

Perth and Kinross Council
Development Management Committee – 12 August 2015
Report of Handling by Development Quality Manager

**Demolition of steading and erection of 8 dwellinghouses (in part retrospect) at
Boreland Farm, Cleish**

Ref: No: 15/01033/FLL
Ward No: 8 - Kinross-shire

Summary

This report recommends approval of the application as the demolition of the steading building and erection of 8 dwellinghouses (in part retrospect) will not adversely affect the visual or residential amenity of the area and is considered to comply with the Development Plan and Supplementary Guidance on Housing in the Countryside.

BACKGROUND AND DESCRIPTION

- 1 The site is located at Boreland, approximately 0.9km west of Cleish and comprises a former farm steading area. The site is approximately 0.6ha in area and borders the Country Road to the west, with residential development to the north and south and open farmland to the east. The application site received planning permission in May 2011 for the conversion of a traditional stone steading building along the road frontage to form 3 dwellings and the erection of 5 new dwellings within the remainder of the site. Two of the new build dwellings have been completed and one is now occupied while a third new build is in the process of being constructed.
- 2 Full planning permission (in part retrospect) is now sought as the applicant has demolished the stone steading building along the road frontage and as a consequence it is considered to have invalidated the entire 09/0500/FLL planning permission as the 5 new build dwellings received planning permission on the basis that the road side steading conversion occurs. An engineer's report was submitted with the 09/00500/FLL planning application confirming the road side building was capable of conversion. However an engineer's report by the same company has been prepared and it states due to time and weather the former roadside steading building is not capable of taking the conversion and recommends demolition and rebuild. The applicant proceeded to demolish the steading building without contacting the Planning Authority in advance to discuss the implications. The stone has been removed and is being stored locally.
- 3 In order to try and regularise the entire development an application has been requested by the Planning Authority for the demolition of the roadside steading building and exact rebuild (as per the 09/0500/FLL approval) of the steading building using the original stone. The remaining buildings on the site of 5 detached dwellings will continue to be arranged around a central courtyard.
- 4 The application submitted is for exactly the same approval as the 09/00500/FLL application with the exception that the approved steading is no longer a

conversion and is now a demolition and rebuild using the existing demolished stone.

- 5 Vehicular access to the dwellings will continue to be from the County Road from a position to the north of the former roadside steading.
- 6 The site is located outside of any defined settlement boundary in an area where housing in the countryside planning policies apply. The site also lies within the Loch Leven Drainage Catchment Area.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of relevance to this application is:-

Scottish Planning Policy 2014

- 8 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

- 9 Of relevance to this application are:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 11 Whilst there are no specific strategies or policies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 12 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 Within the Local Development Plan, the site lies in the landward area where the following policies are directly applicable.

Policy PM1A: Placemaking

- 14 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B: Placemaking

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

Policy NE3: Biodiversity

- 16 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

Policy RD3: Housing in the Countryside

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

Policy RD4: Affordable Housing

- 18 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units.

Policy TA1A: Transport Standards and Accessibility Requirements

- 19 Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.

Policy NE1: Environment and Conservation Policies

- 20 National, local and European protected species should be considered in development proposals

Policy NE3: Biodiversity

- 21 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

Policy EP2: New Development and Flooding

- 22 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

Policy EP3: Water Environment and Drainage

- 23 **EP3B** - Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.
- 24 **EP3C** - All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP7: Drainage within the Loch Leven Catchment Area

- 25 **EP7A** - Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 26 **EP7B** - Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.
- 27 **EP7C** - Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment

Policy EP12: Contaminated Land

- 28 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

OTHER POLICIES

Housing in the Countryside Supplementary Guidance 2012

- 29 The Council's Housing in the Countryside Guide 2012 stipulates a number of categories where new housing in the countryside may be considered.

Developer Contributions Supplementary Guidance (Education) 2014

- 30 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. Currently a contribution of £6,395 per qualifying house is required where a primary school; is at or would reach capacity as a result of the development proposed.

Affordable Housing Supplementary Guidance 2012

- 31 The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. It therefore remains relevant to this application. A minimum of 25% of affordable units should be provided on site, in accordance with the terms of the Policy and extant planning consent.

