

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/404)

PROPOSAL:	Demolition of steading and erection of 8 dwellinghouses (in part retrospect) (change of house type for plots 6, 7 and 8).
LOCATION:	Land North West of Boreland House, Cleish.

Ref. No: [18/01684/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 site is located within a small building group approximately 0.9km west of Cleish and comprises a former farm steading area. The site is bound by a public road to the west, with residential development to the north, south and east. Vehicular access to the dwellinghouses will continue to be from the public road from a position to the north of the former roadside steading.
- 2 The application site received planning permission in May 2011 for the conversion of the traditional stone steading building along the road frontage to form 3 dwellinghouses and the erection of 5 new dwellinghouses within the remainder of the site.
- 3 Unfortunately, the applicant subsequently demolished the stone steading and as a consequence, it was considered to have invalidated the entire 2011 permission (09/00500/FLL) as the 5 new build dwellinghouses received planning permission on the basis that the roadside steading conversion occurred.
- 4 Subsequently, detailed planning permission (in part retrospect) was sought in 2015 (15/01033/FLL) in order to try to regularise the entire development. The application sought permission to rebuild the steading in a design similar to the demolished building. This application was approved by the Development Management Committee in August 2015, subject to numerous conditions and a full understanding that no further variation of the permission should occur on the site.

- 5 Whilst monitoring the development in late February 2016, the Council's Enforcement Officer noted that the roadside building appeared to be higher than what had been approved. A number of meetings and discussions took place with the Developer and his agent to try and resolve the issue and ensure the building was built as per the approved plans.
- 6 The replacement building was higher than the approved plans and resulted in an increase in wall head by nearly 300 mm resulting in a ridge height increase of a similar 300mm. The changes to the wall head and ridge height had the added consequence of a change in window dimensions to narrower horizontal proportions for the windows below the wallhead and the dormer windows.
- 7 A request for a Non-Material Variation (NMV) for those altered works was rejected in March 2016 and, in an attempt to regularise the development, the applicant submitted an application to amend the approved plans of the roadside steading building in isolation (16/00656/FLL). This application was refused under delegated powers and a subsequent review to the Local Review Body was dismissed.
- 8 As a consequence, the site has lain dormant with the unauthorised timber frame up since 2016. With no protection from the elements the framework deteriorated over time and was removed from site.
- 9 A new application is now under consideration seeking to gain permission for the replacement building forming three dwellinghouses (plots 6, 7 and 8). The proposed height is as previously refused but there have been some minor changes to the design including a clipped eaves design rather than overhanging eaves as previously submitted.

PRE-APPLICATION CONSULTATION

- 10 There have been ongoing discussions with the Developer which have included dialogue with Local Members, in an attempt to move the development of the site forward. This has resulted in this current application being submitted.

NATIONAL POLICY AND GUIDANCE

- 11 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

- 12 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

- 13 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.
- 14 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

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 16 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 17 Designing Streets is the 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

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

DEVELOPMENT PLAN

- 19 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

- 20 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:
- 21 *"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."*
There are no specific policies or strategies directly relevant to this proposal.

Perth and Kinross Local Development Plan 2014

- 22 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.
- 23 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 24 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

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

Policy PM3 - Infrastructure Contributions

- 26 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 RD3 - Housing in the Countryside

- 27 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy RD4 - Affordable Housing

- 28 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1B - Transport Standards and Accessibility Requirements

- 29 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 EP7C - Drainage within the Loch Leven Catchment

- 30 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy EP12 - Contaminated Land

- 31 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)

- 32 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.
- 33 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.
- 34 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

[09/00500/FLL](#) Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses- Application approved by Development Management Committee, decision issued 17 May 2011

[14/01769/FLL](#) Modification of permission 09/00500/FLL (Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses) removal of condition 4 relating to window / door type – Application approved under delegated powers, decision issued 29 January 2015

[15/01033/FLL](#) Demolition of steading and erection of 8 dwellinghouses (in part retrospect) Application approved by Development Management Committee, decision issued 6 November 2015

[16/00656/FLL](#) Erection of 3 dwellinghouses (change in design) (in part retrospect) Application refused under delegated powers, decision issued 21 July 2016

CONSULTATIONS

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

External

Scottish Water

- 36 No objection to the proposal

Cleish & Blairadam Community Council

- 37 Concerns have been raised about the site history and the current status of the development. Should development be approved they request clipped eaves and previous conditions to be repeated.

Internal

Environmental Health (Contaminated Land)

- 38 No objection, four part contaminated land condition required.

Development Negotiations Officer

- 39 Contributions should be as per the existing S75 which will need to be updated.

