

Perth and Kinross Council  
Development Control Committee –11 August 2010  
Report of Handling by Development Quality Manager

**Demolition of existing shed, conversion of existing steading into 3 residential units and construction of a further 5 residential units at Myreside Farm, Errol**

Ref No: 07/01988/FLL  
 Ward No: 1 - Carse of Gowrie

**Summary**

This report recommends approval of the application for eight dwellinghouses on the grounds that the proposal accords with the Council's Housing in the Countryside Policy (2005).

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located approx 3.5km to the north west of the village of Errol, within the Carse of Gowrie. The site comprises two existing buildings, one of which is a relevantly traditional stone steading and the other a more modern steel framed structure. At the present time there still appears to be some modest activity within the buildings and forecourt area (such as the storage of machinery), however the applicant has indicated that the buildings at Myreside are entirely surplus to their requirements, largely due to the fact that the surrounding land is now within the ownership of a third party.
- 2 Immediately outwith the application site sits the original farmhouse of Myreside Farm, which is an attractive Listed Building. Although not physically affected by the development, the setting of the listed farmhouse would be affected by the proposal.
- 3 Detailed planning permission is sought for the conversion of the traditional building into three residential units, and the erection of four dwellinghouses on the footprint of the modern steel framed building. The layout is centred on a courtyard arrangement of five units comprising a mix of conversion and new build. A pair of semi-detached units to the north east of the courtyard, and a new detached dwelling is proposed to the west that rounds off the development.

**NATIONAL PLANNING POLICY AND GUIDANCE**

- 4 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.

**Designing Places – A policy statement for Scotland**

- 5 *NPPG1 (Revised 2000) The Planning System* emphasises the importance of design considerations in reaching planning decisions. Whilst Planning Advice

Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement had been published this was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering these.

- 6 This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals. It will also provide the basis for a series of Planning Advice Notes dealing with more detailed aspects of design.

### **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.

Of relevance to this application are

- Paragraphs 92-96, which relates to Rural Development
- Paragraphs 113-114, which relates to Listed Buildings
- Paragraphs 86 -88, which relates to Affordable Housing
- Paragraphs 118, which relates to scheduled monuments
- Paragraphs 142 – 145, which relates to protected species
- Paragraph 196, 211, which relates to flooding and drainage.

### **Planning Advice Note 67: Housing Quality**

- 8 Designing Places, published November 2001, sets out the Scottish Government's aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how Designing Places should be applied to new housing.

### **Planning Advice Note 72 : Housing in the Countryside**

- 9 This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into

account by applicants, when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

### **Planning Advice Note 76: Designing new residential streets**

- 10 This PAN has been produced in line with the Scottish Government's drive to promote the design agenda. It follows on from *Designing Places* and forms part of the design based series of PANs. In particular, it complements, and should be read in conjunction with, *PAN 67 Housing Quality*. The advice applies to everyone engaged in the planning, design and approval of streets in new residential developments including planners, road engineers, architects and developers. In particular, it means that planners and engineers should work more closely together.

### **Planning Advice Notice 74: Affordable Housing**

- 11 This Planning Advice Note sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic and that the planning contribution is set within the wider housing policy context.

### **Scottish Historic Environment Policy 2008**

- 12 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 the settings of both.

### **DEVELOPMENT PLAN**

- 13 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

### **Perth & Kinross Structure Plan 2003**

- 14 As the application site lies in the lowland area of Perth and Kinross, **Sustainable Communities Policy 6** is applicable to this proposal. The policy states that, In the Lowland area, housing allocations will be made:

- in the former Burghs
- in smaller settlements, subject to their scale, landscape fit and impact on the environment being acceptable, Local Plans will develop housing in the

- 15 **Environment and Resources Policy 8**  
Seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweigh the cultural interest in the site.
- 16 **Environment and Resources Policy 9**  
States that there is a presumption against development in areas where there is a significant probability of flooding.

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

- 17 **Policy 32 (Housing in the Countryside)**  
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.
- 18 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 shape 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.
- 19 **Policy 25 (Listed Buildings)**  
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.

