

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

**Erection of 2 dwellinghouses with associated access and landscaping at
 Cleish Mill Farm, Cleish KY13 0LS**

Ref No: 07/02632/FLL
 Ward No: 8 – Kinross-shire

Summary

This report recommends conditional approval of the application, subject to a Legal Agreement, as the development is considered to comply with planning policies as a suitable infill development within an existing building group in the countryside.

SITE DESCRIPTION AND PROPOSAL

- 1 The site is located at Cleish Mill, approximately 0.7km east of Cleish. The land is currently vacant ground approximately 0.3ha in area and gently slopes down from south to north. The site is bordered by existing buildings with redundant farm buildings lying to the north (these are subject to a separate planning application for demolition and erection of 5 houses (ref: 07/02621/FLL) also presented before this Committee). The converted Cleish Mill lies to the west, and existing houses are to the south. To the east of the site is open ground.
- 2 Full planning permission is sought for the erection of two detached dwellinghouses within the site. The houses would be 1 ¾ storeys in height and of traditional design and finish. They would have 2 storeys of accommodation with the upper floor being accommodated partly within the roof space. These would be orientated to face onto an existing access track to the west which serves Cleish Mill and Farmhouse. Vehicular access to the two new dwellings would be taken from a newly formed access road to the south-east of the site which would also serve the steading conversion the subject of 07/02621/FLL.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (2008)

- 3 Sets out the Government commitment to the realisation of an up-to-date planned system in which succinct Development Plans set out ambitious long-term visions for their area.
- 4 Identifies that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. Where a proposal is in accordance with the Development Plan, the principle of development should be taken as established and the process of

assessment should not be used by the planning authority or key agencies to revisit that.

- 5 Conditions imposed on the grant of planning permission can enable development proposals to proceed where it would otherwise have been necessary to withhold planning permission. While the power to impose conditions is wide, it must be exercised in a manner which is fair, reasonable and practicable and the conditions imposed must accord with the established tests set out in Circular 4/1998.

SPP3 Planning for Housing (2008)

- 6 The key aim is to provide well located, high quality new housing, create quality residential environments, to guide new housing to the right places and to deliver housing land. It is advised that all planning authorities must set out the circumstances in which new housing in the countryside outside of towns and villages may be appropriate in their area, including the re-development of brownfield land and opportunities for new homes on greenfield sites where appropriate.

SPP15 Rural Development (2005)

- 7 SPP15 provides guidance on the amount and location of housing that can be developed in rural areas and is determined by a number of factors. These include: proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access (from an existing road and footpath and to a rail station or bus route); drainage and sewerage capacity (e.g. from combined septic tanks or potential link to public systems). Fit in the landscape and design will also be important planning considerations.

PAN 38 Housing Land (2006)

- 8 The main aim is to provide advice on the availability of sites for development and which supports sustainable options that can be delivered in a suitable time period to meet the present level of demand.

PAN 67 Housing Quality (2006)

- 9 Identifies that a successful place in which to live is one which is distinctive, safe and pleasant, accessible, welcoming, adaptable and resource efficient.

PAN 44 Fitting new housing development into the landscape (2005)

- 10 Identifies the importance of securing a satisfactory landscape fit when considering new residential proposals in the countryside

PAN 51 Planning, Environmental Protection and Regulation

- 11 Identifies that Planning legislation provides for a co-ordinated approach to improving the quality of the built environment and safeguarding the natural

environment. The Advice Note identifies that all human activities that can have a harmful effect on the water environment but can be controlled by establishing a framework for co-ordinated controls on water abstraction and impoundment, engineering works near watercourses, and all forms of pollution to water through a system of river basin management to reduce levels of pollution and protect habitats. It is advised that Planning Authorities are expected to consider whether development proposals could have a significant effect on a European site and, if necessary, for such plans to undergo an Appropriate Assessment. Scottish Natural Heritage (SNH) are required to advise planning authorities and other agencies responsible for controlling pollution on whether development proposals are likely to cause damage to natural habitats and to advise on appropriate measures to protect key sites.

PAN 72 Housing in the Countryside (2005)

- 12 Seeks to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions, whilst also providing support for innovative and carefully considered contemporary designs.
- 13 Identifies that the Scottish Government seeks high standards of design as expressed in 'Designing Places' 2001.

