

Perth and Kinross Council  
Planning & Development Management Committee – 13 February 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/41)

**PROPOSAL:** Residential development (in principle).

**LOCATION:** Land 20 Metres South West of 16 Curate Wynd, Kinross.

Ref. No: 18/01807/IPL  
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 This is an in principle application for the erection of a residential development at Curate Wynd in Kinross. The site is a vacant area of land located within the settlement boundary that extends to 0.14 hectares.
- 2 Plans have been submitted with the application and the agent has confirmed that these are indicative in nature. These illustrate a potential layout comprising two 2 storey dwellinghouses with associated curtilages, car parking, an access road and 6 car parking spaces for nearby residents to the north of the site. The majority of the site falls out with the Kinross Conservation Area. However a small proportion of the new access road between 2 Curate Wynd and 16/18 Curate Wynd lies within the Conservation Area.
- 3 There are residential properties and garden ground to the north, east, south and west of the site. Curate Wynd has bollards which restricts vehicular access to the site from the south. Vehicular access to the proposed site would therefore be from Bowton Road to the north.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 4 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 5 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely

significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 6 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 7 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**

- 8 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and 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.
- 10 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

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 61 Planning and Sustainable Urban Drainage Systems

### **Creating Places 2013**

- 12 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**

- 13 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

- 14 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**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 16 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:
- 17 *"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."*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 1: Locational Priorities**

- 19 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy. Tier 2 settlements also have the potential to make a major contribution but will

accommodate a smaller share of the additional development. Tier 3 settlements play an important but more modest role and will therefore accommodate a small share of the growth.

- 20 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 21 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

### **Policy 9: Managing TAYplans Assets**

- 22 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in- line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

### **Perth and Kinross Local Development Plan 2014**

- 23 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.
- 24 The principal relevant policies are, in summary;

#### **Policy PM1A - Placemaking**

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

- 26 All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

- 27 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities,

planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### **Policy PM4 - Settlement Boundaries**

- 28 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### **Policy RD1 - Residential Areas**

- 29 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 30 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### **Policy HE3A - Conservation Areas**

- 31 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

#### **Policy NE2A - Forestry, Woodland and Trees**

- 32 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

#### **Policy NE2B - Forestry, Woodland and Trees**

- 33 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of

individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 34 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy EP2 - New Development and Flooding**

- 35 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP3B - Water, Environment and Drainage**

- 36 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 37 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP12 - Contaminated Land**

- 38 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 39 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

- 40 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 41 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 42 [99/00696/OUT](#) Erection of 2 houses (in outline) at Decision Issued 2 September 1999 Application Refused and dismissed at appeal P\PPA\340\172.
- 43 [05/00926/OUT](#) Erection of 2 no detached houses with integral garages with access and parking (in outline) Decision Issued 15 September 2005 Application Approved.

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 45 No objection

### **Internal**

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

- 46 No objection subject to conditional control to secure further contamination survey work and remediation of the land.

#### **Transport Planning**

- 47 No objection subject to conditional control.

## **Development Negotiations Officer**

- 48 No objection if contributions are secured.

## **Structures and Flooding**

- 49 No objection if conditional control is secured to undertake ground survey work as well as further details on the SUDS arrangement for the site.

## **REPRESENTATIONS**

- 50 The following points were raised in the ten representations received:
- Concerns with the loss of sunlight and daylight to neighbouring property and curtilages.
  - Impact on amenity, loss of privacy and overlooking.
  - Loss of car parking spaces.
  - Concerns with traffic safety, increase in traffic, access, pedestrian safety, construction traffic and refuse vehicular access to the site.
  - Loss of open space.
  - Impact on Conservation Area.
  - Light Pollution.
  - Noise Pollution.
  - Contaminated Land.
  - Impact on underground watercourses and flood risk.
- 51 The above matters are addressed in the Appraisal section of the report.
- 52 The following matters are also raised in representation however they are not material planning considerations:
- 53 Landownership/access rights – this is not a planning matter any legal rights of access over the site and landownership is a private/civil matter. In any case clarity has been sought on how ownership certificates have been served and the agent has confirmed that the land ownership certificates are correct.
- 54 Structural risk to neighbouring buildings - Impact from the way construction works are undertaken and how this relates to boundary structures, foundations and buildings would be a civil matter to resolve between the parties affected, it is not a planning consideration.
- 55 Property Prices – This is not a planning matter.