**Perth Area/Central Area Draft Local Plan 2004**

- 20 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be

noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

## **OTHER COUNCIL POLICIES**

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

- 21 Members will be aware of the existence of the approved 2009 Housing in the Countryside Policy (HITCP), which superceded the older HITCP policy of 2005. However, as this application was submitted to the Council prior to the implementation of the 2009 policy, this application should be considered against the 2005 policy only, as per the current working protocol of the Council. Members should therefore note the existence of the 2009 policy, but give limited weight to its contents in the consideration of this application.

### **Housing in the Countryside Policy 2005**

- 22 This policy was the most recent expression of Council policy towards new housing in the open countryside when the application was submitted, and is applicable across the entire landward area of Perth & Kinross. This policy provided a more up to date policy on new housing than the policies contained in the Local Plans and recognises that most new housing will continue to be in, or adjacent to, existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. The relevant categories in this instance are Category 1 (which relates to Building Groups), Category 5 (which relates to conversion or replacement of Non-Domestic buildings) and Category 6 (which relates to Brownfield sites).
- 23 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 will provide a suitable setting. Category 5 of the policy states that consent will be granted for the conversion of redundant buildings (such as steadings) to form dwellinghouses largely when the existing building is of traditional form, is of architectural merit and makes a positive contribution to the character of the local area. Lastly, Category 6 of the policy allows for favourable consideration to the re-use of brownfield sites in the countryside, which have ceased to be required for their existing use.

### **Affordable Housing Policy 2005**

- 24 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 units, commuted payments may be acceptable.

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

- 25 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**

- 26 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**

- 27 A previous planning application (07/00850/FUL) was submitted to Perth and Kinross Council in 2007 which involved the 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 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.
- 25 The application now under consideration is a modification of the previous application, the modification comprising the deletion of the terraced group of three to the west of the existing buildings.

## **CONSULTATIONS**

- 27 **Scottish Water** have raised no concerns.
- 28 **Perth and Kinross Heritage Trust** have raised no concerns subject to appropriate conditions.
- 29 **The Environmental Health Manager** has commented on the application and raised no concerns subject to appropriate conditions.
- 30 **The Executive Director (Education & Children Services)** has indicated that the local primary school (Inchtute) 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.

- 31 **Scottish Environment Protection Agency** had initially objected to the proposal regarding flooding issues, however, after detailed dialogue between the applicant and SEPA, SEPA formally withdrew their objection in a letter to the Council dated 18 January 2010. This position was iterated in a letter dated 15 March 2010 which confirmed the withdrawal of their original objection.
- 32 **Scottish Natural Heritage** have been consulted on the application and have raised no concerns.
- 33 **Errol Community Council** have commented on the application and although they have no objection in principle to the conversion element, they have raised an objection to the proposed new build.
- 34 **Inchture Community Council** have raised an objection to the application on the grounds that the proposal would be inappropriate in this location.

## REPRESENTATIONS

- 35 Sixty seven (67) letters of representation have been received, all objecting to the proposal.
- 36 The representations have raised the following relevant issues: -
- The proposal is contrary to the Development Plan
  - The proposal is contrary to the 2005 Housing in the Countryside Policy
  - Road safety issues
  - Visual Impact
  - Setting a Precedent
  - Impact on listed building
  - Flooding
  - Drainage issues
  - Impact on Bats
- 37 These issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Flood Risk Assessments Bat Survey

## **APPRAISAL**

### **Policy**

- 38 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.
- 39 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). The key determining issue for this application is ultimately whether or not the proposal accords with the aims of Policy 32 (HITCP), which refers to new housing in the countryside. In addition, the 2005 HITCP is a significant material consideration. For reasons stated elsewhere in the report, I consider this proposal to be contrary to the Development Plan, but in accordance with the 2005 HITCP.