DEVELOPMENT PLAN

- 14 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan 2003

Environment and Resources Policy 1

- 15 Identifies that the Council will seek to safeguard the long term diversity and sustainability of species and natural habitats in Perth and Kinross.

Environment and Resources Policy 2

- 16 Identifies that the protection and conservation of wildlife and habitats will be supported. Development affecting areas designated as being of national or international importance will only be permitted where it can be demonstrated that the objectives of designation and the overall integrity of the area will not be damaged, there are no alternative solutions; and there are imperative reasons of overriding public interest including social or economic considerations.

Environment and Resources Policy 10

- 17 Identifies the requirement for the use of sustainable drainage solutions to regulate surface water run-off from new developments.

Making it Happen Policy 1

- 18 Identifies that the Council will use S75 legal agreements where appropriate to address deficiencies in facilities or infrastructure created by new development.

Kinross Area Local Plan 2004

- 19 The site lies within the landward area as identified in the Kinross Area Local Plan 2004. The principal relevant policies of the Plan are summarised:

Policy 1 Sustainable Development

- 20 Sets out a development strategy based on sustainable principles. The policy identifies that key considerations include the maintenance and improvement of the quality of the natural environment and the conservation of Biodiversity.

Policy 2 Development Criteria

- 21 Provides criteria by which all developments will be judged. In particular, that the development should have an acceptable landscape framework, should have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

Policy 3 Health and Safety Consultation Zones

- 22 Identifies that the Council will seek the advice of the Health and Safety Executive on the suitability of any proposal within the consultation zone of any notifiable installation.

Policy 5 Landscape

- 23 Indicates that landscape character should be strengthened and enhanced through new development proposals.

Policy 6 Design and Landscaping

- 24 Identifies the Council's commitment to the attainment of high standards of design within the Plan area. Particular consideration will be given to the issue of landscape fit and to ensure that the proportions of any building are in keeping with its surroundings.

Policies 10 -12 Drainage within Loch Leven Catchment Area

- 25 Set out the criteria for drainage within the Loch Leven Catchment Area. New development is required to secure a sustainable net reduction of phosphates within the Loch Leven catchment area.

Policy 14 Surface Water Drainage

- 26 Identifies that surface water drainage should accord with the management practices set out in SEPA's Sustainable Urban Drainage Systems Manual.

Policy 19 Nature Conservation International Sites

- 27 Identifies that development affecting conservation interests for which a Special Protection Area or Ramsar site has been designated will be limited to those which will not adversely affect the integrity of the site or where there are over-riding reasons of public interest

Policy 21 National Nature Reserves and Sites of Special Scientific Interest

- 28 Identifies those developments affecting SSSI's will not normally be permitted where the objectives of designation and the overall integrity of the designated area would be compromised.

Policy 64 Housing in the Countryside

- 29 Sets out the criteria for new houses which will be applied within the landward area. The subsequently approved Housing in the Countryside Policy (2005) provides the most up to date guidance.

OTHER POLICIES

Housing in the Countryside Policy 2005

- 30 The policy sets out amended criteria under which new housing in the landward area will be assessed with the relevant category in this instance being 'infill' sites. At the time the current planning application was submitted the requirements of the 2005 Guide applied. This document has been further updated by a later revision approved in 2009.

Developer Contributions Policy (Education) 2009:

- 31 Sets out the Council's policy for collecting developer contributions to address capacity issues with Educational infrastructure.

Guidance on the siting and design of houses in rural areas:

- 32 Encourages the incorporation of traditional design features in new residential buildings to reinforce vernacular traditions.

SITE HISTORY

- 33 None. However a separate application is currently presented before this Committee for redevelopment of the site immediately north of this site. The

proposal (ref: 07/02621/FUL) is for demolition of the existing farm buildings and the erection of 5 dwellinghouses.

