

Perth and Kinross Council  
Development Management Committee – 20 February 2013  
Report of Handling by Development Quality Manager

**Demolition of buildings and erection of five dwellinghouses at Myreside Farm,  
Errol**

Ref No: 12/00304/FLL  
Ward No: 1 - Carse of Gowrie

**Summary**

This report recommends approval of the application in detail for five dwellinghouses on the grounds that the proposal broadly accords with the Council's Housing in the Countryside Policy (2009) whilst respecting the setting of the listed farmhouse building.

**BACKGROUND AND DESCRIPTION**

- 1 This application was previously considered by this Committee on the 12 December 2012 where it was deferred for reconsideration by the Scottish Environment Protection Agency (SEPA) and Perth and Kinross Council's flood team with supplementary information to be provided or requested as appropriate. A copy of the previous Committee Report is appended to this report for information (Appendix 1).
2. The deferral was to allow further information to be submitted on the following:
  - (i) Clarification required in relation to flooding issues.

**CONSULTATIONS**

3. Following the decision to defer, both SEPA and the Council's Flood Officer were re-consulted on the above matter.

**REPRESENTATIONS**

- 4 No further valid notifications were received as a result of the deferral. All representations associated with the original application are as detailed in the previous Committee Report.

**ADDITIONAL STATEMENTS**

- 5 All original additional statements remain valid; reflected in the original Committee Report, detailed in Appendix 1.
- 6 During the deferral process, the neighbouring landowner submitted additional written comment in relation to the proposed conditions, challenging the applicant's ability to legally facilitate or carry out development, as per the vehicular access conditions. In particular, three principal points were discussed:

- Rights of access on land outwith applicant's ownership
  - Land title
  - Delivery of boundary landscaping
- 7 As a matter of best practice, Council officers revisited these points. The proposed vehicular access conditions of consent were considered enforceable without any unnecessary agreement with the neighbouring landowner.
- 8 The detailed land title was also revisited following claims relating to inaccuracies. It was discovered that there are two minor pinch points, which did not concur with the original submitted red site line boundary; encroaching outwith land directly in the applicant's ownership (no more than 1.8m at widest point), extending to an overall site area of no more than 24sqm. As a result of this anomaly, the Council requested that the smaller site area was accurately re-drawn to be correctly reflected in the plans as a non material variation to the original submission. Crucially, the amended site line can still comfortably accommodate an access and appropriate landscaping along the north western boundary of the site.

## **APPRAISAL**

- 9 In line with the principal reasons for deferral, both SEPA and the Council's flooding team were re-consulted in relation to all flooding matters at Myreside.
- 10 SEPA confirmed that they wished to offer no alteration to the previous formal response of 25 July 2012 and noted that their recommendations had been incorporated into the original Committee report.
- 11 The Council's flooding team confirmed that in light of supporting information and a flood action plan (as proposed in condition 14), they were satisfied that development could commence on site in line with that proposed, with no formal objection on grounds of flooding.
- 12 In accordance with the recommendations of the December Committee, the relevant bodies of both SEPA and the Council's flooding team were re-consulted to re-assess and clarify all flooding and surface water issues. Both parties confirmed via e-mail that all flooding and surface water issues had been investigated and addressed satisfactorily and did not advise against granting of consent on the grounds of flooding issues. On this basis therefore, the proposals as submitted continue to be recommended for approval, consistent with the recommendation to the December Development Management Committee.

## **LEGAL AGREEMENTS REQUIRED**

- 13 A legal agreement for the deferred payments for Affordable Housing and Education contributions must be concluded prior to the issuing of any consent unless an upfront payment is paid.

## **DIRECTION BY SCOTTISH MINISTERS**

- 14 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulations 30 – 32 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**

- 15 It is concluded that appropriate consideration has been taken of all associated flooding issues relating to this application and its associated proposals.
- 16 In planning policy terms, the proposed development remains generally in accordance with the Development Plan and all associated flooding issues shall be appropriately controlled through conditions of any grant of consent.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Full details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
3. For the avoidance of doubt, as a minimum the principal elevations of plots 2, 3, 4 and 5 shall be finished in natural stone reclaimed from existing on site building materials, detailed in the masonry finish to match the existing steading buildings and finished with lime mortar jointing and pointing, to the full satisfaction of the Council as Planning Authority.
4. The proposed roof slates shall be detailed and finished in a traditional diminishing course to the full satisfaction of the Council as Planning Authority.
5. A detailed landscaping and internal boundary treatment plan for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of the species, height, size and density of trees and hedging to be planted and the full specification of the boundary treatment.
6. The approved detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme, prior to the occupation of any part of the development and thereafter maintained in perpetuity.

7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
8. The access road shall be developed on the existing ground levels only, to the satisfaction of the Council as Planning Authority.
9. There shall be no alteration in levels to the nearby C Class road, to the satisfaction of the Council as Planning Authority.
10. The grounds levels around the site shall slope away from the dwellinghouse, to the satisfaction of the Council as Planning Authority.
11. There shall be no additional land raising on site apart from footprints of proposed dwellings.
12. There shall be no impenetrable solid boundaries in the form of walling or fencing created within the development site.
13. Finished floor levels shall be raised above existing ground levels, to the satisfaction of SEPA and the Council as Planning Authority.
14. A detailed flood action plan shall be submitted and approved in writing prior to the commencement of development. The plan as approved shall thereafter be implemented and adhered in perpetuity of the development.
15. Development should not begin until the applicant or their agent has submitted to and have had approved in writing by the Council as Planning Authority a ground investigation and reclamation statement that has identified any area of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to access the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraints to the proposed use. The investigation should be compliant with the relevant good practice, government guidance in force and applicable European and British Standards.
16. Prior to the commencement of any works on site a fully detailed Construction Management Plan shall be submitted for the approval in writing by the Council as Planning Authority. The Plan shall include but not be limited to:
  - surface water drainage details in accordance with C648 and C649 (published by CIRIA);
  - precise details of all temporary structures required during the construction phase

The scheme as approved shall be fully complied with during the entire construction phase of the development.

