

Perth and Kinross Council
Development Control Committee – 12 May 2010
Recommendation by Development Quality Manager

**Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses
at Boreland Farm, Cleish**

Ref No: 09/00500/FLL
Ward No: 8 – Kinross-shire

Summary

This report recommends conditional approval subject to a Legal Agreement, for the redevelopment through conversion and erection of new buildings, of redundant steading buildings and yard, to realise 8 dwellinghouses in total. The proposals are considered to comply with the Development Plan and supplementary guidance.

BACKGROUND AND DESCRIPTION

- 1 The site is located at Boreland, approximately 0.9km west of Cleish and comprises a former operational farm steading, now redundant. The site is approximately 0.6ha in area and currently contains a number of large redundant modern and traditional farm buildings. The site is bordered by the County Road to the west, residential development to the north and south, and open farmland to the east.
- 2 Full planning permission is sought for the conversion of the traditional stone building which sits to the front of the site along the roadside to 3 dwellings. The remaining buildings on the site (a mix of modern and traditional farm buildings) would be demolished and replaced by 5 new detached houses arranged around a central courtyard. A new sewage treatment plant and soakaway to serve the development is proposed to be sited within the field to the rear (east) of the site.
- 3 The new housing is proposed to be a mix of 2 storey (Plot 1) and 1 $\frac{3}{4}$ storey in height (Plots 2 – 5) of a traditional design and finish. Vehicular access to the dwellings would be direct from the County Road from a position to the north of the roadside barn.
- 4 The application has been revised since original submission through the introduction of changes to the elevations of the converted roadside barn; a change in scale and design of house proposed for Plot 1, and through a change in the phosphorous mitigation strategy. Community Council, site neighbours and objectors have been informed of the changes and provided with opportunity to comment.
- 5 The site is located outside of any defined settlement boundary in an area where countryside planning policies apply. The site lies within the Loch Leven Drainage Catchment Area.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

6 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 66 - 91 : Housing
- Paragraphs 92-97: Rural Development
- Paragraphs 125 -148: Landscape and Natural Heritage

DEVELOPMENT PLAN

7 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

8 The principle relevant policies are:

Sustainable Communities Policy 3

9 Identifies that the Council will seek to secure affordable housing in local areas as identified through housing needs assessments and work with developers to secure adequate provision.

Sustainable Communities Policy 6

10 Identifies that in the Lowland Area Local Plans will develop housing in the countryside policies for rural housing development which reflect the need to support the rural economy while preventing commuting, is well sited and is of a scale and standard of design appropriate to its location.

Environment and Resources Policy 1

11 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

- 12 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

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

Making it Happen Policy 1

- 14 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

- 15 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

- 16 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

- 17 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 5 Landscape

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

Policy 6 Design and Landscaping

- 19 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

- 20 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

- 21 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

- 22 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 overriding reasons of public interest

Policy 21 National Nature Reserves and Sites of Special Scientific Interest

- 23 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

- 24 Sets out the criteria for new houses which will be applied within the landward area. This policy was effectively superseded by the Council's approved Housing in the Countryside Guide (2005).

OTHER POLICIES

Housing in the Countryside Policy 2005

- 25 The policy sets out criteria under which housing proposals in the landward area will be assessed with the relevant category in this instance being conversion or replacement of non-domestic buildings. Although this document has been further updated by a later revision approved in 2009, at the time the current planning application was submitted the requirements of the 2005 Guide applied.

Affordable Housing Policy 2005

- 26 Sets out the Council's Policy for affordable housing provision within the plan area and is applicable to all residential development of 5 units and above. A minimum of 25% of affordable units should be provided on site or a financial contribution in lieu of affordable housing will be required, in accordance with the terms of the Policy. This may require a legal agreement being entered into with the landowner/developer at the time of a detailed application.

Planning Guidance Note Developer Contributions Policy (Education) 2009:

- 27 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.

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

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

SITE HISTORY

- 29 **07/02838/FUL** - Demolition of redundant farm buildings and outbuildings and erection of 10 steading units. This application was the subject of an Appeal against non-determination. The appeal was dismissed and the Reporters decision letter is a material consideration to the current proposals.