CONSULTATIONS

- 34 Cleish and Blairadam Community Council object on the following grounds:
- Application is contrary to Local Plan policies including the Housing in the Countryside Policy
 - Scale of development out of keeping with surrounding area and will be detrimental impact on surrounding landscape.
 - Concerns over proposed road
 - Impact on local infrastructure
- 35 Environmental Health – No objection
- 36 SNH – Objection unless effective phosphate mitigation secured
- 37 SEPA – No Objections. Initial Flood Risk concerns addressed following submission of further detail
- 38 Education and Children’s Services – No objections - Due to the date when this planning application was received and a decrease in roll projections in this catchment area, no contributions in favour of Education and Children’s Services is required
- 39 Scottish Water – No objection

REPRESENTATIONS

- 40 Letters of objection have been received from 10 separate households and an objection from the Kinross-shire Civic Trust. The following concerns are raised:
- Contrary to Housing in the Countryside Policy
 - Increased impact on local infrastructure
 - Inadequate road access
 - Design out of keeping with local area
 - Flood risk
 - Insufficient phosphorus mitigation
 - Impact on AGLV
 - Overlooking

These issues are assessed in the Appraisal section of this report.

- 41 A single letter of support has been submitted. The respondent contends that the proposal would provide opportunity to support community life, improve vehicular access and would provide an appropriate design solution.

42 Additional Statements Received

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment:	Required
Design Statement or Design and Access Statement:	Not required
Report on Impact or Potential Impact ie Flood Risk Assessment:	Submitted

APPRAISAL

- 43 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Kinross Area Local Plan 2004. Other material considerations in this instance include the Council's approved Housing in the Countryside Policy (2005); landscape impact; the Councils approved 'Guidance on the siting and design of houses in rural areas'; highway safety , drainage and flooding, and relationship with adjacent dwellings.

Policy

- 44 A number of representations contend that the proposals do not accord with the Council's Housing in the Countryside Policy.
- 45 The proposal falls to be considered under Policy 64 'Housing in the Countryside' of the 2004 Kinross Area Local Plan and more recent policy guidance set out in the Council's supplementary Housing in the Countryside Policy. This was introduced in 2005 and then subsequently revised in 2009.
- 46 Original Policy 64 of the adopted Plan does provide opportunity for the development for housing of sites within existing small building groups in the countryside, where development would not detract from the character or amenity of existing housing or lead to an extension of the group; or the development of sites within established building groups which have compact nucleated shapes creating an identifiable sense of place.
- 47 The Council's approved 2005 Housing in the Countryside Policy did also provide for the introduction of new housing within existing building groups (up to 2 dwellings) where proposals would not detract from the residential and visual amenity of the group. This provision has continued with the approval of the revised 2009 Housing in the Countryside Policy.
- 48 The application was submitted in November 2007. Since that date the application has been deferred whilst discussions between the applicants and SNH have been progressed to secure effective phosphate mitigation for the site. This issue will be reviewed under the drainage section of this report.

- 49 The site lies within a well established group with farm and former Mill buildings to the north and existing residential properties to the south and west. The site sits comfortably within this group of buildings and is considered to comply with Policy 64. The Housing in the Countryside Policy 2005 provides for the development of infill sites where there is a gap of 75m or less between the curtilage of established buildings. The proposals satisfy this requirement and again the principle of development is considered acceptable under the policy subject to certain criteria relating to design and landscape fit being satisfied.

Landscape Impact

- 50 The hamlet at Cleish Mill comprises a loose scattering of predominantly detached dwellings aligning the B9097 and lanes which spur off that route to the north and south, giving rise to a linear characteristic to built form.
- 51 The proposal reflects this character by presenting the new dwellings to the lane which serves Cleish Farmhouse and Mill.
- 52 Land rises sharply to the south beyond the B9097, with the Cleish Hills providing a strong visual backdrop to the hamlet. This upland area is designated as an Area of Great Landscape Value (AGLV).
- 53 The application site falls away from north to south and is bordered to its western edge by established hedging. Above the application site established tree and hedge planting forms the rear boundary of adjacent residential properties.
- 54 The effect of the boundary planting and ground profile is that buildings on the application site would be viewed integrally with other housing within the settlement and against a backdrop of trees and rising land, particularly when viewed from the north and west.
- 55 To the east the land is open with no boundary features. To effectively assimilate any new buildings into this setting structural planting to the east of the application would be required. This could be secured by way of condition on any planning approval.
- 56 New buildings on the application site would have an acceptable landscape setting and, if appropriately designed, would respect the character, layout and building pattern of the building group at Cleish Mill. This is discussed further below.