## **ADDITIONAL STATEMENTS**

56	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Not Required



## **APPRAISAL**

- 57 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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 58 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **Principle**

- 59 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Kinross is identified as a Tier 2 principal settlement which has the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development in comparison to Tier 1 Settlements. The provision of residential development on this site satisfies this TayPlan Policy.
- 60 The site is located within the settlement boundary of Kinross where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria 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. The proposed residential use is located in a residential area within the settlement of Kinross accordingly the principle of residential dwellinghouses on this site is considered to be appropriate in this location. It is also worth noting that the site historically benefited from a residential permission.

### **Residential Amenity**

- 61 The formation of residential developments within the urban environment has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy and amenity for all the parties to the development those who would live in the new dwelling and those that live in adjoining dwellings.

### **Privacy**

- 62 As a rule of thumb a minimum 18 metres window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of

residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.

- 63 In this regard I consider that the proposed site can accommodate residential development without resulting in an unacceptable level of overlooking. However the final layout and scale of the residential development will need to be refined to take account of site constraints and this matter can be conditioned and assessed in detail through the matters specified by condition application. A landscaping scheme should also be sought by condition to reinforce the existing site boundary with planting and to maintain privacy at the site entrance (Condition 1 and 3).

#### Overshadowing

- 64 Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight- a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 65 As the plans submitted are indicative in nature there is scope for the developer/designer to review the layout and massing of the buildings through the detailed application process and include detailed shadow cast diagrams based on topographical information. I am content that this matter can be controlled by condition and reviewed as part of the detailed design however in an urban environment such as this I would expect an element of overshadowing and loss of light to occur (Condition 1).

#### Private amenity space

- 66 The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.
- 67 In this regard I consider that an adequate level of private amenity space can be achieved to cater for the recreational and privacy needs of any potential residential development. However, this matter will be considered upon the submission of a detailed application when detailed plans are submitted illustrating the design and layout of the development.

#### Noise and Light Pollution

- 68 Representation has highlighted concern with noise and light pollution. I do not consider that the provision of housing in this urban area will result in a

significant adverse impact on neighbouring land uses from noise or light pollution. However, once again this is an application in principle and full details will require to be assessed at a later stage.

#### Impact from Construction activity

- 69 It is noted that concerns regarding construction activity have been expressed in the representations received however this will likely be a short term change to the status quo and it is not considered that conditional control is required in this case given the scale of the development. If issues did arise it is considered that this could be addressed satisfactorily through the use of existing powers under the Environmental Protection Act 1990.

#### **Roads and Access**

- 70 Policy TA1B is concerned with providing safe access and appropriate car parking. Representations have raised concerns with the loss of parking, turning arrangements, construction traffic, refuse traffic, pedestrian safety as well as the potential impact the development will have on road safety and traffic congestion.
- 71 The provision of residential accommodation at the site will result in a small increase in traffic movement to and from the site. Vehicular access to the site via Curate Wynd can only be taken from Bowton Road.
- 72 Consultation has been undertaken with Transport Planning and they offer no objection subject to conditional control (Condition 1). On this basis it is considered that there will be no significant impact in relation to pedestrian safety, traffic congestion or road safety.
- 73 I am content that an appropriate level of parking can be accommodated within the site for residential development along with turning in the site to enable access and egress in a forward gear.
- 74 From my site inspection I noted that on street parking on Curate Wynd is limited. However, there are two car parks in close proximity, the School Wynd Car Park and the Curate Wynd Car Park.
- 75 Taking the above into account there is not a conflict with Policy TA1B.

#### **Design, Layout and Conservation Considerations**

- 76 The site lies between the historic core of Kinross to the east which exhibits traditional stone buildings and a denser urban form in comparison to more modern layouts and housing to the west. I note in the earlier assessment of application 05/00926/OUT the officer considered that the scale and footprint of the houses were on the large side. While the indicative design and external finishes (slate roofs, white render and timber sash and case windows) was generally acceptable.