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 **07/00915/FUL** - Proposed demolition of redundant farm buildings and outbuildings and erection of 10 no. steading units and 3no. dwellinghouses – Refused by Development Control Committee October 2007.
- 34 **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 by Scottish Ministers August 2008.
- 35 **09/00500/FLL** - Conversion of steading to 3 dwellinghouses and erection of 5 dwellinghouses. Approved by Development Control Committee in May 2010 and following conclusion of legal agreement decision notice issued May 2011.
- 36 **14/01769/FLL** – Modification of 09/00500/FLL approval and removal of Condition 4 (window/door type) to allow for uPVC rather than timber. Application approved under delegated powers in January 2015.
- 37 **14/01827/MPO** – Modification of Planning Obligation (09/00500/FLL) relating to Clause 6.1.2 (drainage) of S75 Legal Agreement. Application approved under delegated powers in December 2014

CONSULTATIONS

External

- 38 **Scottish Environmental Protection Agency** - Originally objected on the grounds of lack of information regarding drainage for the site. Further

information was submitted by the applicant and SEPA have removed their objection as they originally approved drainage plans for the site.

- 39 **Scottish Natural Heritage** - No response received.
- 40 **Scottish Water** - No response received.
- 41 **Cleish and Blairadam Community Council** - Objects to the proposal as the applicants has breached the planning approval of 09/00500/FLL and the conditions attached to it. They do not see the rebuild of the steading as an acceptable solution to its demolition as its demolition has been refused in previous planning applications including an appeal.

They are concerned the replica structure will not be deliverable as the old stone is off site. They are also concerned about potential breach of wildlife legislation and in particular the protection of birds.

Internal

- 42 **Transport Planning** – no objection.
- 43 **Environmental Health** - have no objections to the application but recommend conditions and informatives regarding water supply and contaminated land be included in any consent.
- 44 **Waste Services** – no objections subject to waste bins being provided the developer installs a road end bin store to incorporate fencing and hard standing for appropriate capacity for this development in either individual 240 litre bins or communal bins. The bin store should be no more than 10 metres from the road.
- 45 **Education and Children’s Services** - Has identified capacity issues within the catchment.
- 46 **Developer Contributions Officer (inc. Affordable Housing)** - Affordable Housing requirement of £30,000 (2 x £15,000) and Education contribution of £38,370 (6 x £6,395) is requested via a Section 75 Legal Agreement.

REPRESENTATIONS

- 47 There have been 3 letters of representation in addition to the Community Council objecting to the application, which can be summarised as follows:
- Contrary to Council and Scottish Government decisions on previous applications for demolition.
 - Unauthorised demolition of steading.
 - Breach of conditions imposed with 09/00500/FLL approval.
 - Unable to rebuild steading as per previous approval with stone off site.
 - Impact on wildlife

- 48 Two late letters of support for the proposal have also been submitted and both agree that the roadside building should have been demolished for health and safety reasons.

ADDITIONAL STATEMENTS

49

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Engineers Report

APPRAISAL

Planning History

- 50 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 first scheme (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 two traditional stone buildings on the site the Reporter identified that the building along the roadside, contributed greatly to the character of the area.
- 51 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.
- 52 In the absence of any evidence that structural deficiencies could not be remedied at an economic cost the Reporter 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.
- 53 The 09/00500/FLL application for conversion of the roadside steading building to form 3 dwellings and the erection of 5 detached dwellings was considered to be in accordance with the Council's Housing in the Countryside Policy, which at the time supported the conversion and replacement of non-domestic buildings and the new dwellings would not adversely affect amenities enjoyed by occupiers of residential properties adjacent.

54 The applicant demolished the approved steading conversion in May 2015 without authorisation which was then reported to the Planning Authority. Following meetings between the applicant and the Planning Authority it was considered that the most practical solution to resolve the situation was that a new planning application should be submitted for the demolition of a former steading building (in retrospect) and erection of 8 dwellings. The application was submitted on 23 June 2015 and shows that the former conversion is proposed to be rebuilt as originally approved.

Policy

55 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with development plan policy or if there are other material considerations, which justify a departure from policy.

56 The application site is situated within the landward area of the LDP where the main relevant policies are Policy RD3: Housing in the Countryside and Supplementary Guidance on Housing in the Countryside 2012.