Design

- 57 Concern is raised through representation that the form and scale of dwellings proposed would be inappropriate to Cleish Mill.

- 58 The submitted design details two detached dwellings of 1¾ storey with a single storey addition to side. Detached double garages would serve each property.
- 59 The houses would be of a semi-traditional design reflecting many of the qualities set out in the Council's Design guide for houses in rural areas.
- 60 This is published Guidance produced and approved by the Council which seeks to translate national advice on design in rural areas to a local level. Through careful attention to scale, form, materials, design and layout the objective is to reinforce local rural housing traditions through new residential developments.
- 61 The submitted proposal incorporates many features consistent with that approved design guidance proposing pitched roof dwellings of traditional form of 1 ¾ storeys, incorporating steep roofs (45 and 50 degree roof pitch) clad in natural slate, with composition and mass broken up by roofs breaks and subordinate additions; gabled dormers; a vertical emphasis to window and door openings, truss ends exposed to overhanging eaves; and a mix of render and stone cladding to external walls.
- 62 In design terms the proposals for the site are considered acceptable, consistent with the Councils guidance, subject to conditions to ensure materials of natural slate and timber windows.

Highway safety

- 63 Concerns have been raised over the position of the proposed access and issues of highway safety. The application site would be served by way of a private driveway from the new access road which is proposed to serve the new steading development and which forms part of application 07/02621/FLL. This would be constructed to the east of the application site over agricultural land, taking access from an existing field entrance onto the B9097.
- 64 The new access would secure 100m visibility to the east before the road bends, and a clear line of sight to the west. The Council's Transportation Service raises no objections to this part of the proposal.
- 65 Pedestrian access only would be afforded from the access lane serving Cleish Mill.

Drainage

- 66 The site is located within the Loch Leven Catchment Area where Local Plan policies seek to secure phosphate reduction measures in the interests of maintaining the Conservation value and interest of Loch Leven, a designated SSSI, SPA and RAMSAR site.
- 67 Scottish Water confirms that there are no mains drains available to serve the site. The proposals indicate a private system to deal with foul flows from the

site. This would be by way of a communal treatment plant also serving the adjacent steading development

- 68 SNH raises objection to the application unless conditions and a Legal Agreement form part of any planning approval to deliver and sustain the phosphate reduction gains necessary to meet Local Plan Policy objectives. The applicant sets out a strategy for delivering the 125% reduction. This would be through permanent removal of cattle from the steading buildings and agricultural land around the site (13 fields - 51 ha), up-grading of the septic tank presently serving Cleish Farmhouse to a secondary treatment works, together with the introduction of a new treatment plant with chemical dosing (to discharge below 2mgP/l) to serve the development. The treatment works would discharge to new soakaways. An on-going requirement to ensure that phosphate levels on the land do not exceed the improved level (30.87 kg/P annum) is also recommended.
- 69 The new dwellings would introduce further phosphorous loading to the Loch Leven Catchment Area. Cattle effluent takes some time to break down so occupation of any dwellings immediately following cattle removal would result in an increased phosphate loading in the short term. Accordingly SNH advise that new dwellings should not be occupied for 2 years following the removal of cattle from the land. This could be ensured through the inclusion of a suspensive condition on any planning approval. The applicants confirm that cattle ceased using the land and buildings in September 2008.
- 70 Concerns expressed through representation contend that a high water table in the adjacent field and a history of flooding will mean that pressure from new soakaways will increase risks.
- 71 SEPA identify that surface water from the development will be required to be dealt with through a SUD system which accords with SEPA Guidelines. They advise that conditions requiring the submission and agreement of design details should be submitted for agreement prior to the commencement of site works. These details would set out arrangements for surface water collection and discharge during construction, and arrangements for serving the completed development. SEPA's advice is that this would ensure flooding is not exacerbated within the receiving catchment.
- 72 Engineers for the applicant identify that their investigations reveal a clay sub-soil rather than a high water table and it is this site characteristic which has led to the problem of standing water within the field where treatment plant and soakaway are proposed. The engineers are satisfied that a suitably designed SUD scheme would enable effective soakaway performance.
- 73 An Appropriate Assessment of the implications of the proposal at this site has been undertaken. The assessment acknowledges that the development could have a significant effect on the qualifying interests of Loch Leven SPA and Ramsar site, however, through consultation with SNH and on the basis of the information presented it is concluded that compliance with planning conditions and the inclusion of a Legal Agreement as part of any planning permission

could prevent any potential adverse impact on the integrity of the protected site and habitat.