07/00915/FUL - Proposed demolition of redundant farm buildings and outbuildings and erection of 10 no. steading units and 3no. dwellinghouses - Refused

CONSULTATIONS

- 30 **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 is out of keeping with surrounding area and would have a detrimental impact on surrounding landscape.
 - Loss of existing steading building
 - An operational need remains for working buildings to serve Boreland Farm
 - Proposal fails to address previous Appeal Reporter concerns
- 31 **SNH** – Objection unless effective phosphate mitigation secured.
- 32 **SEPA** – Objection unless effective phosphate mitigation secured.
- 33 **Scottish Water** – No objection.
- 34 **Environmental Health** – No objections. Contaminated Land condition advised.
- 35 **Education and Children’s Services** – Capacity issues at Local Primary School. Provisions of Educational Infrastructure Policy should be applied.
- 36 **Flooding Officer**– No objections.

REPRESENTATIONS

37 Letters of objection have been received from 10 separate households together with 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
- Unacceptable landscape impact
- Lack of proposed landscaping
- Not consistent with previous Appeal Decision
- Inadequate off-street vehicle parking
- Development car dependant and unsustainable in transportation terms
- Threat to barn owl use of buildings

38 1 letter of comment is presented welcoming the absence of street lighting, kerbing and bus stops; expressing disappointment at the loss of a traditional stone building but recommending that salvaged stone down takings are used for the facing of new boundary walls and buildings.

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

39 Additional Statements Received

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact (Bat Report)	Submitted.

APPRAISAL

40 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); planning history, redundancy, design and layout; the Councils approved 'Guidance on the siting and design of houses in rural areas'; landscape impact; highway safety, drainage and flooding, ecology and relationship with adjacent dwellings, education, affordable housing and representations.

Policy Context

- 41 Policy 64 of the Kinross Area Local Plan (2004) is the principal Development Plan Policy relating to new housing in rural areas. In 2005 this policy was reviewed and updated by the Council through its approved 'Housing in the Countryside' Policy.
- 42 The application was submitted in March of last year, prior to a further revision of the Housing in the Countryside Policy (August 2009), and is therefore required to be assessed under the terms of the 2005 Policy.
- 43 Local Plan Policy 64 does not provide for the re-development for housing of existing modern agricultural buildings in the countryside however, this approach was changed through the 2005 Policy document and provides for the re-development of steadings through conversion and new build. It is on this basis that the proposals are presented.
- 44 A number of representations contend that the proposals do not accord with the Council's Housing in the Countryside Policy and express concern with the demolition of one of the traditional stone barns.
- 45 Category 5 of that Policy provides for the conversion and replacement of redundant non-domestic buildings, or new build where certain criteria relating to design and landscape fit are satisfied. Conversion rather than reconstruction will be favoured where the building is of traditional form and contributes to local character. 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 replacement will be permissible.
- 46 In the case of farm steadings, new build accommodation may be acceptable where it falls within the established curtilage of the steading and there is a satisfactory composition of new and existing elements in terms of style, layout and materials
- 47 From the above it may be recognised that the proposals would accord with the Council's approved 2005 Housing in the Countryside Policy provided that detailed criteria are satisfied.

Planning History

- 48 In 2007 the Council refused planning permission for the clearance of buildings on the site and redevelopment with a scheme for 13 dwellings (ref 07/00915/Ful). A later amended application deleting 3 detached dwellings from that earlier scheme (ref 07/02838/Ful) was dismissed at appeal. The Reporter considered that the scheme before (10 terraced dwellings arranged on a cleared site around a central courtyard) failed to respect the form and scale of development in the locality of the site. In relation to the loss of the two traditional stone buildings on the site the Reporter identified that the building to the along the roadside, contributed greatly to the character of the area.

- 49 The Reporter was not persuaded by the structural report presented at that time which proposed demolition and he identified that the remedial works required to be undertaken to make good the buildings were not uncommon in proposals for conversion.
- 50 In the absence of any evidence that structural deficiencies could not be remedied at an economic cost he was not persuaded that the case had been made for demolition. He acknowledged that planning policy allows for new-build development in addition to the conversion of traditional buildings and such a scheme would provide the potential to cross-fund conversion of the traditional buildings. He specifically identified that the retention of the traditional building to the front of the site would assist greatly in anchoring any new build development to the rear whilst retaining local character.

Redundancy

- 51 At the time the previous application was determined at appeal in 2008 the Planning Committee Report included the following comments in relation to the issue of redundancy:
- 52 'Comment has been made over whether the farm is actually redundant and the buildings ceased to be required for their use. The applicant has indicated previously that this is indeed the case and after a site inspection there was no indication that the farm was operational other than some residual storage'.
- 53 The buildings remain vacant and are now in separate ownership to the farm holding they formally served.