### **Housing in the Countryside Policies**

- 40 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 2005. As a preamble, the aim of both policies in broad terms, is to facilitate the opportunity for the erection of new dwellinghouses 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, which may allow for slightly higher numbers of dwellinghouses to be supported.
- 41 The proposal essentially has three elements which raise different policy issues, the conversion of the traditional building, the replacement of the modern buildings and the new infill dwellinghouse.
- 42 In terms of the conversion of steadings both Policy 32 of the PALP and the 2005 HITCP are supportive of proposals for the conversion of non-domestic buildings that are of some architectural merit or an example of local vernacular. As the stone building is of some architectural merit, and the design for its conversion is generally acceptable in design terms, this element of the proposal complies fully with both the HITC policies as contained in the Local Plan, and the revised policy of 2005.
- 43 Turning to the second element, the replacement of the modern buildings with housing, Policy 32 of the PALP is explicit in not making any allowances for opportunities to replace non-domestic buildings with new build residential units. The entire new build proposals are therefore contrary to policy 32 of the PALP. However, the 2005 HITC policy allows for proposals to be supported by (under Brownfield opportunities) providing that a number of specific criteria are met, which include all buildings which are to be replaced must be redundant, with all working activities ceased prior to the submission of a planning application.

- 44 Although there is still some evidence of the building being in use by means of machinery storage at the start of the year, the buildings do not on face value appear to be utilised for day to day farming activities, i.e. cattle / sheep / feed etc, with the use of other buildings appearing to be limited to adhoc storage of agricultural equipment. The applicant has informed the Planning Service that the regular 'activity' which was being carried out at the start of the year, and highlighted in some of the representations, was being done so unlawfully and without the express permission of the site owners. A formal letter has been received from the user, acknowledging that the buildings were used without the owner's consent.
- 45 In addition, although not specifically stated in the 2005 policy, the Council's position regarding the extent of new build is largely determined by the location of the existing buildings. This application was submitted as a direct result of the previous committee decision and advice from the Planning Service and limits all new build (with the exception of the single house) to the footprint of the existing buildings. Overall, as per the previous application, I have no concerns over plots 2-7 and their compatibility with the 2005 policy and therefore regard them to be in line with Council Policy.
- 46 Lastly, both Policy 32 of the PALP and the 2005 HITC policy allow for new single dwellinghouses within an existing group. In this case, I consider the proposed site of the new single dwellinghouse to the west of the existing buildings to be a suitably defined site, and therefore entirely acceptable in terms of both HITC policies.

### **Impact on the setting of the listed building**

- 47 The proposal will have an impact on the setting of the Listed farmhouse; however, it will not be a detrimental affect. I therefore have no issues regarding the potential impact on the setting of the Listed Building.

### **Visual Impact**

- 48 As the existing buildings are prominent on the landscape, I do not consider what is proposed to be significantly more visually prominent than the status quo. In addition, the proposed design is considered to be appropriate for this rural location and as a result would therefore be acceptable from a visual impact point of view.

### **Impact on Residential Amenity**

- 49 There will be no adverse impact on the residential amenity of the existing properties to the west of the application site due to the distance and orientations involved.

### **Drainage**

- 50 As the site lies outwith a sewered area, all foul drainage will be by means of a private drainage system. Concerns have been raised within the representations

that the site has extremely poor ground conditions, as well as the surrounding farm land surrounding this site. Although SEPA had initially objected to the proposal, as a result of detailed discussions with the applicant, SEPA have rescinded their objection in a letter to Perth and Kinross Council dated 18 January 2010, a position which they have reiterated in March. 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. If the proposed drainage system exceeds the boundaries of this application, then a further planning application would be required by the applicant as well as the need to obtaining the prior consent to implement any approved scheme from the owner of the land.

### **Flooding Matters**

- 51 The principal delay in bringing this application before the Development Control Committee was confirming that flood risk on this site was not unacceptable. Several detailed flood risk assessments have been undertaken by the applicant, the contents of which were swiftly rebutted by flood risk assessments commissioned by objectors. The result has been a continuous, lengthy and detailed analysis of all documents by SEPA since late 2008 until January 2010. In January 2010, SEPA confirmed that they no longer object to the proposal on the grounds of flood risk arising from nearby watercourses and have since reiterated their position in March.