Flood Risk

- 74 SEPA initially raised objection on the basis of a lack of information relating to Flood Risk.
- 75 A watercourse passes to the west of the site (The Lead) falling from the south to join Gairney Water to the north. This route formerly served the historic mill immediately to the west of the application site and is culverted along part of its length as it falls towards the north.
- 76 A Flood Risk Assessment (FRA) of the application site and surrounds was submitted in March 2009.
- 77 Concerns have been raised in representation that an analysis of the full length of the culverted route as it falls towards Cleish Mill was not undertaken as part of that FRA.
- 78 The application site is located 2m below the B9097 to the south. The FRA includes hydraulic modelling based on the incidence of partial blocking (25%) of culverted stretches of the watercourse. A rainfall run-off rate used in the modelling is acknowledged by SEPA as acceptable.
- 79 SEPA have confirmed that the FRA has demonstrated to their satisfaction that flood free foot access would be possible to the west of the site. On the basis of that detailed assessment SEPA were satisfied with the predictions and able to remove its objection.

Residential Amenity

- 80 Concerns are raised through representation that the proposals would give rise to overlooking of adjacent properties at Cleish Mill.
- 81 The new dwellings are aligned to face the service road which accesses the converted Mill. Beyond the service road, to the west, gardens to properties within the converted mill building are laid out.
- 82 An acceptable window to window relationship between neighbouring properties would be secured through the submitted layout. The principle rooms (lounge/kitchen) are arranged to the eastern side of the new dwellings affording views over agricultural land to the east. Sun room additions to each of the new dwellings are proposed as single storey additions to gable ends. These are proposed at positions some distance from the Mill buildings and 20m from the garden edge. Although the rooms would have the potential to overlook the part of the garden furthest away from the dwellings they serve, having regard to the orientation and distance between neighbour garden and sun room it is not considered that overlooking would affect residential amenity to any material extent.

- 83 Hedge planting along the western boundary of the site could be secured by way of planning condition and would provide a degree of added protection in the medium term.

Education

- 84 The application pre-dates the approval of the Council's Planning Guidance Note (Primary Education and New Housing Development). The Council's Education Service initially advised that capacity issues existed at the local Primary school but that no contribution would be required in this instance as the proposal is for 2 houses only and below the level at which a planning refusal would be recommended. More recent consultation (September 2009) has confirmed that school roll changes now realise capacity at the school and accordingly no objections are raised.

Affordable Housing

- 85 The proposal is for 2 houses and is below the threshold for the provision of affordable housing under the Council's approved Affordable Housing policy.

LEGAL AGREEMENT

- 86 A legal agreement will be required for the upgrading of the existing foul drainage facilities serving Cleish Mill Farmhouse; the provision of a new foul drainage system and long term maintenance to ensure agreed of phosphate discharge levels; and the removal from identified agricultural land of livestock together with the long term maintenance of reduced phosphate levels on the land.

DIRECTION BY SCOTTISH MINISTERS

- 87 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

- 88 This proposal would accord with the principles set out in the Council's approved Housing in the Countryside Policy (2005) realising the development of an identifiable site within an existing building group. Satisfactory vehicular access is proposed and the new dwellings would not adversely affect amenities enjoyed by occupiers of residential properties adjacent.
- 89 In landscape terms the proposals would secure an acceptable landscape fit on a site with an integral relationship to other housing within the settlement.
- 90 The proposed measures for delivering phosphate mitigation would meet the objectives set out in the Development Plan and would serve to safeguard the

integrity interest, and value of the Loch Leven SPA and Ramsar site and protected species.

- 91 Conditional Approval is therefore recommended together with a S75 Legal Agreement to deliver and sustain the phosphate improvement measures.