Design and Layout

- 54 The submitted proposals seek to respond to the Reporters comments by:
- Retaining and converting the traditional roadside building;
 - Reducing the overall number of units to 8;
 - Varying roof heights;
 - Screening of vehicle parking to the rear of roadside buildings;
 - Submission of Development Costs appraisal
- 55 One of the traditional stone buildings is proposed to be demolished. A structural assessment of the building has been undertaken for the applicant by engineers and submitted in support of the proposals. The report identifies that the absence of roof cover has led to damp penetration of wall plate down through the external walls; there is evidence of stone damage to external walls from previous use of the building; walls exhibit signs of wallhead lean; timber roof structure and joists exhibit signs of infestation and decay; and the whole of the building requires underpinning to a depth of 500mm. The report concludes that the building has been badly affected by water penetration and the long term integrity cannot be confirmed. The report recommends the removal of the building and the re-use of salvaged materials.

- 56 The design statement submitted in support of the proposals contends that it is not economically viable to retain both steading buildings as the pro-rata construction cost relative to the resale value of the units is prohibitive. It identifies that the retention of the roadside building is integral to the scheme and that the abnormal construction/conversion costs can be subsidised by the new build units proposed. A confidential Development Appraisal submitted in support and comparing development costs demonstrates a development loss overall with the retention and conversion of the second traditional farm building.
- 57 The courtyard arrangement of new buildings is consistent with many steading redevelopment proposals. Effective space between dwellings and adequate amenity space would be realised to satisfy amenity requirements.
- 58 The appeal Reporter placed particular value on the retention of the roadside building as a means of retaining local character. The proposals for conversion minimise external change to the prominent roadside elevation whilst accommodating major change and extensions to the rear.
- 59 The new houses are consistent with the Council's approved Guidance on the siting and design of houses in rural areas, incorporating vernacular qualities of steeply pitched roofs, deep eaves, exposed truss ends, chimneys, gabled dormers, roof breaks, vertical proportions to windows and natural slate to roofs, wet dash render and natural stone to walls. A deliberate decision is taken with the treatment of Plot 1 to realise a more substantial farmhouse building to reflect the proportions and hierarchy of buildings typically found within historic steading groups. This status of the building would be reinforced through the use as a facing material of salvaged local natural stone from the down takings on the site and the introduction of stone walls and railings to the roadside boundary.
- 60 The demolished buildings would not be reconstructed on their original footprint. Instead the proposed layout seeks to reflect the cohesive nature and character of historic farm building groups. Through a mix of conversion and sensitive redevelopment the proposals would meet the requirements of planning policy.
- 61 Single storey dwellings align the western edge of the lane serving the steading whilst to the south is the two storey Boreland House.
- 62 From the review of Scottish Planning Policy above it may be noted that in rural areas new development should respond to the specific local character of the location.
- 63 It is recognised that the introduction of a two storey house on Plot 1, to the front of the site would be prominent and could be regarded as contrary to the dominant local character at Boreland. However, for the reasons set out above this design choice is consistent with vernacular traditions, the new building would provide a feature of interest to the lane and the scale itself would be significantly reduced from the large modern agricultural sheds which are presently visible from the road.

Landscape Impact

- 64 The existing steading group sits in a low lying position to the south of Gairney water. Land rises to the south and the Cleish Hills, an upland area designated as an Area of Great Landscape Value. The site lies outside of that protected landscape. To the north the land is relatively flat before rising up to Coldrain.
- 65 Established planting along the southern edge of the site, together with the terrain, reduces the prominence of the group within the wider landscape and public views are localised.
- 66 The site lies within the recognised group of dwellings at Boreland. The proposals would consolidate the group and would benefit from a good landscape fit. Proposals to introduce a structural planting belt along the eastern edge of the site are indicated on the submitted drawings. The agent has confirmed that this land is within the applicant's control. The new planting would serve to soften the impact of domestic change when viewed from the east and could be delivered by way of a condition on any planning approval.
- 67 The proposals, through the retention of a traditional building of character, removal of a number of modern, unused agricultural sheds and their replacement with domestic buildings of smaller scale and of a design which reflects vernacular traditions, would result in a significant environmental improvement, would make a positive contribution to local character and would realise a satisfactory landscape fit.