57 Under Policy RD3 and the Supplementary Guidance the Council will give favourable consideration to the erection of groups of houses in the countryside which fall into six identified categories.

- Building Groups
- Infill sites
- New houses in the open countryside as set out in Section 3 of the Supplementary Guidance
- Conversion or replacement of redundant non domestic buildings
- Development of rural brownfield land

58 Because the current application is now for the demolition of a former steading building (in retrospect) and erection of 8 dwellings the application must now be assessed against Criteria 5 (Conversion or Replacement of Redundant Non-Domestic Buildings) of the current Supplementary Guidance. The Supplementary Guidance supports the replacement of non- domestic buildings where evidence is provided that the existing building requires to be reconstructed because of structural deficiencies which cannot be remedied at a reasonable economic cost. The replacement building is also required to be faithful to the design and materials of the existing building.

59 The applicant employed the same engineer as the 09/00500/FLL application to re-survey the steading building and the conclusion was that because of time and weather the steading building was now no longer capable of conversion and recommended it was demolished and rebuilt.

60 It is obviously regrettable that the applicant demolished the steading without the prior authorisation by the Planning Authority as we are unable to verify the

engineer's latest survey of the steading building. However the photographs supplied with the survey would appear to support the argument that it was structurally in much poorer condition than at the time of the 09/00500/FLL submission.

- 61 The current proposal is to rebuild the steading building as originally approved. It should result in a structurally better and more environmentally sustainable building than the original and will still look the same as the original approval. It is recognised that previous decisions including an appeal refused the demolition of the steading building as it was considered to add to the character of the area and was required to be retained.
- 62 These decisions were based on previous Local Plan policies and previous Housing in the Countryside Supplementary Guidance. As already stated it is regrettable the applicant has demolished the former steading without authorisation but when it is assessed against LDP Policy RD3 and Supplementary Guidance on Housing in the Countryside 2012 it is considered that the demolition and rebuild of the steading building complies. An engineer's report has been provided to support the position that the building was no longer capable of conversion therefore demolition and rebuild of what should in appearance be the same building as previously approved will ensure it is faithful to the original permission through reuse of materials from the demolition. Following inspection of the demolished stone stored off-site it is considered that sufficient material exists to facilitate the rebuild. Should there be insufficient stone to complete the rebuild a condition will be attached to secure approval of stone which is not original prior to its use.
- 63 To ensure the rebuild is provided it is considered appropriate that a condition requiring it to be completed before there is any commencement of development of any of the undeveloped new build dwellings (Plots 1 and 5). It is also considered appropriate to include a condition to ensure the stone to be reused meets the approved plans.

Design and Layout

- 64 Because the application is the exact same design and layout as the 09/00500/FLL approval the proposed dwellings are considered to be consistent with LDP Policy PM1 and the Council's approved Guidance on the siting and design of houses in rural areas with 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. With Plots 3 (occupied) and 4 already complete this confirms that the dwellings are of a high standard and in accordance with the plans approved by the 09/00500/FLL permission.

Landscape and Visual Impact

- 65 The site sits in a low lying position within a recognised group of dwellings at Boreland and with established planting along the southern edge of the site,

together with the terrain, this reduces the prominence of the group within the wider landscape and public views are localised.

- 66 The 09/00500/FLL confirmed that the proposals would consolidate the group and would benefit from a good landscape fit. New planting would serve to soften the impact of domestic change when viewed from the east and this condition has been partially discharged following a submission of a landscape plan associated with the 09/00500/FLL approval.
- 67 The current proposal will essentially look the same as the 09/00500/FLL approval and it is considered that it will continue to make a positive contribution to local character and would provide an acceptable landscape fit.

Residential Amenity

- 68 As per the 09/00500/FLL approval the proposed dwellings all have a suitable sized garden area and are located far enough from each other to ensure an acceptable level of residential amenity is achieved in a manner which would not adversely affect any of the existing properties nearby.
- 69 Adjacent dwellings would not be overlooked to any material extent and the presence of approved boundary planting and the orientation of buildings would ensure an acceptable relationship.