RECOMMENDATIONS

A Approve the application subject to the following conditions:

Conditions

- 1 The development shall be begun within a period of 3 years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Where shown, all new roofs shall be clad in natural slate in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of site works
- 4 All new external doors and windows shall be first constructed and thereafter maintained in timber, with a painted finish,
- 5 Prior to the commencement of site works , details of the height , design, and proposed materials of finish of all new enclosure to site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The completed development shall strictly accord with those details approved.
- 6 Notwithstanding the detail shown on the submitted plans, the finished floor levels of the new houses hereby approved shall accord with those shown on the amended layout plan received by the Local Planning Authority on the 16th October 2008.
- 7 Prior to the commencement of development, a detailed landscaping and planting scheme for the application site shall be submitted to and approved in writing by the Local 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 the first 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 Local Planning Authority. For the avoidance of doubt the landscaping scheme shall include hedging along the western boundary of the site and structural, copse like planting to the east.

- 8 Prior to the new houses hereby approved being first occupied the new vehicular access from the B9097 shall have been hardened, surfaced and drained in a manner to prevent the spill of mud, debris and surface water onto the public highway, in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority.
- 9 Visibility splays shall be provided at the junction of the new access to the B9097, prior to the new dwellings hereby approved being first occupied, and thereafter maintained free from any obstruction of a height exceeding 1 metre above the adjacent road channel level, in so far as this lies within the control of the applicant. The means of disposal of surface water drainage from buildings and the site shall accord with the details set out in the detailed Drainage Report accompanying the application unless otherwise approved in writing by the Local Planning Authority.
- 10 Prior to the commencement of site works details of the proposed means for dealing with surface water drainage of the site, at both construction and completed development stage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with those details approved which shall be designed to meet SEPA's SUD and GBR guidelines to ensue that sufficient attenuation from the development does not exacerbate or cause flooding within the receiving catchment area.
- 11 The new dwellings hereby approved shall not be occupied before 30 September 2010.
- 12 Prior to the commencement of site works a detailed scheme for the annual testing, recording and analysing of phosphate levels within the 13 fields adjacent to the application site and identified on the applicants plan submitted on the 25 January 2010, shall be submitted to and approved in writing by the Local Planning Authority. Monitoring results shall be recorded in accordance with the approved scheme and shall be submitted to the Local Planning Authority for approval every 12 months.
- 13 Prior to the occupation of any new dwelling hereby approved the works of upgrade to foul drainage serving Cleish Mill Farmhouse shall have been installed to the satisfaction of the Council as Planning Authority

Reasons

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3-4 To ensure details are acceptable to the Local Planning Authority and to enhance the development in the interests of the amenity of the area.

- 5 In the interests of visual amenity; and to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
- 6 To clarify the extent of the permission for the avoidance of doubt and to secure an acceptable landscape impact.
- 7 To ensure details are acceptable to the Local Planning Authority and to effectively assimilate the development into the landscape in the interests of the amenity of the area.
- 8 To ensure details are acceptable to the Local Planning Authority in the interests of highway safety.
- 9 In the interests of highway safety and to secure effective visibility at the vehicular access.
- 10 To ensure details are acceptable to the Local Planning Authority and to safeguard the receiving water environment in the interests of amenity.
- 11 To clarify the extent of the permission for the avoidance of doubt and to enable phosphate levels on adjacent land to be reduced in the interests of the amenity of the area and to safeguard the water environment.
- 12 To clarify the extent of the permission for the avoidance of doubt and to monitor phosphate levels on adjacent land to be reduced in the interests of the amenity of the area and to safeguard the water environment.
- 13 To clarify the extent of the permission for the avoidance of doubt and to ensure the delivery of phosphate reduction gains to the Loch Leven Drainage Catchment Area, SPA and Ramsar site.

B JUSTIFICATION

- 1 The proposed development is considered to comply with the Development Plan and the Council's supplementary guidance and there are no reasons to justify a departure there from.

C PROCEDURAL NOTE

Planning consent shall not be issued until a Section 75 Agreement has been signed in respect of the following issue:

- 1 Deliver the necessary phosphate mitigation measures for the Loch Leven Catchment Area.

D INFORMATIVES

- 1 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 Cleish Primary School This will result

in such children being placed in the nearest school with capacity to accommodate them.