Highway Safety

- 68 Concerns have been raised through representations that the proposals would lack sustainability in transportation terms and would also compromise local highway safety.
- 69 Whilst it is acknowledged that occupiers of any new dwellings would be car dependant, it may be recognised from the review of Scottish Planning Policy that within rural areas the principle of replacement of run down steadings may be supported where the new development is designed to fit in its landscape setting and will result a cohesive grouping. It is further recognised that within less populated rural areas housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal.
- 70 The Council's Transportation Service raises no objections to the proposal and recognises that the local lane network has the capacity to accommodate the additional vehicles generated by the development. The submitted layout would realise satisfactory vehicle parking and turning within the site and conditions can ensure delivery of these facilities prior to occupation of any new dwellings. On balance it is not considered, in this instance, that transport sustainability would constitute a justification for planning refusal.

Drainage and Flooding

- 71 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 the Loch (SSSI, SPA RAMSAR).
- 72 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.
- 73 SNH and SEPA raise objection to the application unless conditions and a Legal Agreement form part of any planning approval to deliver and sustain the phosphorous reduction gains necessary to meet Local Plan Policy objectives. The applicant initially set out a strategy for delivering the 125% reduction through the permanent removal of cattle from the buildings and agricultural land around the site. However, this part of the submission has been revised and now the existing foul systems of 3 properties around the site would be upgraded to ensure sufficient reduction in phosphorous loading to the catchment area.
- 74 Both SNH and SEPA confirm that the revised drainage proposals would deliver the necessary 125% gains. A legal agreement forming part of any planning approval could ensure delivery prior to occupation of any dwelling and would enable these gains to be sustained for the long term.
- 75 In relation to Flood Risk SEPA do not raise objection on Flood Risk grounds but because of the proximity of the site to Gairney Water advise that the views of the Councils Flood Prevention Officer be sought. This has been done and it is confirmed that no objections are raised.

Ecology

- 76 SNH confirmed to the Council that their records reveal a possibility of bats being present at the site or the buildings being a roost. Accordingly the applicant was invited to submit a Bat Report and this has been duly submitted.
- 77 Although the time of survey was sub-optimal, a desk based assessment together with site inspection was undertaken. Evidence of use of one of the roadside stone building by bats was found. The report identifies that other buildings on the site, because of their nature, former use and condition offer little potential for use as roosts. The proposals, concentrated on the site of buildings and a former operational yard, would not significantly reduce foraging areas. Furthermore it is considered that the proposals offer the potential for new roost spaces in new buildings. The report concludes that overall the proposals would not adversely affect species or habitat in the short, medium or long term.
- 78 SNH have been consulted on the Report and are content with the assessment. The Council's Biodiversity Officer recommends the inclusion of Bat Boxes

within the development and these could be delivered by way of condition on any planning approval.

- 79 A representation submitted in response to the revised elevations and drainage proposals has identified the presence of Barn Owls in the area. This issue formed part of the consideration of the Committee report for the 10 dwelling development on the site. That report recommended the inclusion of a condition on any permission to provide a Barn Owl ledge within the development to be provided prior to the occupation of any new dwelling. The Councils Biodiversity Officer has been consulted and would advise that such a condition be included on any new planning approval.
- 80 The Ecological Reports submitted identifies that the existing buildings have the potential to support nesting birds, in particular Swallows, Swift, and House Martin To safeguard the wildlife interest of the area any works of demolition should be undertaken outside of the Bird Nesting season and to this end a condition controlling the timing of any works of demolition could be included on any planning permission.
- 81 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.

Residential Amenity and relationship with adjacent dwellings

- 82 The proposed houses all have a suitable sized garden area and are located far enough from each other to ensure a suitable level of residential amenity is achieved in a manner which would not adversely affect existing properties nearby.
- 83 Garden ground to adjacent dwellings would not be overlooked to any material extent and the presence of boundary planting and the orientation of buildings would ensure an acceptable relationship.
- 84 Concerns have been raised from the occupier of properties to the south that the proposed house on Plot 5 would give rise to overlooking affecting privacy. Having regard to the distance between dwellings (40m+), the difference in levels between properties and the 8m+ rear garden proposed for the new house, it is not considered that residential amenities of adjacent properties would be affected to any material extent.
- 85 In view of the former agricultural use of the buildings and yard the Environmental Health service advise that a contaminated land assessment be undertaken and any necessary mitigation measures incorporated into the

scheme for redevelopment. This requirement could be delivered by way of condition on any planning approval.