### **Impact on Bats**

- 52 Art (12) 1 of the EC Habitats Directive requires Member States to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. A bat survey has been carried out and within the site there was evidence of bat roosting (pipistrelle bats) below one wooden lintel within one of the traditional stone buildings.
- 53 Although the presence of an European Protected Species (EPS) rarely imposes an absolute block on development, mitigation measures are often needed and the layout, design and timing of works may be affected. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, their presence must be established, the requirements of the species factored into the planning and design of the development and any likely impact on the species fully considered prior to the determination of the planning application.
- 54 When determining a planning application the Council as Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how EPS are affected 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 a EPS licence. It is therefore necessary for the Council as Planning Authority to consider the three legal tests stated in the directive, which are the same as those before the Scottish Government when they are considering a licence application under regulation 44(2) of the Habitats Regulations.

- 55 To enable an assessment against the three legal tests, the applicant was advised that a bat survey should be undertaken. Test 1 is that the activities to be carried out under any proposed licence are for the purpose of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
- 56 The definition of a development which falls within the boundaries of being within the *public interest* is subjective and specific guidance is somewhat lacking from the Scottish Government. In the cases of most planning applications where a bat licence is required (and later obtained), the development involves, in planning terms, small scale projects, such as steading conversions, replacement houses, the approval of which in most cases can not reasonably be considered to be within the realms of public interest.
- 57 However, to try and break down the directives meaning of ‘in the public interest’, it would be appropriate to consider this application on its own merits. Although not a Listed Building, the stone built building is worthy of retention as it does have features which are characteristic of the local vernacular. If the application were not to be supported, as there is no economic use for the traditional building (the applicant / owner has indicated that it is surplus to their agricultural requirements) where the existing bat roosts are present, long term redundancy of the buildings will undoubtedly lead to long term maintenance issues that could result in the overall condition of the buildings deteriorating over a short period of time. If the condition of the traditional buildings were to deteriorate to such an extent that the building collapses or has to be demolished the resulting site could detract from the character of the area, as well as the loss of bat roosts, which would effectively result in a loss of the assets that the EC legislation seeks to protect. I therefore consider that by supporting the re-development of the traditional steading into housing the proposal would be within the realms of the public interest and the first test can adequately be satisfied.
- 58 Test 2 refers to *“there is no satisfactory alternative”*. As the applicant has indicated that they have no use of the traditional buildings for agricultural use, the only current alternative use of the buildings would be to leave the buildings in their current redundant state collectively, As per the scenario for test 1, if all the traditional buildings were not in use, this will undoubtedly not secure a satisfactory maintenance programme and could result in the condition of the building deteriorating over a short period of time, which could perceptibly result in the permanent loss of the building as well as the bat roosts which would effectively result in a loss of the assets that legislation seeks to protect. I therefore consider an application for the conversion of the traditional buildings, which would retain (and perhaps improve) roosts, meets the second test.

59 Test 3 states that *“the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*.

60 The original bat survey commissioned by the applicant had been forwarded to Scottish Natural Heritage and they consequently offered no objection in principle to the proposal, subject to mitigation measures being proposed and compensation for the loss of roosts. The applicant has agreed that mitigation measures and compensation measures will be proposed as part of the pending EPS licence application. Subject to details of both measures being submitted to the Council, once they have been finalised, I would consider the third test to be satisfied.

### **Impact on Local Wildlife**

61 With the exception of the bats, I am not aware of any other European Protected Species being affected by this proposal.

### **Road related issues**

62 I have no concerns relating to vehicular or pedestrian safety.

### **Affordable Housing**

63 Due to the scale of the development, under the Council's affordable housing policy, a delayed financial contribution of £53,000 (2 x £26,500), secured by a legal agreement, will be made to the Council in lieu of the applicant providing onsite affordable housing.

### **Education**

64 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 post 5 May 2009. Although this application was submitted prior to the implementation of the Council's Planning Guidance Note on Primary Education and New Housing Developments (2009), the developer has accepted that a contribution is required and is willing to make a contribution. In this case, I consider it entirely logical to use the £6,105 figure included in the original Planning Guidance Note as the basis for working out the level of payment now required. As the affordable housing element does not attract a contribution, a payment of £36,630 (6 x £6,105) is therefore required.