Contaminated Land

- 70 The Contaminated Land Officer was previously consulted on the 09/00500/FLL where the decision was made to recommend the application was conditioned in respect to its previous land use being agricultural. The applicant had engaged consulting engineers to undertake an investigation to comply with this original consent. The investigation discovered that the site was affected to a degree by what appears to be naturally occurring ground gases. The applicant has so far failed to implement the recommendation made by his consultant engineers and omitted to incorporate gas protection measures to a technical standard compliant with current best practice. Plots 3 and 4 have been assessed and the engineers have identified that although the construction did not meet the necessary technical standard it was sufficient to prevent the ingress of methane and carbon dioxide gas. This has been substantiated by lines of evidence in the form of indoor air monitoring and the Contaminated Land Officer is satisfied that the construction is sufficient to allow entry into Plots 3 and 4.
- 71 However Plot 2 which is currently under construction has been constructed without any mitigation measures being incorporated to the aforementioned best practice technique. The Contaminated Land Officer met with the applicant on site and have agreed that a retrospective site investigation for the sole purpose of establishing the ground gas regime under the footprint of the building on Plot 2 should definitively establish whether the current construction is sufficient and that it would be suitable for habitation. From the site investigation data submitted in respect of the entire development area gas protection measures are required concurrent with present guidance and the applicant has agreed

that any further construction will incorporate measures to satisfy land quality. As with the previous consent granted the Contaminated Land Officer has recommended that a 4 part suspensive condition is incorporated prior to the commencement of any future construction within the development site.

Traffic Safety/Access

- 72 The Transport Planner raises no objections to the proposal. Whilst it is acknowledged that occupiers of the dwellings would be car dependant it is recognised that it is a necessity within less populated rural areas. In any event the development at this location was previously considered to be acceptable.

Impact on wildlife

- 73 The letters of objection from the two households and the Community Council refer to adverse impact on wildlife in the area and in particular birds.

- 74 The 09/00500/FLL decision notice included a condition requiring that

“any 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, the 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.”

- 75 The 09/00500/FLL application approved the demolition of a number of former steading buildings with the exception of the roadside building. The demolition of the roadside building occurred in May 2015 and was within the bird breeding season. There has been no independent verification by a qualified ornithologist to prove there were no nesting birds inside the building. The applicant has confirmed he inspected the building prior to its demolition and found no evidence of nesting birds. Notwithstanding this breach of condition, if there are wildlife crimes issues this can be dealt with more effectively and appropriately by Police Scotland through current Wildlife Crimes Act legislation.

Drainage and Flood Risk

- 76 The site is located within the Loch Leven Catchment Area where LDP policies seek to secure phosphate reduction measures in the interests of maintaining the Conservation value and interest of the Loch (SSSI, SPA RAMSAR).

- 77 SEPA initially raised objection to the application due to lack of information submitted in respect of drainage. Additional plans have been submitted by the applicants and SEPA have removed their objection and confirmed that the revised drainage proposals would deliver the necessary 125% gains.

- 78 In relation to Flood Risk SEPA do not raise objection on Flood Risk grounds.

Developer Contributions

- 79 A legal agreement was signed for the 09/00500/FLL application requiring a commuted sum payment of £66,630 towards the provision of Affordable Housing and Educational Infrastructure improvements.
- 80 The Council's Supplementary Guidance on Primary Education has been updated since the 09/00500/FLL application and an additional £1,740 will now be required to be paid. The Section 75 will therefore require to be amended before any consent notice can be issued.

Economic Development

- 81 The proposal will continue to provide employment opportunities for individuals involved in the housebuilding industry.

LEGAL AGREEMENTS

- 82 A legal agreement was signed for the 09/00500/FLL application requiring the upgrading of the existing foul drainage facilities to deliver and sustain the required phosphorous mitigation. The agreement would also deliver a commuted sum payment of £66,630 towards the provision of Affordable Housing and Educational Infrastructure improvements.
- 83 There has been a modification of the Section 75 approved regarding drainage provision for the development.
- 84 The Council's Supplementary Guidance on Primary Education has been updated since the 09/00500/FLL application and an additional £1,740 will be required to be paid. The Section 75 will therefore require to be amended before any consent notice can be issued.

DIRECTION BY SCOTTISH MINISTERS

- 85 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

- 86 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In respect of the above assessment, the proposal is considered to comply with the overriding aims and policy objectives of the approved TAYplan 2012 and the adopted Local Development Plan 2014.
- 87 The applicant is fully aware that the demolition of the roadside building was not authorised by the Planning Authority and that it has implications for the entire development. Followings its demolition in May 2015 swift and robust

enforcement action has ensured that a planning application was submitted to try and resolve the situation.