17. Prior to the commencement of any works on site, plans which clearly show the location and position of any proposed bat bricks, boxes, bat tubes and swift nesting bricks (minimum of 4 bat bricks and swift nesting bricks – one on each elevation) shall be submitted for the approval in writing by the Council as Planning Authority.
18. The proposed and agreed bat roost sites will be provided in the new development as soon as possible after demolition has taken place; temporary roost sites should be erected at a suitable agreed location on site if the development is not to proceed immediately following demolition.
19. Prior to the commencement of any works, a copy of the European Protected Species licence issued by the Scottish Government shall be forwarded to the Council as Planning Authority.
20. Demolition work should take place between April and September to ensure no bats are hibernating in the building during demolition.
21. Immediately prior to demolition a licensed bat specialist should inspect potential bat roosts and take appropriate measures to prevent bats from roosting the night before demolition is due to take place.
22. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
23. The vehicular access to the U154 public road shall be formed in accordance with specification Type C, Fig 5.7 access detail prior to the occupation of development, to the satisfaction of the Council as Planning Authority.
24. The public road over a length of 10m immediately adjacent to the access shall be widened to a minimum of 5m, to the satisfaction of the Council as Planning Authority.
25. The gradient of the access shall not exceed 3% for the first 10 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road, all to the satisfaction of the Council as Planning Authority.
26. Full visibility splays of 2.4m by 90m shall be provided to the right and left of the access measured between points 1m above the adjacent U154 road channel level.
27. Prior to the occupation of any dwelling, turning facilities shall be provided within the site (and thereafter retained) to enable all vehicles to enter and leave in a forward gear, to the satisfaction of the Council as Planning Authority.

28. A minimum of 2 no. car parking spaces per dwelling shall be provided within the site (and thereafter retained), all to the satisfaction of the Council as Planning Authority.
29. Prior to the commencement of any works on site, precise details of the private drainage system proposed shall be submitted for the approval in writing by the Council as Planning Authority.
30. Prior to the commencement of any works, precise details of any proposed external lighting shall be submitted for the approval of the Council as Planning Authority. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, to the satisfaction of the Council as Planning Authority.
31. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilages of the dwellings.

**Reasons:**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 3 In the interests of visual amenity, sustainability and to ensure a satisfactory standard of local environmental quality.
- 4 In the interests of visual amenity, and seeking to establish and ensure a satisfactory standard of local environmental quality.
- 5 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 6 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 7 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 8 To minimise the impact of the development on flood flow paths and so not increase the risk of flooding to neighbouring areas.
- 9 To minimise the impact of the development on flood flow paths and so not increase the risk of flooding to neighbouring areas.
- 10 To prevent flood water ponding against the dwellings.

- 11 To ensure that flood flow paths remain unchanged and so minimise the risk of flooding to neighbouring areas.
- 12 To ensure that flood flow paths remain unchanged and so minimise the risk of flooding to neighbouring areas.
- 13 To avoid all unnecessary risk of adverse impact on proposed residential development through a localised flooding event.
- 14 To minimise associated risk and ensure appropriate prevention, planning and mitigation is fully considered and adhered to in preparation of any associated flooding event.
- 15 In order to deal with any potential contamination of the site as a result of its former use and to ensure the site is suitable for residential use.
- 16 In the interest of proper site management.
- 17 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 18 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 19 In order to ensure that a licence has been obtained.
- 20 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 21 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 22 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 23 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 24 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 25 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 26 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 27 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 28 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 29 In the interest of proper site management.
- 30 In the interests of visual amenity outwith natural daylight hours and to avoid unnecessary light pollution in the interests of neighbouring amenity and the environment.
- 31 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to ensure that flood flow paths can be re-assessed through any proposed development to minimise and control the risk of displacement flooding to any neighbouring areas.

## **B JUSTIFICATION**

The proposal is not considered to be in accordance with the Development Plan, however part compliance with the 2009 Housing in the Countryside Policy and a net environmental benefit of the site redevelopment is considered to be a material reason to justify support for the application.

## **C PROCEDURAL NOTES**

Unless an upfront payment is paid consent shall not be issued until a legal agreement has been completed and signed in respect of an affordable housing payment of £33,125 (1.25 x £26,550) and primary education contribution payment of £ 23,981.25 (3.75 x £6395).

## **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 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
- 6 The applicant is 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 Environment Protection Agency.
- 7 The applicant should be advised in writing that the Executive Director of Education and Children's Services can give no guarantee that any school age children arising from this development application could be accommodated at Inchtute Primary School. This will result in any such children being placed in the nearest school with capacity to accommodate them.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 9 The applicant is advised to contact Perth and Kinross Council Waste Service team at their earliest opportunity to ensure appropriate provision for storage of waste and recycling facilities and access for service provision is incorporated as part of the development.
- 10 On the recommendation of SEPA, the applicant is advised to consider that integration of flood resistant and resilient building materials are incorporated within the design of the proposed dwellinghouses.
- 11 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be :
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

Background Papers: No additional background papers  
Contact Officer: Callum Petrie, Ext 75353  
Date: 4 February 2013