### **Impact on Trees**

65 There are no trees affected by this proposal.

## **Demand for Housing in the Area**

- 66 Concerns have been raised within the representations that there is no demand for more housing within the area at the present time. The planning system should not become involved in market forces but should limit itself to dealing with proposals on face value in the context of the Development Plan and other material considerations. In any event housing on this site would be regarded as a windfall opportunity, therefore I do not consider the demand (or perceived lack of demand) to be a valid planning consideration in the determination of this application.

## **Recent use of the Building**

- 67 During the early months of 2010, the Council became aware that the buildings were being used on an intensive daily basis. The applicant has indicated that during this time, the buildings were being used without the express permission of the owners by a neighbouring third party who has since apologised for the unlawful use of the buildings and has since refrained from using them.

## **LEGAL AGREEMENTS**

- 68 A legal agreement for the delayed payments for Affordable Housing and Education contributions must be concluded prior to the issuing of any consent.

## **DIRECTION BY SCOTTISH MINISTERS**

- 69 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**

- 70 Despite the level of representations, this application is similar to other small scale housing projects which have either have been approved or are pending approval on a number of sites across Perth and Kinross Council. I fully acknowledge the concerns which numerous third parties and the Community Council have made regarding the new build element of the development; however, the fact remains that the 2005 policy on Housing in the Countryside allows for this form of development to be supported. There are no technical issues in relation to roads, flooding or contaminated land that can not be adequately resolved or suitably controlled by appropriate conditions, and therefore I see no reason why this application should not be supported. I therefore ultimately recommend approval, subject to the conclusion of the various legal agreements.

## **RECOMMENDATION**

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

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The access road shall be developed on the existing ground levels only, to the satisfaction of the Council as Planning Authority.
- 4 There shall be no alteration in levels to the nearby C Class road, to the satisfaction of the Council as Planning Authority.
- 5 The ground levels around the site shall slope away from the dwellinghouse, to the satisfaction of the Council as Planning Authority.
- 6 No physical boundaries (including soft landscaping) shall be erected within the site, unless otherwise agreed in writing by the Council as Planning Authority.
- 7 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.
- 8 Prior to the commencement of any works on site precise details of all temporary structures required during the construction phase shall be submitted for the approval in writing by the Council as Planning Authority.
- 9 Prior to the commencement of any works on site, amended plans which clearly show the location and position of all proposed bat boxes and bat tubes shall be submitted for the approval in writing by the Council as Planning Authority.
- 10 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.
- 11 The access road to the development shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to occupation of any dwellings, to the satisfaction of the Council as Planning Authority.

- 12 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.
- 13 The vehicular access to the U154 public road shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Council as Planning Authority.
- 14 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.
- 15 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.
- 16 Full visibility splays of 4.5m by 90m shall be provided to the right and left of the access measured between points 1m above the adjacent U154 road channel level.
- 17 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.
- 18 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.
- 19 Site preparation work must be undertaken outwith the breeding season (ie not between 1 March and 31 August). If this is not possible, a survey must be undertaken to confirm that there are no nesting birds present. This survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist and must be undertaken prior to any works commencing on site, all to the satisfaction of the Council as Planning Authority.
- 20 Prior to the commencement of any works on site, precise details of the private drainage systems shall be submitted for the approval in writing by 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.

- 3-5 In order to minimise the risk of flooding to the neighbouring areas.
- 6 In order to ensure that the flood flow paths remain unchanged and so minimise the risk to neighbouring areas.
- 7-9 In the interest of proper site management.
- 10 In order to ensure that a licence has been obtained.
- 11-18 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 19- 20 In the interest of proper site management.

## **B JUSTIFICATION**

The proposal is not in accordance with the Development Plan, however its compliance with the 2005 Housing in the Countryside Policy is considered to be a material reason to justify supporting the application.

## **C PROCEDURAL NOTES**

Consent shall not be issued until a Section 75 Agreement has been completed and signed in respect of an affordable housing payment of £53,000 and primary education contribution payment of £36,630.

## **D INFORMATIVES**

- 1 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.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
- 5 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.

- 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.