- 88 Perth and Kinross Council's Enforcement Charter and Scottish Government Circular 10/2009 on Planning Enforcement states that "*the aim of enforcement is normally to resolve the problem through negotiation, if that is possible, rather than punishing the person who breached planning controls*" The clear instruction is that the Planning Authority requires a complete rebuild of the steading building as per the 09/00500/FLL approval and this is what has been submitted.
- 89 LDP Policy RD3 and Supplementary Guidance on Housing in the Countryside 2012 allows for the possibility of the demolition and rebuild of non-domestic buildings provided it can be proved it was not capable of conversion. An engineer's report confirms that the buildings structural integrity has been compromised by weather over the years and a demolition and rebuild was recommended. It is regrettable that the building was demolished without any authorisation by the Planning Authority. However the demolished stone is being stored locally and is capable of being reused and a rebuild of the former steading building as per the 09/00500/FLL approval is considered to be possible.
- 90 The action taken by the Planning Authority meets the priorities for enforcement set out in the PKC Enforcement Charter and secures that the retrospective application will deliver the original proposal insofar as material considerations are concerned and therefore in our view has minimal material adverse planning implications.
- 91 Conditional Approval is recommended together with an amendment of the S75 Legal Agreement to deliver the additional contribution required for primary school provision within the catchment.

RECOMMENDATION

A Approve the application subject to the following conditions

Conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The rebuild of the roadside steading building (Plots 6, 7, 8) shall be completed prior to the commencement of any works of development of Plots 1 and 5 as shown on the Site Layout Plan - Drawing Ref: 15/01033/2 and all to the prior approval in writing of the Planning Authority.

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

- 3 Prior to the commencement of further works on site full engineering drawings of the roadside steading building (Plots 6, 7, 8) shall be submitted to and approved in writing by the Council as Planning Authority.

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

- 4 The development proposed for Plots 6, 7 and 8 shall be inspected by the Planning Authority at the following junctures.
 - Damp-proof course
 - Wall head level
 - Truss erection

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

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

- 5 Prior to the commencement of development relative to plots 6, 7 and 8, a sample of the mortar and stone from the demolished roadside steading building are to be sent to the Scottish Lime Centre Trust, or other such qualified body as previously approved, for analysis. The written report of the analysis shall be submitted to the Planning Authority as a matter of record. The recommendations and specifications of the Scottish Lime Centre Trust, or other such qualified body as previously approved, shall be implemented in full accordance with the written record previously submitted and all to the satisfaction of the Planning Authority.

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

- 6 Prior to the commencement of further development a sample panel of the roadside steading wall measuring a minimum of 3m² shall be erected for inspection by the Planning Authority. For the avoidance of doubt the sample wall needs to include an example of the stone quoins and window lintels to be used throughout the development.

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

- 7 Prior to the commencement of further development details of the specification and quality of the proposed reuse of original stone, clay pantiles and all exterior materials shall be inspected on site for the approval of the Planning Authority. The details as approved shall be implemented prior to the occupation and/or use of the development. For the avoidance of doubt the original stone is to be

reused as much as is practically possible and any additional stone requirement must be with the prior agreement in writing by the Planning Authority.

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

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

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

- 9 Prior to commencement of any further works on site, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways/private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason – In the interest of private water supplies.

- 10 The vehicular access to the 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 further dwelling units.

Reason - In the interests of road safety.

- 11 The gradient of the access shall not exceed 3% for the first 5.00metres measured back from the edge of carriageway and the access shall be constructed so that no surface water is discharged onto the public road.

Reason - In the interests of road safety.

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

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

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

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

- 14 Prior to the occupation of any further dwellings details of a road end bin store incorporating fencing and hard standing for the appropriate capacity of this development in either individual 240 litre bins or communal bins shall be submitted to and approved in writing by the Council as Planning Authority. The bin store should be no more than 10 metres from the road side .

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

- 15 Prior to the commencement of further works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality.