**Nick Brian**  
**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



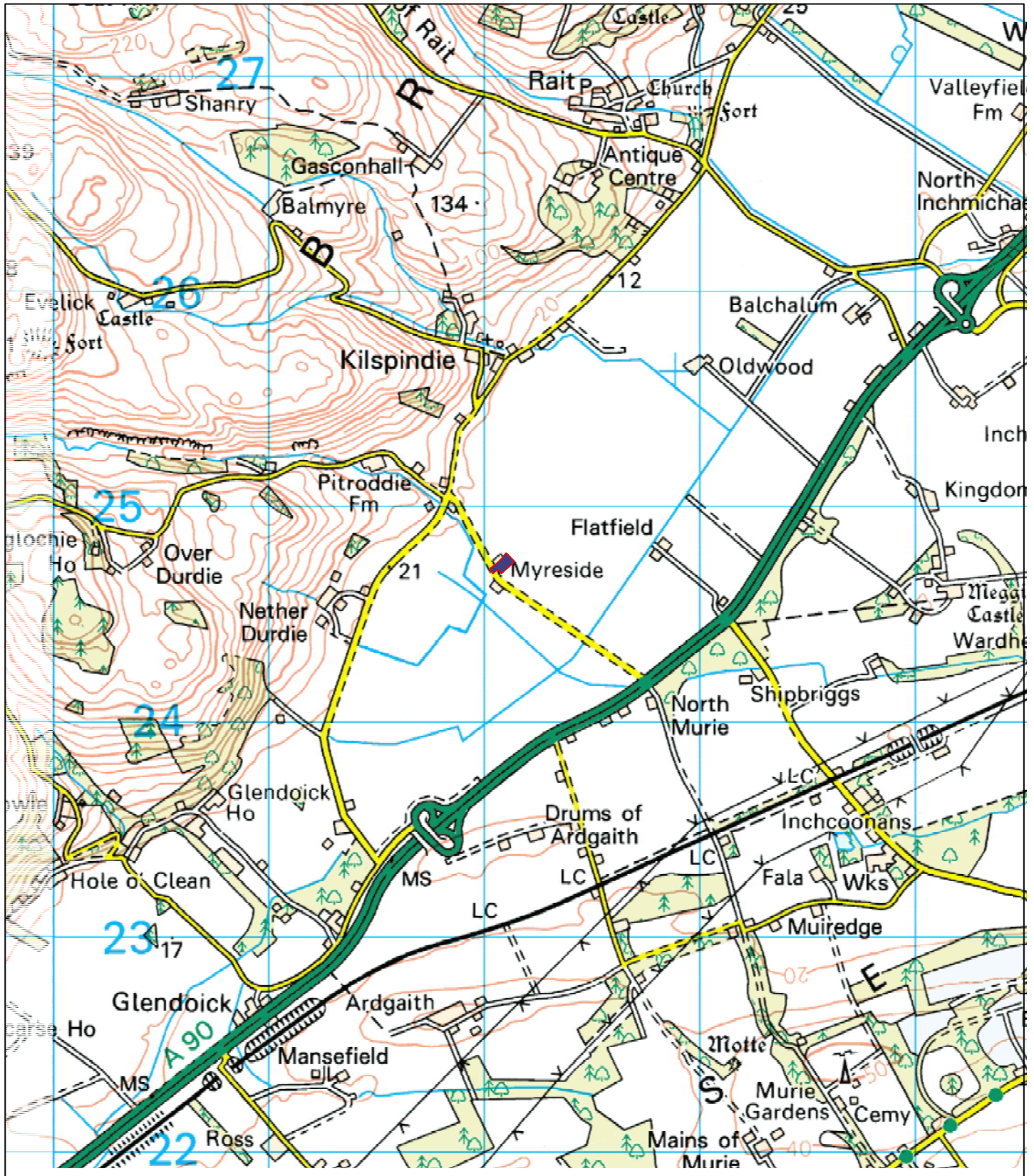
Council Text Phone Number 01738 442573

# Perth & Kinross Council

12/00304/FLL

Land North East of Myreside Farm, Pitroddie

Demolition of Buildings and Erection of 5 Dwellings



This map is for reference only and must not be reproduced or used for any other purpose

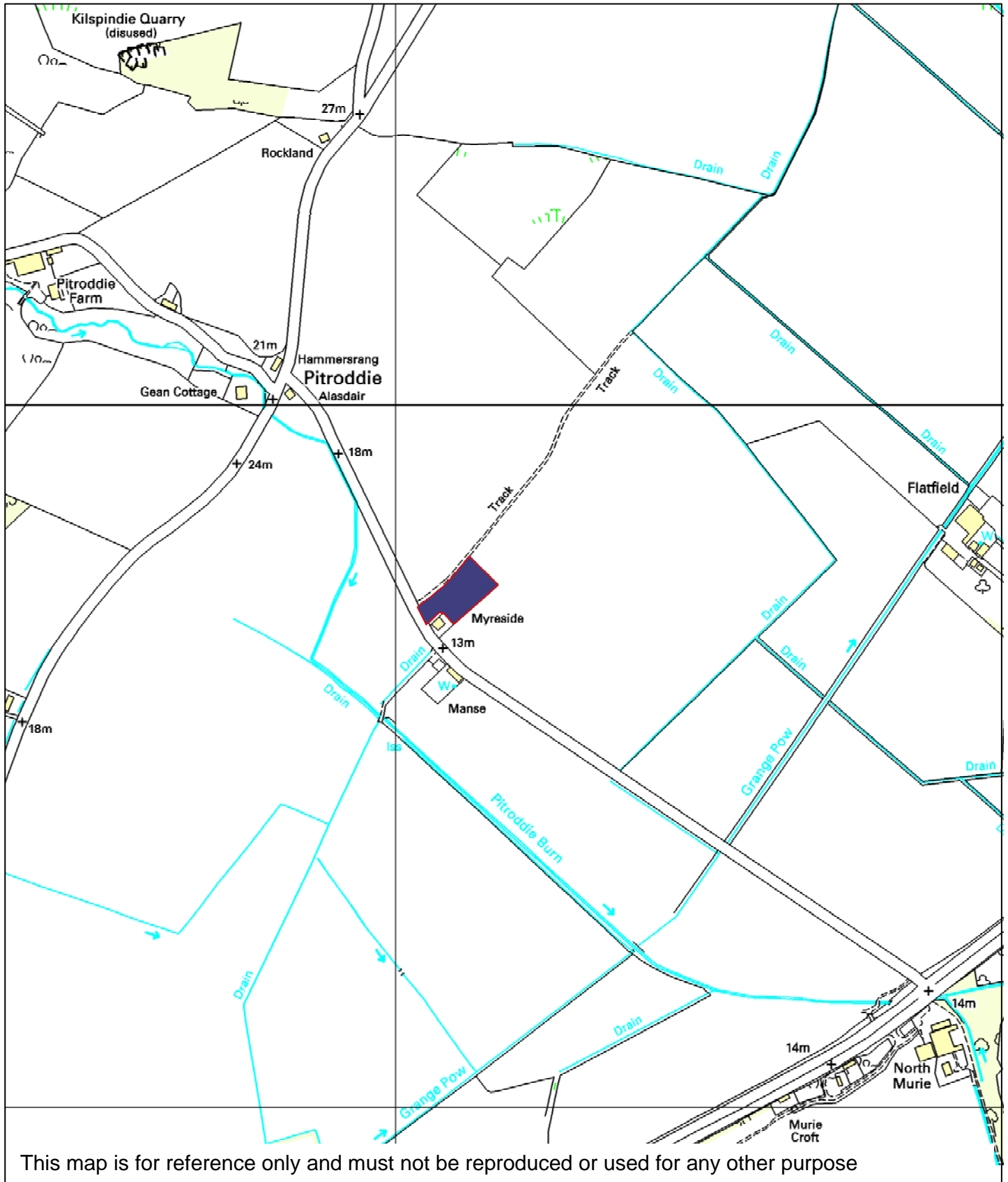
↑ Scale  
1:25000

# Perth & Kinross Council

## 12/00304/FLL

### Land North East of Myreside Farm, Pitroddie

#### Demolition of Buildings and Erection of 5 Dwellings



This map is for reference only and must not be reproduced or used for any other purpose

↑ Scale  
1:7500



Perth and Kinross Council  
Development Control Committee – 12 December 2012  
Report of Handling by Development Quality Manager

**Demolition of buildings and erection of five dwellinghouses at Myreside Farm, Errol**

Ref No: 12/00304/FLL  
Ward No: 1 - Carse of Gowrie

**Summary**

This report recommends approval of the application in detail for five dwellinghouses at Myreside Farm, Errol on the grounds that the proposal broadly accords with the Council's Housing in the Countryside Policy (2009) whilst respecting the setting of the listed farmhouse building.