- 77 The Local Plan has changed since the earlier approval and the application is required to be assessed against the 'Placemaking' policies of the current LDP. Although this application is in principle I have sufficient information before me in the form of an indicative block plan to confirm that residential development can be accommodated on the site.
- 78 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also pertinent due to the proximity of the Kinross Conservation Area. This requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I do not consider that the formation of a new access has a detrimental impact on the Conservation Area while a residential scheme outwith the Conservation Area will be able to come forward and be assessed under the matters specified by conditions application to ensure it will not have a detrimental impact on the setting of the area.
- 79 Overall, with the ability to condition (Condition 1 and 2) the development to enable an appropriate detailed design to come forward I am of the view that the proposal can contribute positively to the quality of the surrounding built and natural environment. In light of this the proposal is not considered to be contrary to policy PM1A, PM1B and HE3B.

### **Landscape**

- 80 This development is within the settlement boundary of Kinross. The development of this urban site is not considered to conflict with the landscape aims of the LDP. However during the assessment of the application it was noted that the applicant had wrongly stated in the application form that there are no trees within the site. This omission has been corrected and further public consultation was undertaken following the submission of updated application forms.
- 81 Whilst this application is only seeking to establish the principle of residential development it is considered that there is a need to take account of the tree resource and hedging on the boundaries of the site and this can be controlled by condition (Condition 1 and 3) to ensure a tree survey and appropriate landscape proposals come forward as part of any detailed proposals.

### **Drainage and Flooding**

- 82 The applicant has confirmed that the foul drainage will be connected to the sewer and a condition can be imposed to ensure this connection is achieved (Condition 1). A developer would need to secure a connection from Scottish Water and if there is a capacity problem this is a matter between the developer and network operator to resolve prior to development proceeding on the site.
- 83 The site is not in an area subject to river flooding. Concerns have been raised regarding an underground watercourse running through the site. Consultation with the Council's Flooding Section confirms that they have no record of a water course. They note that ground investigation should be undertaken to

inform the disposal of surface water and this matter can be checked at that time. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled by condition (Condition 1).

### **Contaminated Land**

- 84 Historical records are unclear in this specific area and potentially contaminating activities remain unrecorded. The centre of Kinross is typical where due to the lack of detailed information it is difficult to ascertain specific site conditions and if they have been impacted upon by a past historical land use that could cause constraint to the redevelopment potential.
- 85 One specific issue identified within this geographic area is the potential for ground gasses such as carbon dioxide and methane. Certain geological conditions such as those encountered in the Loch Leven basin catchment can give rise to high levels of these naturally produced ground gasses which can be a constraint to development. These risks are easily mitigated if this can be identified through ground investigation.
- 86 The development will require a geotechnical assessment to ascertain foundation design for the construction of the buildings and this risk assessment can be undertaken during this time.
- 87 Environmental Health has no objection in principle to the development. However in the interest of ensuring the applicant delivers residential units that are suitable for the proposed use conditional control is recommended to secure a contaminated land survey with an associated remedial strategy (Condition 1 and 4). With conditional control applied there is no conflict with policy EP12.

### **Developer Contributions**

- 88 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 89 This proposal is within the catchment of Kinross Primary School.
- 90 As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received. Conditional control has been applied (Condition 5).

## **Economic Impact**

- 91 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive but minor impact on consumer spend within the Kinross Market Area.

## **LEGAL AGREEMENTS**

- 92 Not required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 93 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**

- 94 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 95 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: (a) the siting, design and external appearance of the development, (b) the hard and soft landscaping of the site (including retention of trees), (c) all means of enclosure, (d) means of access to the site, (e) vehicle parking and turning facilities, (f) detailed levels survey (existing and proposed), (g) foul and surface water drainage (h) waste management provision and (i) a survey on site contamination and associated remedial strategy.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

2. In pursuance of condition 1a) the residential development shall be limited to a maximum one storey in height (but allowing accommodation in the roof space). For the avoidance of doubt the indicative footprints and plans submitted with this application are not approved.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

3. In pursuance of condition 1b) the scheme shall include:
- (i) A tree survey and tree constraint plans to accord with BS58S7:2012 'Trees in relation to construction'.
  - (ii) Details of existing hedging and boundary treatment to be retained
  - (iii) The location of new trees, shrubs hedges, grassed areas and water features.
  - (iv) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
  - (v) The location design and materials of all hard landscaping works.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

4. In pursuance of condition 1(i) a survey of on-site contamination and associated remedial strategy shall include:
- (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

Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

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

5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

## **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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn).
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.



5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
9. Please note that all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) should be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).

Background Papers: 10 letters of representation  
Contact Officer: John Russell 01738 475346  
Date: 31 January 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
---

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--