- 16 Prior to the commencement of further works on site, 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 any further house. Any tree, plant or shrub which, within a period of 5 years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

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

B JUSTIFICATION

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

C PROCEDURAL NOTE

Section 75 Legal Agreement associated with the 09/00500/FLL approval requires amending to deal with the extra monies required for primary school provision.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 An application for Building Warrant will be required.
- 5 If connection to the public mains proves to be impractical the following should be noted if a private water supply is utilised.
- 6 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 7 The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

- 8 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

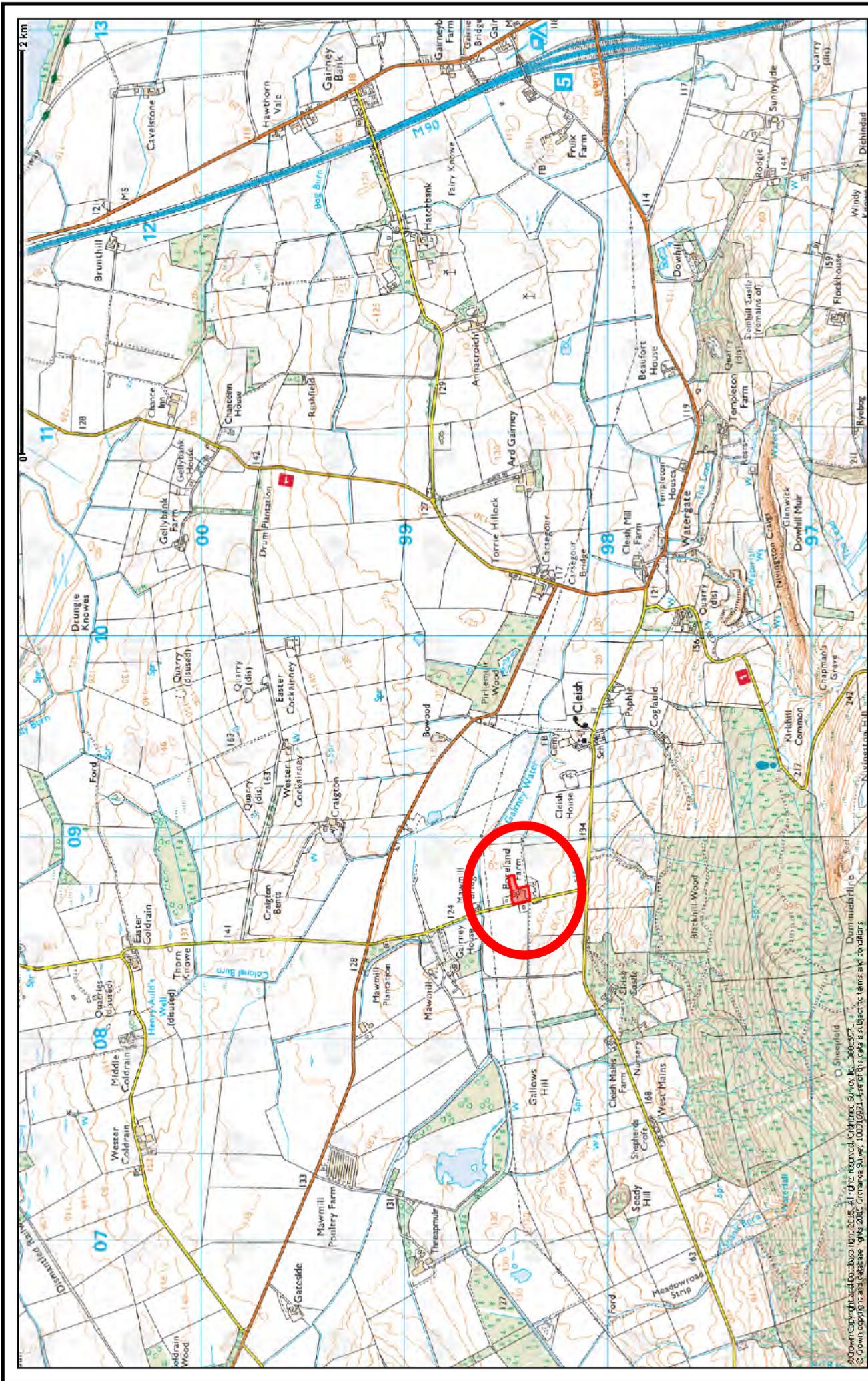
Background Papers: 5 letters of representation
Contact Officer: Steve Callan Ext 75337
Date: 22 July 2015