**BACKGROUND AND DESCRIPTION**

1. The application site is located approximately 3.5km to the north west of the village of Errol, within the flat valley floor of the Carse of Gowrie. The site which extends to 0.52 hectares, comprises three adjoining existing farm buildings, on the footprint of a traditional steading layout. The buildings include a mixture of traditional stone steading on the south eastern perimeters with some original stone wall steading elements on the south west and north east elevations, now wrapped in a modern steel framed structure. There appears to be no current farming activity associated with the farm buildings. In line with previous site history, the farmhouse and farmbuildings are known to have been sold separately from the surrounding agricultural land several years ago.
2. Immediately adjacent to the application site sits the original Myreside farmhouse, an attractive and modest Category C Listed Building. Although not physically attached to the development, the setting of the listed farmhouse would be affected by any redevelopment proposals. A small paddock (approximately 600sqm) sits immediately to the north west of the farmhouse, now forming part of the planning submission for a residential plot for a cottage development.
3. Historically, two previous unsuccessful planning submissions (07/00850/FLL) (07/01988/FLL) and a planning application which was latterly withdrawn in 2011 (11/00550/FLL) have been submitted on this site. The current application seeks detailed planning permission for the development of four terraced dwellings approximately within the original footprint of the steading group and a separate cottage style dwelling is proposed to the north west of the farmhouse in the paddock area, effectively closing off the overall building group. The principal layout retains the regular steading courtyard arrangement, respecting the traditional form, building depth and scale of the original buildings. There is a commitment from the applicant that the stonework of the original steading buildings will be re-used on the principal south east, south west and north west elevations as part of any successful development. However, following detailed inspection, structural surveys and the additional submission of viability

calculations, the applicants have identified that it is financially and practically unfeasible to now develop the original steading as a conversion, in line with the 2007 planning applications. The overall building footprint will be radically reduced through the removal of the steel frame shed, however based on historical evidence submitted in support of the application, a horsemill extension respecting a similar footprint and position to the original has been designed into the scheme at plot 5.

#### **DEVELOPMENT MANAGEMENT COMMITTEE DECISION 07/01988/FLL**

4. The earlier proposal, which was materially different to the current submission, was refused by the Development Control Committee as it was considered contrary to Perth and Kinross Structure Plan 2003 Environment and Resources Policy 8 in that it failed to enhance the cultural heritage resources of Perth and Kinross. The application was also considered contrary to Policy 32 of the Perth Area Local Plan of the Housing in the Countryside Policy 2005 through insufficient screening and landscaping with the agricultural shed and was not fully demonstrated to be redundant. The full details of the assessment of this application can be found in the Committee Report for that application which is available to view on the Council's website.

#### **APPEAL DECISION (10/00017/REF)**

5. The Scottish Government Appeal Reporter's dismissal of the appeal on application 07/01988/FLL, which is detailed in Appendix 1, can be summarised as follows:
  - *The appeal proposal is not related to agriculture, forestry or recreational and tourism projects and operational developments for which a countryside location is essential.*
  - *The existing steading is in a highly visible location in a flat, open landscape with no substantive landscaping either within or outside the site.*
  - *The design proposed, although using traditional materials would include features such as balconies and the extensive use of glass in both French doors and "garden rooms" on prominent elevations.*
  - *The house proposed on plot 1 would comply with category 1 in both HICP 2005 and HICP 2009.*
  - *The definition of redundancy included in HICP 2009 would be satisfied.*
  - *The appeal proposal would not be faithful to the design form of the existing building, superimposing a suburban design on a traditional rural barn contrary to criterion 5(a) and criterion 5(b) of HICP 2005 and HICP 2009 respectively.*
  - *Conclude that the appeal proposal is contrary to policies 1 and 32 of the local plan and is not supported in total by either HICP 2005 or HICP 2009. The replacement of lost population or support for local services argued by the appellant would not overcome this conflict.*

## **NATIONAL PLANNING POLICY AND GUIDANCE**

6. The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **The Scottish Planning Policy 2010**

7. This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,
  - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
  - concise subject planning policies, including the implications for development planning and development management, and
  - the Scottish Government's expectations of the intended outcomes of the planning system.
8. Of relevance to this application are
  - Paragraphs 92-96: Rural Development.
  - Paragraphs 113-114: Listed Buildings
  - Paragraphs 86 -88: Affordable Housing
  - Paragraphs 142 – 145: Protected species
  - Paragraph 196, 211:Flooding and drainage.

### **Scottish Historic Environment Policy 2011 (SHEP)**

9. This document, produced by Historic Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect both Listed Buildings and Conservation Areas, and their settings..

## **DEVELOPMENT PLAN**

10. The development plan for the area consists of the TAYPlan Strategic Development Plan 2012 and the Perth Area Local Plan 1995 (Incorporating Alteration No.1 – Housing Land 2000).

### **Tay Plan 2012**

11. The principal relevant policy is in summary:

#### **Policy 3**

12. This policy seeks (amongst other things) to protect our cultural heritage from inappropriate developments.

## **Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)**

13. Under the Local Plan the site lies outwith any settlement boundary where the relevant policies are in summary:-

### **Policy 25 (Listed Buildings)**

14. States that there will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of Listed Buildings, or other buildings or architectural value. The setting of Listed Buildings will also be safeguarded.

### **Policy 32 (Housing in the Countryside)**

15. This is the Council wide policy on Housing in the Countryside which applies within most of the Landward Area. The policy outlines a number of categories for opportunities for new housing in the open countryside, providing that specific siting criteria can be achieved. Of relevance to this application are categories (b), which relates to building groups and category (e) which relates to conversion of non-domestic buildings.
16. Category (b) allows for new development within existing small groups where the sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of the existing group. In addition, new proposals within or adjacent to an established building group which have a compacted nucleated shapes creating an identifiable 'sense of place' will be supported. Category (e) allows for the conversion of non-domestic buildings subject to a number of criteria, most notably if the existing building makes a positive contribution to the landscape and its retention is considered to be beneficial to its surroundings.