Structures and Flooding

- 40 No objection on flood risk

Transport Planning

- 41 No objection, access formed

REPRESENTATIONS

- 42 The following points were raised in the 8 representations received (4 objections/comment and 4 letters of support) which includes a letter from the Community Council:

Against

- Replacement should be a replica
- Lack of details on finish materials

Support

- Support for current proposal if it ensures the development is complete and the developer meets all previous planning conditions.
- 43 It should be noted that a number of the letters state that although unhappy with the lack of progress on the development site up until now, they are not opposed to this submission if it brings the development to a conclusion.
- 44 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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

- 45 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. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 46 The principle of development on the site has been established previously under the Housing in the Countryside Policy and Guide. The demolition of the steading and replacement with a replica has also been considered to comply with policy. This application relates to the replacement not being a replica of the former steading.
- 47 Notwithstanding the history on this site, the Housing in the Countryside Supplementary Guidance states under Category 5, which relates to conversion or replacement of redundant non-domestic buildings, that where an existing building requires to be reconstructed, replacements must be generally faithful to the design form and may incorporate non-original features which adapt it to modern space standards or reflect a local architectural idiom.
- 48 Therefore the policy does not require an exact replica of the former steading but this stance was taken previously due to the unauthorised demolition. However, if it had been established prior to demolition that the steading had become, through time, unable to be reconstructed because of structural deficiencies then the minor changes proposed would not be a departure from policy.

Design and Layout

- 49 The site has an extensive history with a firm position being taken previously by the Development Management Committee on the unauthorised demolition of the steading and the requirement for an exact replica to be rebuilt. This approach, in turn, led to the refusal of the application which was in part retrospect for the new building which was constructed 300mm higher than that which had planning permission. A review of this decision was dismissed by the Local Review Body following from the earlier Development Management Committee's stance.
- 50 This approach has unfortunately resulted in the development of the site coming to a standstill which has most certainly been to the detriment of the amenity of the area and the concern of local residents.
- 51 This current application, once again, seeks to replace the demolished steading with a very similar building to that which was previously refused. The proposed height remains at 300mm higher than that which was previously granted planning permission. The applicant has confirmed that the 300mm increase would accommodate a 2.4m internal floor to ceiling height which is more attractive to prospective buyers. It is considered by the Developer that this increased height is vital to providing an attractive residential property for potential purchasers and is needed to ensure the site is developed out. The Community Council requested that the proposed design be altered to have clipped eaves to replicate the original detailing of the steading which is considered to be an important feature. The Developer has now amended his design to accommodate this request.

- 52 The application for the replacement steading (ref 15/01033/FLL) had a number of very detailed conditions to deliver a high quality finish. The conditions covered, for example, site inspections at three construction phases to the submission of a detailed coursing plan these conditions are proposed to be reapplied to this permission (Conditions 3 – 9 and 17).
- 53 A previous stipulation was also that no work was to commence on plots 1 and 5 until the steading was completed. Plots 1 and 5 remain undeveloped and are shown within the applicant's control and therefore it is reasonable to repeat this condition (Condition 2).

Residential Amenity

- 54 The proposed dwellinghouses all have a suitably sized garden area and are located far enough from each other to ensure an acceptable level of residential amenity is achieved in a manner which would not adversely affect any of the existing properties nearby.
- 55 The dwellinghouses have 9m deep rear gardens and adjacent dwellinghouses (constructed and approved) would not be overlooked due to the proposed boundary planting (Condition 16) and the orientation of the buildings.

Contaminated Land

- 56 The site has been inspected previously in relation to contaminated land and required the retrospective fit of gas protection measures. The Contaminated Land Officer has requested that the four part contaminated land condition be added to ensure that the measures required are covered under this new permission (Condition 15).

Visual Amenity

- 57 The site has been an eyesore for a number of years and there is a strong desire in the community to get the development completed, which would improve the wider visual amenity of the area.

Biodiversity

- 58 The original application considered the potential for protected species within with existing buildings. As part of the recommendations on the previous survey, bat boxes and a barn owl nest box and ledge were required. This shall be repeated as a condition on this permission to ensure this work is completed (Conditions 12 and 13).

Roads and Access

- 59 The access to the site has already been formed and the proposed plans show the parking for the three houses to be in a central courtyard where turning is also accommodated. The access type and gradient of the access will be covered by condition (Conditions 10 and 11).

Drainage and Flooding

- 60 The site is located within the Loch Leven Catchment Area where LDP policies seek to secure phosphate reduction measures in the interests of maintaining the Conservation value and interest of the Loch (SSSI, SPA RAMSAR).
- 61 In the 2015 application SEPA confirmed that the drainage proposals would deliver the necessary 125% gains and did not raise an objection on flood grounds. The proposed changes do not impact on required drainage and flooding infrastructure.
- 62 The drainage requirements were originally covered by a Section 75 Legal Agreement, however, today this would be covered by planning conditions. The drainage has however been implemented and a CAR license issued by SEPA, consequently, no further conditions will be required in relation to phosphorous mitigation.