Background Papers: Sixty Seven letters of representations.  
Contact Officer: Andy Baxter , Ext 75339  
Date: 12 July 2010

**Nick Brian**  
**Development Quality Manager**

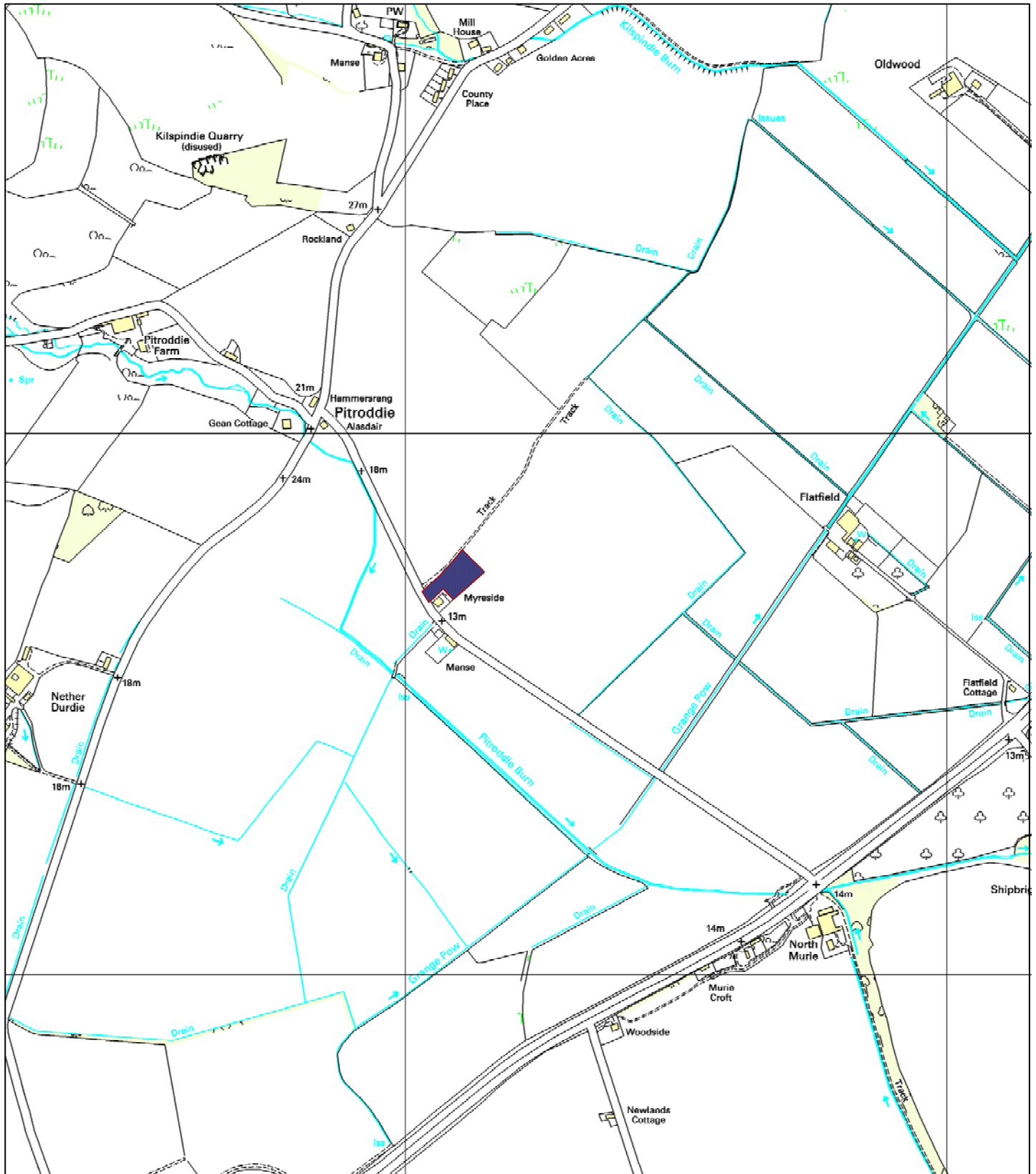


# Perth & Kinross Council

07/01988/FLL

Myreside Farm, Pitroddie, Errol

Demolition of shed, conversion of steading into 3 res. units and erection of 5 res. units



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↑ Scale  
1:10000