## **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN PROPOSED PLAN JANUARY 2012**

17. Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
18. Under the Proposed LDP the principal relevant policies are:-

### **Policy PM1: Placemaking**

19. The Council has stated that development must contribute successfully to the quality of the surrounding built and natural environment.



### **Policy PM2: Design Statements**

20. Design statements will normally need to accompany a planning application if the development:
  - (a) comprises five or more dwellings; or
  - (b) is a non-residential use greater than 0.5 ha in area; or
  - (c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3: Infrastructure Contributions**

21. Where the cumulative impact of new developments will exacerbate a current or generate a future 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. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:
  - (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or
  - (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.
22. The requirements of this policy may be secured through legal agreements to deliver planning obligations and will be concluded between the applicant and the Council, prior to the issue of planning permission.

### **Policy RD3: Housing in the Countryside**

23. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside.

### **Policy RD4: Affordable Housing**

24. The Council will seek provision or financial contribution for residential development, including conversions for development of 5 or more units. Where practical, the affordable housing element should be integrated with and indistinguishable from the market housing.
25. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers.

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

26. There will be 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. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

### **Policy EP3: Water Environment and Drainage**

27. The Council aims to work towards the objective of protection of existing water environment and no adverse impact through any drainage proposals as defined in subsection policies **EP3A: Water Quality**, Policy **EP3B: Foul Drainage** and Policy **EP3C: Surface Water Drainage**.

## **OTHER COUNCIL POLICIES**

### **Housing in the Countryside Policy 2009**

28. This policy is the latest expression of council in terms of Housing in the Countryside and is generally considered a more relaxed policy than the one contained in the local plans. However, although this policy is applicable throughout the landward area of PKC, all proposals still need to be considered against the extant development plan.
29. In terms of Category 1, the policy states that consent will be granted for new houses within a building group providing that they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and landscape features, which provide a suitable setting. Category 5 of the policy states that consent will be granted for the conversion of redundant non-domestic buildings to form houses and may be granted for the extension or replacement of such buildings, provided salient criteria are met (c) replacement will only be permitted in cases where there is objective evidence that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.

### **Affordable Housing Policy 2007 (updated 2010)**

30. This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 unit's commuted payments maybe acceptable.

### **Planning Guidance Note – Developer Contributions 2009**

31. Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

## **Planning Guidance Note: Primary Education and New Housing Development 2009**

32. This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

### **SITE HISTORY**

33. Previous planning applications have been submitted at this site, including 07/00850/FUL, which involved the proposed erection of eleven dwellinghouses, comprising three conversions and eight new builds. This application was brought before the Development Control Committee of the 22 August 2007 with a recommendation for refusal, solely on the grounds that part of the proposal (a terrace group of three units to the west of the existing buildings) did not relate to the footprint of the existing buildings, and as such it would be contrary to the Council's 2005 Housing in the Countryside Policy. The Committee agreed with the recommendation and consequently refused the application.
34. Application 07/01988/FLL. This application represented a modification of the previous application, comprising the deletion of the terraced group of three to the west of the existing buildings. This application was recommended for approval by Council officers, but refused at Development Control Committee of 11 August 2010 and subsequently upheld on appeal (10/00017/REF) as aforementioned.
35. Application 11/00550/FLL represented a scaled down proposal but was withdrawn by the applicants following discussions with Council officers where it was confirmed the scheme would not be recommended for approval due to issues of scale, adverse impact on the setting of the listed building and wider building design detailing.

### **CONSULTATIONS**

36. **Scottish Water** - raised no concerns.
37. **The Environmental Health Manager** - raised no concerns subject to appropriate conditions.
38. **Affordable Housing Enabling Officer** – requires the provision of 1.25 affordable units in this case, through the creation of 5 new residential units. Preferred type of contribution in this case would be a commuted sum payment (discussed and agreed with Housing & Community Care). Applicable figure is £33,125.
39. **Biodiversity Officer** - following submission of an updated protected species survey, the biodiversity officer confirmed there would be an impact on existing

bat roost sites and the applicant would have to apply to SNH for a licence. Mitigation should also be provided in the form of providing bat bricks in the new development (minimum of 4) and swift bricks where applicable.

40. **Structures & Flooding Section** - had initially objected to the application, however following the submission of additional information, a suspensive condition requesting a flood action plan prior to the commencement of development and compliance with conditions recommended by SEPA was considered sufficient to address concerns.
41. **Conservation Section** - initial concerns regarding design and scale of the proposed development have now been addressed. Setting of the listed building will not be adversely affected. Condition requesting material samples recommended.
42. **GAS – National Grid** - no comments
43. **The Executive Director (Education & Children Services)** has indicated that the local primary school (Inchture) is operating at 80% capacity and therefore the requirements of the approved Planning Guidance Note on Primary Education and New Housing Development should be applied.
44. **Scottish Environment Protection Agency** – no objections to the application, subject to compliance with appropriate conditions.

## REPRESENTATIONS

45. 21 separate letters of representations had been received, all objecting to the proposal which raise the following issues:-
  - The proposal is contrary to the Development Plan
  - The proposal is contrary to the Housing in the Countryside Policy
  - Total clearance of site unjustified
  - Road safety issues
  - Density of housing
  - Out of character
  - Noise pollution
  - Market need
  - Visual impact
  - Setting a precedent
  - Impact on listed building
  - Flooding
  - Drainage issues
  - Impact on Bats
46. These issues are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

47. Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted – condition of original stone built structure and design process. Development option viability calculations also provided.
Report on Impact or Potential Impact	Flood Risk Assessment & background data Bat Survey

## APPRAISAL

### Policy

48. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
49. In terms of the Development Plan, the key policies are contained in the adopted Local Plan, which is the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). This application is principally assessed against the aims of Policy 32, which refers to new housing in the countryside and the 2009 HITCP, which is a material consideration. I consider the current proposal to remain contrary to the extant Development Plan, but broadly in accordance with the aims and objectives of the 2009 HITCP.