Affordable Housing

86 As the proposal is for more than 5 houses, the Council's Affordable Housing policy will apply. Under the policy, a development of eight houses would generate a commuted sum payment of £30,000 and this would be collected by way of a Legal Agreement forming part of any planning permission.

Education

87 The Council's Education Service advise that due to capacity issues at the local Primary school the provisions of the approved Council's Planning Guidance Note (Primary Education and New Housing Development) should be applied in this instance. This would not apply to the affordable housing element so would relate to 6 of the units. This would generate a requirement for a commuted sum payment of $6 \times £6105 = £36630$ this would be collected by way of a Legal Agreement forming part of any planning permission or an up front payment prior to consent being issued.

LEGAL AGREEMENT

88 A legal agreement will be required for the upgrading of the existing foul drainage facilities serving Boreland House, Smiddy House and Boreland Farm Cottage, the 3 properties around the site identified to deliver and sustain for the long term, the required phosphorous mitigation. Any agreement would also deliver a commuted sum payment of £66630 towards the provision of affordable housing and Educational Infrastructure improvements.

DIRECTION BY SCOTTISH MINISTERS

89 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

90 In landscape terms the proposals would secure an acceptable landscape fit, the conversion of the roadside building would retain an historic building of character and interest and new buildings reflecting rural housing traditions are proposed.

91 The proposals have respect for the findings of the previous appeal Reporter and would accord with the principles set out in the Councils approved Housing in the Countryside Policy (2005) as conversion and replacement of non-domestic buildings. Satisfactory vehicular access is proposed and the new dwellings would not adversely affect amenities enjoyed by occupiers of residential properties adjacent.

- 92 The proposed measures for delivering phosphorous 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.
- 93 The proposals would not compromise the welfare, habitat or population of bats in the locality, a European protected species.
- 94 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 enclosures 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 Stone doughtings from demolition work within the site shall be salvaged and re-used as a facing material to the new dwelling on Plot 1 and, where shown on the submitted plans, to new boundary walls. All new stonework shall be laid in a traditional manner on its natural bed without cut faces showing.
- 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.

- 8 The vehicular access to the steading unit shall be formed in accordance with the Council's Road Development Guide Type C Figure 5.7 access detail to the satisfaction of the Council as Planning Authority, prior to the occupation of any of the new dwelling units.
- 9 The gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.
- 10 Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess 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 constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.
- 11 Major site preparation work such as demolition of buildings, removal of roofs or trees/shrub clearance must be undertaken outwith the bird breeding season (i.e. 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. The survey should be carried out by an Environmental Consultant or other suitably experienced ornithologist, must be undertaken prior to any work commencing on the site, and the completed survey shall be submitted for consideration to the Council as Planning Authority prior to the commencement of site works.
- 12 Prior to any new dwelling hereby approved being first occupied the mitigation measures identified on page 14 of the submitted bat report (November 2009) shall have been carried out in full in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved bat boxes shall remain in place at all times thereafter and maintained free of obstruction.
- 13 Prior to the occupation of any of the new dwellinghouses a barn owl nest box and ledge shall have been incorporated into the development in accordance with details which shall previously have been submitted to and approved in writing by the Council as Planning Authority.
- 14 Prior to the occupation of any new dwelling hereby approved the works of upgrade to foul drainage facilities serving Boreland House, Smiddy House and Boreland Farm Cottage shall have been installed to the satisfaction of the Council as Planning Authority

Reason

- 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 To ensure details are acceptable to the Local Planning Authority and to enhance the development in the interests of the amenity of the area.
- 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 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.
- 7 To ensure details are acceptable to the Local Planning Authority and to safeguard the amenity of the area.
- 8 In the interests of highway safety and to ensure details are acceptable to the Local Planning Authority in the interests of the amenity of the area.
- 9 In the interests of highway safety and to ensure details are acceptable to the Local Planning Authority.
- 10 To ensure details are acceptable to the Local Planning Authority and to safeguard residential amenity.
- 11 To safeguard the welfare of protected wildlife in the interests of the amenity of the area.
- 12 To clarify the extent of the permission for the avoidance of doubt and to safeguard the welfare of protected wildlife in the interests of the amenity of the area.
- 13 To clarify the extent of the permission for the avoidance of doubt and to safeguard the welfare of protected wildlife in the interests of the amenity of the area.
- 14 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

The development is considered to accord with the Development Plan and the Councils Housing in the Countryside Policy 2005 and there are no material considerations which justify a departure therefrom.

