53 Policy 5 of LDP2 applies which refers to the Developer Contributions and Affordable Housing Supplementary Guidance. This 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.
- 54 This proposal is within the catchment of Grandtully Primary School.
- 55 Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no contribution is required.

## **Natural Heritage and Biodiversity**

- 56 The existing buildings may be habitat to protected species and therefore Policy 41 of LDP2 applies which requires the protection of all wildlife and wildlife habitats. A survey has been submitted with the application which has been assessed by the Council's Bio Diversity Officer and the conclusions have been accepted. The survey has been carried out in accordance with best practise and carried out by an appropriately qualified person.
- 57 Due to the presence of bat roosts, no works can be undertaken before a derogation licence from NatureScot (formerly Scottish Natural Heritage) has been issued. The submitted Bat Roost Assessment Report contains sufficient information for the Planning Authority to be satisfied that all three tests of the license are likely to be met. The same tests need to be passed for NatureScot to issue a licence. A condition is recommended to ensure the conclusions and mitigation measures outlined within the survey are implemented on site (Condition 4). A further condition is recommended to ensure the provision of six bird nest boxes on the site to cater for potential loss of bird habitat (Condition 5).
- 58 Subject to the above conditions the proposal is considered to comply with the requirements of Policy 41B of LDP2.

## **Trees**

- 59 The mature beech tree to the west of the proposed development contributes significantly to the character and visual amenity of the area and appears to be in good condition. In the previous submission, this tree was proposed for felling but is now proposed to be retained. A tree survey has been submitted with the application and demonstrates that the development can be accommodated without impacting upon the mature beech tree and the trees adjacent to the proposed access. The root protection areas of the retained trees are marked on the plans and the submission demonstrates that the development, including the amendments proposed to the ground levels at the access can be carried out without impact on the root protection area of the existing trees. The survey has been carried out in accordance with best practise and has been carried out by a qualified person, meeting the requirements of Policy 40B of LDP2. A condition is recommended to ensure the protective tree fencing is erected in accordance with the survey and to meet the requirements of BS:5837:2012 Trees in Relation to Design, Demolition and Construction (Condition 6).

## **Roads, Transport and Access**

- 60 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements. Parking for two vehicles and turning facilities to allow cars to enter and leave the site in a forward gear are indicated on the submitted site plan which is considered to be acceptable. The proposed site is to be accessed using the existing bitumen bound access which serves Pitnacree House and links to the south onto the C447 public road.

- 61 During the assessment of the previous application, concerns were expressed regarding disturbance from headlights associated with the use of the access which was originally proposed from the south, through the existing building group. This has now been addressed by proposing an alternative access from the north utilising the shared access to Pitnacree House. The proposal for a revised access therefore addresses the previous concerns in this regard. Transport Planning have been consulted on the revised access arrangements and consider these to be acceptable.
- 62 The submission indicates that the existing estate drive will also serve as the access for construction vehicles with construction vehicles proposing to park at the west side of the steading which would allow construction vehicles to reverse back onto the estate drive and enter the public road in a forward gear. This is considered to be acceptable.
- 63 In terms of an increase in traffic on the local roads, the level of additional vehicular movements generated by the development will be low, and the local road network can absorb such an increase.
- 64 Overall, the proposal is considered to accord with LDP2 Policy 60B and the requirements of the National Roads Development Guide.

### **Drainage and Flooding**

- 65 There is an existing pond and burn which are located to the north of the application site. Full topographical details and levels have been submitted with the application given the sloping nature of the site to demonstrate how surface water will be managed.
- 66 The burn turns towards the south and is culverted underneath the existing driveway serving the site. Potential flooding on the site would be caused by any blocking of this culvert. The submitted topographical details demonstrate that any blockage would result in flood water dispersing down the Pitnacree House drive to the west and into an existing culvert further downhill remote from existing properties and therefore is unlikely to impact on existing properties. The submission indicates that the intention is to ensure this culvert is inspected regularly as part of the maintenance of the property to ensure it is not blocked. This can be secured by a suitably worded condition (Condition 7). The proposal is therefore considered to meet the requirements of Policy 52 of the LDP2 relating to flood risk.
- 67 Structures and Flooding have been consulted on the proposal and have indicated that they have no objection in relation to potential flood risk, subject to a condition which ensures that finished floor levels are raised above external ground levels. The finishing floor levels are indicated on the submitted plans to be above ground levels and therefore there is no specific requirement for a condition to secure this. A condition is also recommended to ensure the submission of a detailed Sustainable Urban Drainage System (SUDS) (Condition 8) in order to cater for surface water drainage, to meet the requirements of Policy 53C of the LDP2.