### Housing in the Countryside Policy

50. In terms of land use, the key test of the acceptability of this proposal is whether or not it complies with the Councils HITCP's, as contained in the Local Plan and the updated policy of 2009. The overarching and linking aim of both policies in broad terms, is to facilitate set out parameters relating to the opportunity for the development of dwelling houses in rural areas within either existing groups of buildings or logical infill sites between established landscape features, or to allow for conversions / replacement of redundant domestic or non-domestic buildings to be supported
51. The proposal can be broadly characterised into two separate elements, the demolition and re-build of the traditional building elements and an infill cottage style dwellinghouse in the existing paddock area.
52. In terms of the demolition and redevelopment of the standing elements, Policy 32 of the PALP does not generally support this approach. Under the 2009

HITCP, the proposal should be considered under category 5 – Conversion or replacement of redundant non domestic buildings.

53. In relation to criteria a) the steadings are of traditional form and construction and the stone wall of the steel framed shed is of traditional construction. It is worth noting that the reporter from the Scottish Executive Inquiry Reporters Unit considered that the steel framed shed “contributes towards its rural character”.
54. In relation to criteria c) there is evidence produced by qualified surveyors confirming that the existing stone steadings require to be reconstructed because of structural deficiencies, which cannot be remedied at economic cost as set out and justified in supporting information. This does not however apply to the steel framed shed element. It is considered that on balance, the development of housing within the footprint of the steel framed shed (with stone wall facing) and the re-creation of a contemporary horsemill, together with the replacement steading create a proposal which would be generally faithful to the design, form and materials of the existing building, allowing for the incorporation of non-original features which adapt it to modern space requirements and building standards, whilst reflecting a local architectural idiom.
55. Following consultation with the Planning and Sustainable Development team, it was considered that whilst the proposed development would not directly comply with a strict interpretation of the policy, *“the form of development being proposed adopts that of a traditional L-shaped steading and an adjoining horsemill, which would be in harmony with the existing building as evidenced by the historical maps for the area.”*  
It was considered that justification for departure from the policy may be justified in light of the aforementioned.
56. If support for the L-shaped steading element is established, the additional detached house within plot 1 would be considered acceptable and in accordance with policy as an infill element within a building group.

### **Agricultural Use**

57. As clarified in the Scottish Executive Reporters decision and in line with the evidence submitted in relation to land ownership it is generally accepted that the associated farm buildings are no longer required in the context of this farm steading or to ensure a viable farm business with all of the agricultural land surrounding the farm steading and formerly associated with the steading and which is now in third party ownership. On this basis, the definition of redundancy included in the 2009 HICP is considered to have been satisfied.

### **Development Viability & Structural Condition**

58. In line with the aforementioned policy section, structural reports and further justification calculations have been provided identifying that the building was not worthy of retention at any sustainable economical cost. The further deterioration of the building following earlier planning applications, the current

market value and the reduced scale of development lead to a combination of reasons why the conversion element is unsustainable. Three development scenarios were produced:

- Development Costs with stone barn retained
- Development Costs with stone barn demolished and re-built with a render finish
- Development Costs with stone barn demolished and re-built with a render (internal elevations) and reclaimed stone finish

59. The summary of these findings concluded that figures for the creation of five residential units with the existing stone barns demolished indicated project viability, albeit with a profit margin not in line with profits typically expected for this type of development. Rebuilding the principal elevations in natural stone does still result in a marginal profit being made. Figures for the five residential units with the option for retention and conversion of the existing stone barn indicate an unviable project.

### **Impact on the Setting of the Listed Building**

60. The proposal will have an impact on the setting of the C Listed farmhouse; however it is not considered to be a detrimental affect. Several design variations were produced on the single cottage to ensure impact on the listed building was negligible. The cottage dwelling proposed on plot 1 has now been set back from the building-line of the farmhouse on its principal elevation, its massing is suitably subordinate to the original farmhouse and the proportions are now sympathetic to the traditional architecture of the farmhouse. The design of the steading elements were also subject to considerable re-design prior to submission to ensure there is no adverse impact on the listed building. I therefore have no issues regarding the potential impact on the setting of the Listed Building.

### **Design and Materiality**

61. As aforementioned, the design of the resultant buildings has been the subject of several productive discussions involving agent, case officer and Conservation Officer. The scale of the development is considered appropriate in its rural setting and the suburban architectural elements previously criticised in earlier schemes have been banished from the principal elevations. The design, scale and form relate well as a building group and make clear attempts to relate to the original historic agricultural building form and existing farmhouse. The contemporary adaptation of the horsemill is considered a justifiable extension and appropriate to be contrasting in finish to assist in the building context and its history. Through further scrutiny of the proposals and their compliance with the 2009 HICP, the latter proposal as identified in elevations plan The materials proposed include light coloured render, natural slate roofs, reconstituted stone detail (as identified in plan 12/00304/14).

62. Crucially, all of the existing stonework forming the existing masonry walls of the traditional agricultural buildings is to be salvaged and reused to form the

principal external elevations of plots 2, 3, 4 and 5. This has been identified and committed through amended plans and constitutes a fundamental material consideration in supporting the proposals. Any deviation from this commitment would undermine the principle of supporting the development in line with the spirit of the 2009 HICP.

### **Visual Impact**

63. As the existing buildings are prominent on the landscape, I do not consider what is now proposed to be significantly more visually prominent than the status quo. In addition, the proposed design will sit lower into the landscape overall, is considered an appropriate scale for this rural location and as a result would therefore be acceptable from a visual impact point of view. Redevelopment of these buildings including authentic re-use of the on-site stone is also considered to be a net environmental visual benefit as there would be no control of this element if the building or site was to remain in agricultural use.

### **Impact on Neighbouring Residential Amenity**

64. There is not considered to be any adverse impact on neighbouring residential amenity, which would result from the proposed development due to the relative distances, building orientation and the overall modest scale of development proposed. The layout of the site itself has been designed in such a way to ensure no adverse impact will be experienced between the proposed properties. Representations cited noise creation arising from the development as potentially having an adverse impact. Considered in the context of these buildings currently having the ability to be re-utilised and operated as a working farm, the actual level of noise creation resulting from five residential properties is not considered to be of any adverse significance.

### **Landscaping & Boundary Treatment**

65. It is proposed that new trees and shrubs are planted in order to integrate the development into the surrounding countryside, including post and wire fencing with hedging as garden subdivision and boundary definition. Given the open outlook of this development, it will be crucial to establish a sensitive, low impact landscape framework for this site, ensuring that views into the site and in the backdrop setting of the wider rural landscape are both respected and augmented. Detailed landscaping and boundary definition is recommended to be controlled by suspensive condition.