C PROCEDURAL NOTES

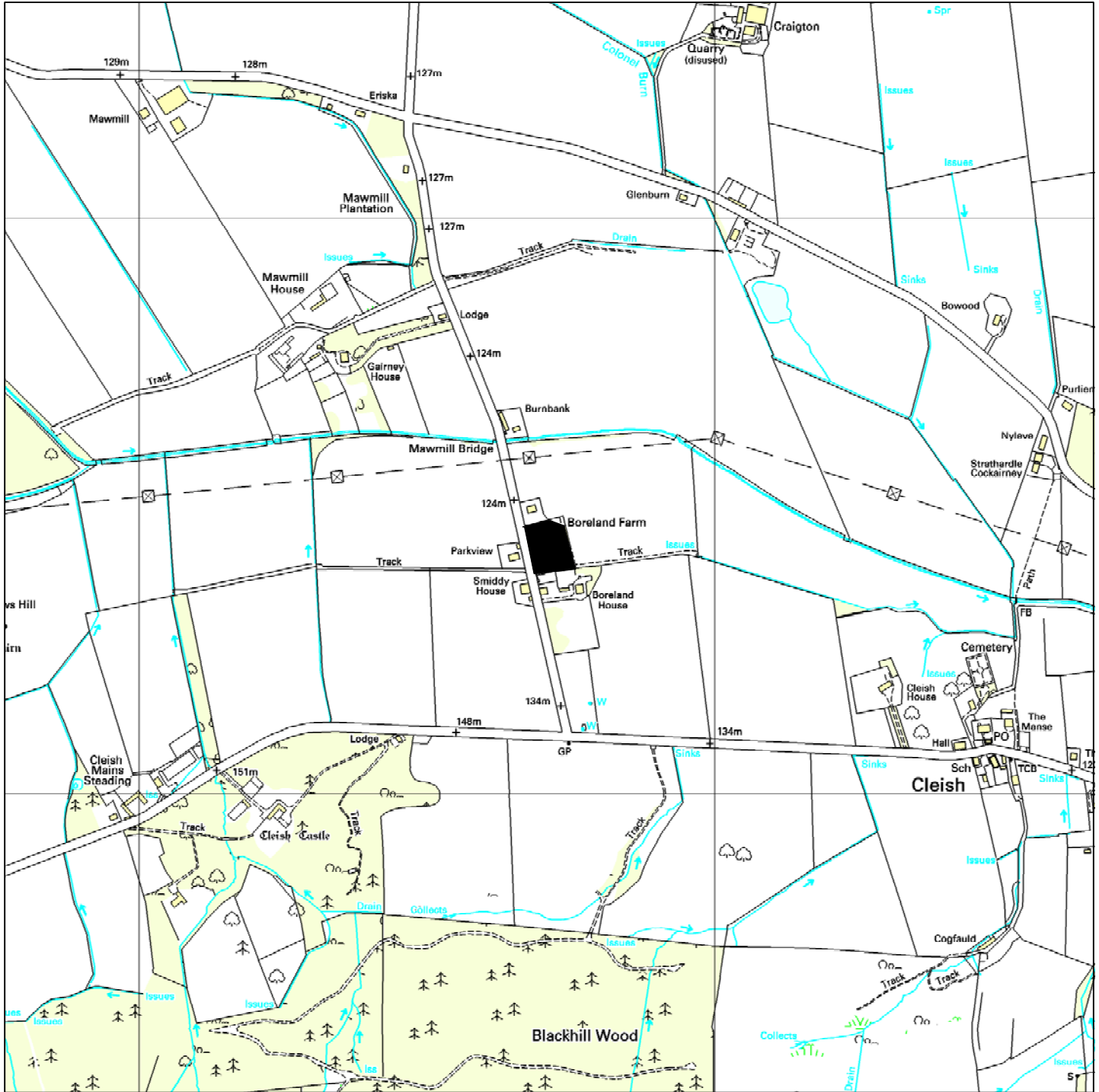
- 1 **No consent shall be issued until a Section 75 legal agreement** is signed for the delivery and long term maintenance of the phosphate treatment plant; and payment of commuted sum of £66630 for the delivery of affordable housing and educational infrastructure.

D INFORMATIVES

- 1 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.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 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.
- 4 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.
- 5 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: 12 letters of representation
Planning Officer: Garry Dimeck
Date: 21 April 2010

Nick Brian
Development Quality Manager



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	23 April 2010
SLA Number	100013289