Developer Contributions

- 63 There is a Section 75 legal agreement in place for this site to ensure that the required affordable housing and education contributions are secured. This Agreement requires to be updated to cover this new planning permission. Alternatively the contributions could be paid upfront to release this permission.

Economic Impact

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

LEGAL AGREEMENTS

- 65 An updated Section 75 legal agreement will be required as the existing Section 75 has not been future proofed to take account of a revised permission on the site, unless the contributions are paid upfront.

DIRECTION BY SCOTTISH MINISTERS

- 66 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

- 67 As a result of the history described above, the site has been an eyesore for a number of years and there is a strong desire in the local community to get the development completed. The previous approach which took a hard-line with the developer unfortunately has not moved the development forward. It is therefore considered that the amendments proposed to the previous scheme are considered acceptable and this will hopefully conclude the development of the former steading site with three new dwellings in the steading type building and allow the completion of the development on Plots 1 and 5. Whilst not an ideal situation, I consider the recommendation of approval will allow the conclusion of this development.
- 68 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.
- 69 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 The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown in blue within the applicants control on the Site Layout Plan - Drawing

Ref: 18/01684/2.

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

- 3 Within 1 month of the date of this permission full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - To ensure that the development is carried out in accordance with the plans approved; to ensure a satisfactory standard of local environmental quality.

- 4 The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures.

- Damp-proof course
- Wall head level
- Truss erection

Development shall not progress beyond these junctures without the prior written approval of the Council as Planning Authority.

Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.

- 5 Within 1 month of the date of this permission, a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full accordance with the written record previously submitted and all to the satisfaction of the Council as Planning Authority.

Reason - To ensure the building resembles as closely as reasonably practicable the structure that was demolished contrary to previous permissions.

- 6 Prior to the cladding of the building a sample panel of the roadside steading wall measuring a minimum of 3m² shall be erected for inspection and approval by the Planning Authority. For the avoidance of doubt, the sample wall requires to include an example of the stone quoins, window lintels, jamb stone and cill to be used throughout the development.

Reason - To ensure the development resembles the building demolished as closely as reasonably practicable.

- 7 Within two months of the date of this permission or prior to the cladding of the building, details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Council as Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to ensure the development resembles the building demolished as closely as reasonably practicable.

- 8 All external doors and windows of Plots 6, 7 and 8 shall be first constructed in timber, with a painted finish of a colour agreed in writing by the Council as Planning Authority.

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

- 9 Within two months of the date of this permission, 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 approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason - In the interest of private water supplies.

- 10 The vehicular access to the development hereby approved shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any further dwellinghouses.

Reason - In the interests of road safety.

- 11 Prior to the occupation of any of the dwellinghouses hereby approved, the gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.

Reason - In the interests of road safety.

- 12 Prior to the occupation of any of the dwellinghouses hereby approved the mitigation measures identified on page 14 of the submitted bat report plan ref. 09/00500/20 shall be carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction to the satisfaction of the Council as Planning Authority.

Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.

- 13 Prior to the occupation of any of the dwellinghouses hereby approved a barn owl nest box and ledge shall be incorporated into this development in accordance with details which must be submitted to and approved in writing by the Council as Planning Authority.

Reason - To safeguard the welfare of protected wildlife in the interests of the amenity of the area.

- 14 Within 1 month of the date of this permission details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side. The bin store as agreed shall be completed prior to the occupation of the dwellinghouses hereby approved.

Reason - In the interest of waste management and road safety.

- 15 Further 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.

- 16 Within two months of the date of this permission, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within 6 months of the occupation of any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To ensure details are acceptable to the Council as Planning Authority; to ensure a satisfactory standard of local environmental quality.

- 17 Prior to the construction of the external walls, a detailed coursing plan for the proposed rebuilt roadside steading building showing all external walls shall be submitted for the prior approval of this Council as Planning Authority. For the avoidance of doubt the coursing shall reflect as closely as possible that of the previous roadside steading building. 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

If the a payment is not paid up-front, a modification of the existing Section 75 Legal Agreement will require to be drafted in relation to securing Affordable Housing and Education contributions.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4

month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 An application for Building Warrant will be required.
- 4 If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.

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.

- 5 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 6 The applicant should be advised that in terms of Section 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.
- 7 The attention of the applicant is specifically drawn to the condition requiring a Section 75 Agreement. The applicant is warned that the conclusion of a Section 75 Agreement normally takes at least 3 months and may take longer. Accordingly it is important to commence negotiations on a Section 75 Agreement as soon as possible. Please contact the planning case officer if

you wish to pursue this agreement. The Council should normally be able to provide an initial draft of an Agreement. You should also note that you will be liable to pay the cost of the Council's reasonable expenses in this respect. You should know that commencement of work without complying with the condition concerning a Section 75 Agreement will render the development unauthorised and liable to Enforcement Action.

Background Papers: 8 letters of representation
Contact Officer: Joanne Ferguson 01738 475320
Date: 6 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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