### **Drainage**

66. As the site lies outwith a sewerage area, all foul drainage will be addressed by a private drainage system. Concerns have been raised within representations that the site has extremely poor ground conditions, as well as the farm land surrounding this site. Through recent drainage investigations and background information produced through earlier applications and re-presented for the current application, SEPA have stated that proposed approach is potentially



consentable under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), and offer no objection to the application on the grounds of drainage. Although precise details of the method or location of the private system(s) have yet to be submitted, details will be confirmed prior to any works commencing. SEPA have confirmed in their consultation response that the development is likely to require tertiary treatment such as a reed bed to avoid impacting on the receiving watercourse of the Grange Pow. If the proposed drainage system extended outwith the red site line boundaries, a further planning application would be required to be submitted and assessed, in tandem with evidence of prior written consent to implement any approved scheme from the affected land owner.

### **Flooding Matters**

67. Both SEPA and the Council's Flooding Officer have confirmed that they do not object to the associated proposals on the grounds of flood risk arising from nearby watercourses and surface water, provided specific conditions proposed as part of any approval are fully respected, met and upheld. Given the level of active objections to this site particularly citing flood risk issues, matters relating to flood risk have been extensively and fully investigated, which in part has led to a delay in presenting to Development Management Committee.

### **Impact on Bats**

68. When determining a planning application the Council as Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration on European Protected Species (EPS) and potential affects resulting from a planning proposal must be included as part of the decision making process, not as an issue to be dealt with at a later stage i.e. when applying for an EPS licence. It is therefore necessary for the Council as Planning Authority to consider and apply the three legal tests stated in the directive, which are the same as those before the Scottish Government when they are considering a license application under regulation 44(2) of the Habitats Regulations. The three legal tests of the directive are considered to have been fully satisfied in this instance through the completion, findings and associated compensatory mitigation measures of the 2012 Bat survey, controlled and enforced through condition, which has been confirmed as a reasonable and robust approach by the Councils Biodiversity Officer

### **Impact on Biodiversity**

69. With the exception of the bats, the Council are not aware of any other European Protected Species being affected by this proposal. The landscaping proposals and compensatory bat roosts are considered to result in a positive or in the worse-case, balanced biodiversity impact overall.

### **Road Safety Issues**

70. There are no concerns relating to vehicular or pedestrian safety, subject to compliance of proposed conditions. When considered against the scale of the

development proposed and the potential for existing vehicular movement and size of vehicles typically used for agricultural purposes, the additional residential traffic created in this context is not assessed to have any detrimental impact on the existing access or to neighbouring road users. If anything, the operational cessation of large farm vehicles from this site may result in a net environmental benefit in relation to road users and neighbouring amenity.

### **Affordable Housing**

71. Due to the scale of the development, under the Council's affordable housing policy, a deferred financial contribution of £33,125 (1.25 x £26,500), secured by a legal agreement, will be made to the Council in lieu of the applicant providing onsite affordable housing.

### **Education**

72. As a result of Inchtute Primary School presently operating at its 80% capacity, financial contributions are now being sought for all new housing developments within the catchment of this school for main stream residential applications submitted to the Council, in accordance with Planning Guidance Note on Primary Education and New Housing Developments (2009). The current contribution figure of £6395 is applied to calculate the level of payment now required. As the affordable housing element does not attract a contribution, a payment of £23,981.25 (3.75 x £6395) is therefore required.

### **Market Demand and Setting a Precedent**

73. Concerns have been raised within individual representations submitted that there is no demand for additional housing in the area and this proposal is therefore surplus to demand. The planning system should not become directly involved in market forces but should limit itself to dealing with proposals on face value in the context of accordance with the Development Plan and other material considerations. In any event housing on this site would be regarded as a windfall opportunity, close to the A90 road network. The suggestion that this proposal would set a negative precedent is not considered a material consideration in this case with each proposal and site assessed on a site by site basis.
74. If the condition of the traditional buildings were to further deteriorate to such an extent that the building collapses or had to be demolished on grounds of safety, the resulting site environment could significantly detract from the character of the area with no immediate obligation to retain the existing stonework on-site.

### **LEGAL AGREEMENTS**

75. A legal agreement for the deferred payments for Affordable Housing and Education contributions must be concluded prior to the issuing of any consent unless an upfront payment is paid.

## **DIRECTION BY SCOTTISH MINISTERS**

76. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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 REASON FOR RECOMMENDATION**

77. There have been strong levels of representation submitted to this application, consistent with earlier planning applications on the site. The current proposals have been considerably reduced in scale however and designed with a lighter touch and sensitivity compared with previous applications. The site is very open, situated on a wide valley floor, however the calculated impact on the landscape is not considered to be any worse than the sheds, which exist on site at the moment. The proposed re-use of natural stone and traditional building proportions are considered on balance to be a visual environmental improvement to the existing farm sheds. The redevelopment proposals are not dissimilar to other small scale rural housing projects in the Perth and Kinross area. Whilst I acknowledge the concerns of third parties, the 2009 policy on Housing in the Countryside broadly allows for this form and scale of development to be supported. There are no technical issues in relation to roads, flooding or contaminated land which are considered insurmountable or cannot be suitably controlled by appropriate conditions, and on this basis I see no reason why this application should not be supported, subject to adherence of conditions and the conclusion of a legal agreement.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions**

32. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
33. Full details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
34. For the avoidance of doubt, as a minimum the principal elevations of plots 2, 3, 4 and 5 shall be finished in natural stone reclaimed from existing on site building materials, detailed in the masonry finish to match the existing steading buildings and finished with lime mortar jointing and pointing, to the full satisfaction of the Council as Planning Authority.
35. The proposed roof slates shall be detailed and finished in a traditional diminishing course to the full satisfaction of the Council as Planning Authority.

36. A detailed landscaping and internal boundary treatment plan for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of the, species, height, size and density of trees and hedging to be planted and the full specification of the boundary treatment.
37. The approved detailed landscaping and planting scheme for the site shall be implemented as part of the site development programme, prior to the occupation of any part of the development and thereafter maintained in perpetuity.
38. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
39. The access road shall be developed on the existing ground levels only, to the satisfaction of the Council as Planning Authority.
40. There shall be no alteration in levels to the nearby C Class road, to the satisfaction of the Council as Planning Authority.
41. The grounds levels around the site shall slope away from the dwellinghouse, to the satisfaction of the Council as Planning Authority.
42. There shall be no additional land raising on site apart from footprints of proposed dwellings.
43. There shall be no impenetrable solid boundaries in the form of walling or fencing created within the development site.
44. Finished floor levels shall be raised above existing ground levels, to the satisfaction of Scottish Environment Protection Agency (SEPA) and the Council as Planning Authority.
45. A detailed flood action plan shall be submitted and approved in writing prior to the commencement of development. The plan as approved shall thereafter be implemented and adhered in perpetuity of the development.
46. Development should not begin until the applicant or their agent has submitted to and have had approved in writing by the Council as Planning Authority a ground investigation and reclamation statement that has identified any area of contamination. This should be restricted to those areas that will form the garden grounds unless the investigation identifies the requirement to access the ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified out with the application area that may cause constraints to the proposed use. The investigation should be compliant with the relevant good practice, government guidance in force and applicable European and British Standards.