Nick Brian
Development Quality Manager

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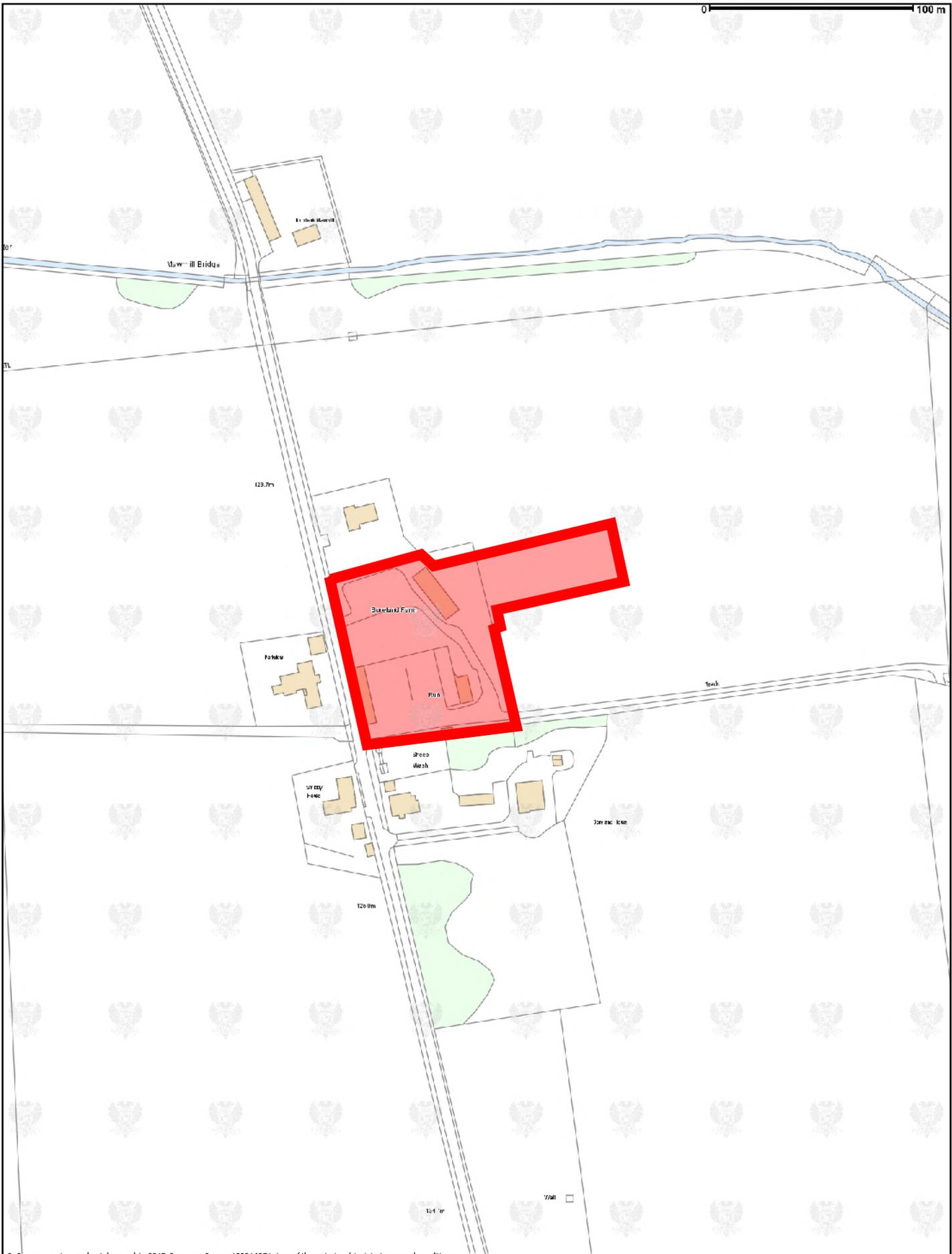
Demolition of steading and erection of 8 dwellings (in part retrospect) on Land NW of Boreland House, Cleish, Kinross-shire



Development Management Committee

Scale 1:25000

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