## **Archaeology**

- 68 The proposed development site is considered to be of archaeological sensitivity and therefore in accordance with Policy 26B of the LDP2 a standing building survey has been requested by Perth and Kinross Heritage Trust. This can be secured by condition (Condition 9).

## **Waste Collection**

- 69 The submission indicates that waste collection for the proposed house will be from the bottom of the estate drive where there is a large bellmouth capable of storing bins. This is considered acceptable and normal practise in rural areas.

## **River Tay Special Area of Conservation (SAC)**

- 70 The River Tay Special Area of Conservation (SAC) is located approximately 170 metres to the south of the application site and the watercourse which runs to the west of the application site flows into the River Tay. Due to the proximity of the site to the River Tay there is potential for leaching of materials and sediment into the SAC. Therefore, there is a likely significant effect (LSE) on the qualifying features of the River Tay SAC. It is therefore necessary to consider how these likely significant effects can be addressed. The submission of a basic Construction Method Statement is considered to be appropriate to ensure mitigation measures are put in place to prevent the leaching of materials and sediment into the SAC. This can be secured by condition (Condition 10). Subject to this condition the development is considered to have no adverse effect on the SAC.

## **Wider Redevelopment**

- 71 Concerns are expressed in letters of representation that the proposal may be part of a wider redevelopment of the area. A separate application for the conversion of the adjacent mill building to a dwellinghouse to the west of the site is currently under consideration (ref: [20/01938/FLL](#)) which has been submitted following the withdrawal of an earlier application on that site (ref: [19/01711/FLL](#)). This application requires to be considered on its own merits. Any further applications received will also be considered on their own merits.

## **Contaminated Land**

- 72 Given the historic use of the site, the Council's Land Quality Team have recommended a condition (Condition 11) to ensure that a risk assessment of the land is undertaken to establish any potential contaminated and propose mitigation where required in accordance with the requirements of Policy 58A of the LDP2.

## **Vibration**

- 73 Concerns are expressed in letters of representation regarding the potential for vibration during construction and the impact which this would have on the stability of adjacent properties. The impact from vibration during construction is not considered to be a material planning consideration

## **Economic Impact**

- 74 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 75 Not required

## **DIRECTION BY SCOTTISH MINISTERS**

- 76 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**

- 77 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.
- 78 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. 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.

2. Prior to the commencement of any development, details of an appropriate boundary treatment for the southern boundary of the proposed garden area shall be submitted to and approved in writing by the Planning Authority. The boundary treatment, as approved in writing shall be installed as part of the site development and completed in its entirety prior to the occupation of the dwellinghouse.

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

3. The annex/home office hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the main dwellinghouse hereby approved and shall not be sold, let or occupied separately at any time.

Reason: In order to clarify the terms of the permission; to control and restrict the use of the building.

4. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document ref: 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

5. Prior to the commencement of development hereby approved, details of the location and specification of the six bird nest boxes shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the six bird nest boxes shall be installed in accordance with the agreed details prior to the occupation of the dwellinghouse.

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

6. 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: In order to ensure the protection of retained trees on the site during construction.

7. Prior to the commencement of development hereby approved, a detailed maintenance regime for the existing culvert and ditch to the north and west of the dwellinghouse hereby approved shall be submitted to, and approved in writing by, the Planning Authority. The maintenance regime, as approved, shall be adhered to for the lifetime of the development to the satisfaction of the Council as Planning Authority.

Reason: To ensure the culvert remains free flowing and does not become blocked and in the interests of dispersal of surface water.

8. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the provision of effective drainage for the site.

9. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: The site lies adjacent to an area of archaeological interest.

10. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
  - (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
  - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
  - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
  - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

11. 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;
  - the nature, extent and type(s) of contamination on the site
  - measures to treat/remove contamination to ensure the site is fit for the use proposed
  - measures to deal with contamination during construction works
  - 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.

## **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 PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
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.
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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
6. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
7. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

8. 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.
9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

Background Papers: Nine letters of representation  
Contact Officer: John Williamson  
Date: 25 February 2020

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

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