47. Prior to the commencement of any works on site a fully detailed construction management plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include but not be limited to:
  - surface water drainage details in accordance with C648 and C649 (published by CIRIA);
  - precise details of all temporary structures required during the construction phaseThe scheme as approved shall be fully complied with during the entire construction phase of the development.
48. Prior to the commencement of any works on site, plans which clearly show the location and position of any proposed bat bricks, boxes, bat tubes and swift nesting bricks (minimum of 4 bat bricks and swift nesting bricks – one on each elevation) shall be submitted for the approval in writing by the Council as Planning Authority.
49. The proposed and agreed bat roost sites will be provided in the new development as soon as possible after demolition has taken place; temporary roost sites should be erected at a suitable agreed location on site if the development is not to proceed immediately following demolition.
50. Prior to the commencement of any works, a copy of the European Protected Species licence issued by the Scottish Government shall be forwarded to the Council as Planning Authority.
51. Demolition work should take place between April and September to ensure no bats are hibernating in the building during demolition.
52. Immediately prior to demolition a licensed Bat specialist should inspect potential bat roosts and take appropriate measures to prevent bats from roosting the night before demolition is due to take place.
53. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
54. The vehicular access to the U154 public road shall be formed in accordance with specification Type C, Fig 5.7 access detail prior to the occupation of development, to the satisfaction of the Council as Planning Authority.
55. The public road over a length of 10m immediately adjacent to the access shall be widened to a minimum of 5m, to the satisfaction of the Council as Planning Authority.
56. The gradient of the access shall not exceed 3% for the first 10metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road, all to the satisfaction of the Council as Planning Authority.

57. Full visibility splays of 2.4m by 90m shall be provided to the right and left of the access measured between points 1m above the adjacent U154 road channel level.
58. Prior to the occupation of any dwelling, turning facilities shall be provided within the site (and thereafter retained) to enable all vehicles to enter and leave in a forward gear, to the satisfaction of the Council as Planning Authority.
59. A minimum of 2 No. car parking spaces per dwelling shall be provided within the site (and thereafter retained), all to the satisfaction of the Council as Planning Authority.
60. Prior to the commencement of any works on site, precise details of the private drainage system proposed shall be submitted for the approval in writing by the Council as Planning Authority.
61. Prior to the commencement of any works, precise details of any proposed external lighting shall be submitted for the approval of the Council as Planning Authority. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, to the satisfaction of the Council as Planning Authority,
62. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilages of the dwellings.

**Reasons:-**

- 32 To ensure that the development is carried out in accordance with the plans approved.
- 33 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 34 In the interests of visual amenity, sustainability and to ensure a satisfactory standard of local environmental quality.
- 35 In the interests of visual amenity, and seeking to establish and ensure a satisfactory standard of local environmental quality.
- 36 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 37 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
- 38 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 39 To minimise the impact of the development on flood flow paths and so not increase the risk of flooding to neighbouring areas.
- 40 To minimise the impact of the development on flood flow paths and so not increase the risk of flooding to neighbouring areas.
- 41 To prevent flood water ponding against the dwellings.
- 42 To ensure that flood flow paths remains unchanged and so minimise the risk of flooding to neighbouring areas.
- 43 To ensure that flood flow paths remains unchanged and so minimise the risk of flooding to neighbouring areas.
- 44 To avoid all unnecessary risk of adverse impact on proposed residential development through a localised flooding event.
- 45 To minimise associated risk and ensure appropriate prevention, planning and mitigation is fully considered and adhered to in preparation of any associated flooding event.
- 46 In order to deal with any potential contamination of the site as a result of its former use and to ensure the site is suitable for residential use.
- 47 In the interest of proper site management.
- 48 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 49 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 50 In order to ensure that a licence has been obtained.
- 51 In the best practice interests of biodiversity and habitat and to ensure an appropriate approach in relation to European Protected Species.
- 52 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 53 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 54 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 55 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 56 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 57 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 58 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 59 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 60 In the interest of proper site management.
- 61 In the interests of visual amenity out with natural daylight hours and to avoid unnecessary light pollution in the interests of neighbouring amenity and the environment.
- 62 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to ensure that flood flow paths can be re-assessed through any proposed development to minimise and control the risk of displacement flooding to any neighbouring areas.

## **B JUSTIFICATION**

- 78. The proposal is not considered to be in accordance with the Development Plan, however part compliance with the 2009 Housing in the Countryside Policy and a net environmental benefit of the site redevelopment is considered to be a material reason to justify support for the application.

## **C PROCEDURAL NOTE**

- 79. Unless an upfront payment is paid consent shall not be issued until a Legal greement has been completed and signed in respect of an affordable housing payment of £33,125 (1.25 x £26,500) and primary education contribution payment of £23,981.25 (3.75 x £6395).

## **D INFORMATIVES**

- 12 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).
- 13 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.



- 14 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.
- 15 No work shall be commenced until an application for building warrant has been submitted and approved.
- 16 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
- 17 The applicant is 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 Environment Protection Agency.
- 18 The applicant should be advised in writing that the Executive Director of Education and Children's Services can give no guarantee that any school age children arising from this development application could be accommodated at Inchtute Primary School. This will result in any such children being placed in the nearest school with capacity to accommodate them.
- 19 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 20 The applicant is advised to contact Perth and Kinross Council Waste Service team at their earliest opportunity to ensure appropriate provision for storage of waste and recycling facilities and access for service provision is incorporated as part of the development.
- 21 On the recommendation of SEPA, the applicants are advised to consider the integration of flood resistant and resilient building materials are incorporated within the design of the proposed dwellinghouses.
- 22 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be :
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

Background Papers: Twenty one letters of representation.  
Contact Officer: Callum Petrie, Ext 75353  
Date: 27 November 2012

**Nick Brian**  
**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



Council Text Phone Number 01738 442573