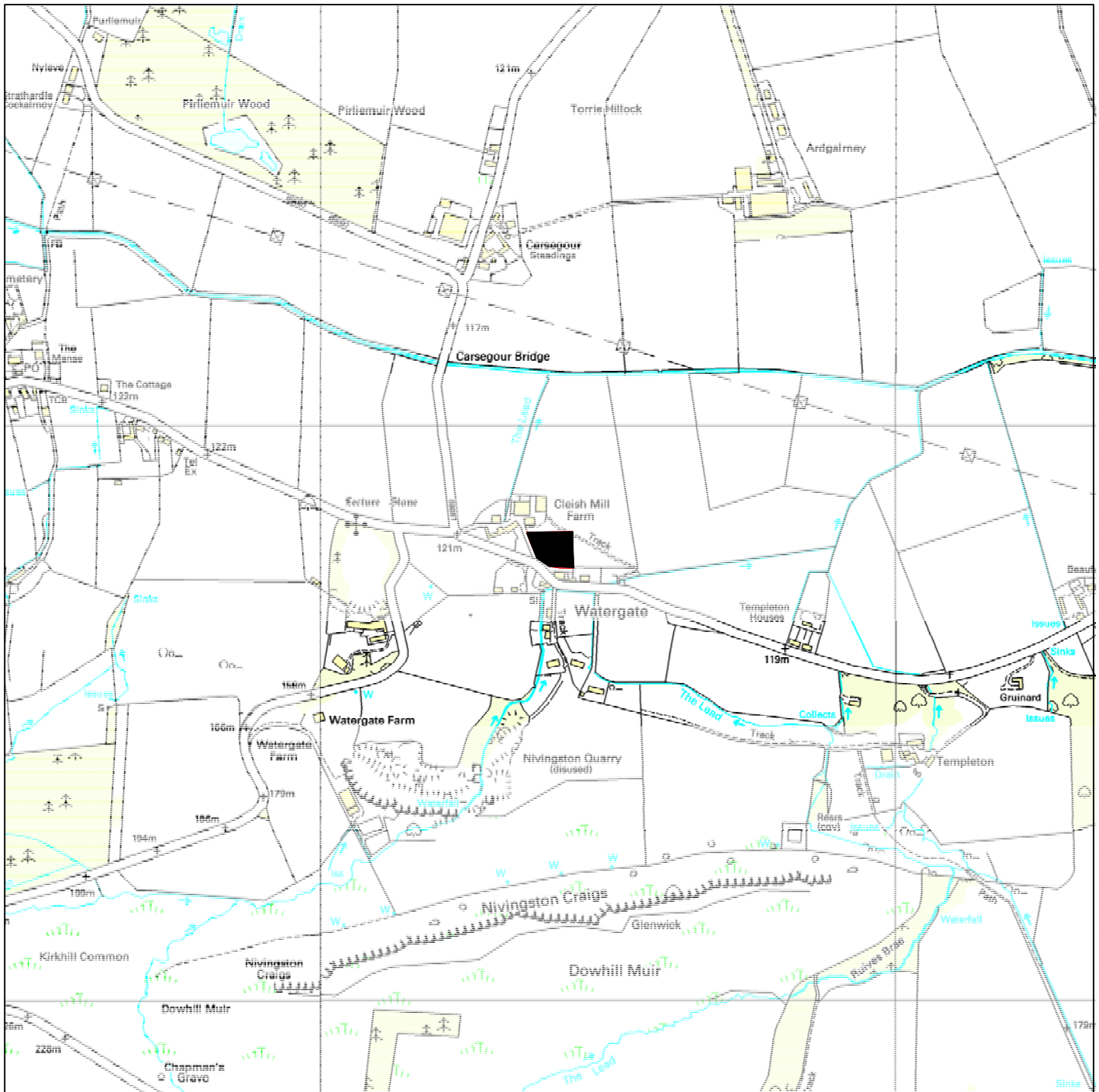
- 2 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
- 5 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.
- 6 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 your 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.
- 7 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

Background Papers: 11 letters of representation
Planning Officer: Garry Dimeck Ext 76337
Date: 26 January 2010

Nick Brian
Development Quality Manager

07/02632/FLL

Erection 2 houses, Cleish Mill Farm, Cleish



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	13 January 2010
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