

Perth and Kinross Council  
Development Control Committee – 14 October 2015  
Report of Handling by Development Quality Manager

**Erection of eight dwellings with associated access road, parking bays, turning areas and drainage arrangements on Land 110 Metres South East Of Beaufield Balado, Kinross**

Ref. No: 13/01379/FLL  
Ward No: 8 – Kinross - Shire

**Summary**

The report recommends approval of the application for the erection of eight dwellings with associated access road, parking bays, turning areas and private drainage arrangements.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is a 1.63 ha area of flat open land most recently used for a paddock / grazing for horses within the small settlement of Balado approximately 1.5 km to the west of Kinross and accessed off the A977. The application site is within the Loch Leven Catchment Area. The application site is bounded by residential properties to the east, north and west and open land to the south beyond the settlement boundary.
- 2 This is a proposal, which has been the subject of amendments, for the erection of 8 detached dwellinghouses along with associated infrastructure including an access road, parking and turning areas and drainage arrangements including phosphorus mitigation to Loch Leven. The amendments which were advertised on the 28 March 2014 included changing the garage position and elevational detailing on plots 3, 4 and 6 to reduce overshadowing and confirmation of the boundary treatments. Further amendments were made which were advertised on the 20 June 2014 with the provision of an access road between plots 1 and 2 to the drainage infrastructure and a revised drainage system was submitted incorporating treatment and discharge to the Killoch Burn to the south east of the site. Further amendments were made and the application re-advertised and neighbours notified on 8 May 2015 following protracted negotiations and concerns raised by SEPA on the private drainage arrangements and discharge to the Killoch Burn. The proposed drainage arrangements are now relocated to the north east of the site with a private waste water treatment plant and foul soakaway for the proposed 8 dwellinghouses.
- 3 An amended site plan was submitted which included the vehicular access to the site from the public road and neighbours were notified in relation to the extended application site boundary on 17 July 2015. Re- advertisement and neighbour notification was undertaken on 4 August 2015 to provide clarification on the drainage arrangements for the site and in particular phosphorus mitigation and the soakaway for the proposal. Further advertisement and neighbour notification was undertaken on the 11 September 2015 on the submission of an amended

drainage plan for the site which included road surface water proposals for the site and clarification of the existing foul drainage infrastructure at the phosphorus mitigating properties.

- 4 The proposed dwellinghouses are detached and contemporary in style and a mixture of 2 storey house types with wall-head dormers and roof dormers allowing accommodation in the roof space and single storey outshots. Garaging proposed includes a mixture of integral and detached garages. Materials proposed include white wet dash render, natural stone and treated larch to the external walls, natural slate to the roof and white painted timber windows and doors. Detached garage materials will match the dwellinghouses. Boundary treatment includes proposed and existing hedging and post and wire fencing. Access to the public road will be achieved by linking into an existing access road to the west which serves 4 recently developed dwellings. A private waste water treatment plant is proposed within the site to the north capable of phosphorus mitigation to the Loch Leven Catchment Area.

## **NATIONAL POLICY AND GUIDANCE**

### **Scottish Planning Policy 2014**

- 5 The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to sustainable development. Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.
- 6 The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.
- 7 Of relevance to this application are:
  - Paragraphs 109 – 134: Enabling Delivery of New Homes

### **Designing Streets: A Policy Statement for Scotland 2010**

- 8 Streets have to fulfil a complex variety of functions in order to meet people's needs as places in which to live, to work and to move around. Their design requires a thoughtful approach that balances potential conflicts between different users and objectives.

## **Planning Advice Note 67 (Housing Quality)**

- 9 Designing Places, published November 2001, sets out the Scottish Governments 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.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032**

- 11 Under the TAYPlan the principal relevant policy is:-

#### **Policy 5: Housing**

- 12 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

## **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 13 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. Under the LDP the site lies within the settlement boundary of Balado where the principal relevant policies are:-

#### **PM1: 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 RD1 Residential Areas**

- 15 The plan identifies areas of residential and compatible uses where existing residential amenity and character will be protected and where possible improved.

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

- 16 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

## **EP7: Drainage within the Loch Leven Catchment Area**

### **EP7A**

- 17 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.

### **EP7B**

- 18 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.

### **EP7C**

- 19 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 PM3 – Contributions**

- 20 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

## **OTHER POLICIES**

### **Affordable Housing Supplementary Guidance (2012)**

- 21 Sets out the Council's updated 2005 Affordable Housing Policy and supporting guidance for securing appropriate affordable housing requirements to all sites where the threshold has been met or exceeded.

### **Developer Contributions (2012)**

- 22 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 23 None

## CONSULTATIONS

### External

- 24 **SEPA** - No objections subject to suitable mitigation measures being put in place for phosphorus mitigation and CAR licencing being secured.
- 25 **Scottish Natural Heritage** - No objections subject to mitigation measures being put in place for 125% phosphorus reduction to the Loch Leven Catchment Area by condition or legal agreement.
- 26 **Scottish Water** - No objections as the proposed development shall not connect to the public drainage network. A suitable SUDs scheme should be put in place for the development.
- 27 **Kinross Community Council** - Objection on the grounds that the proposal is out with the envelope for the last local plan and contravenes the proposed new Development Plan as the area is not zoned for housing. It will create increased traffic problems at A977 junction, overdevelopment of the site and concerns over drainage and flooding.

### Internal

- 28 **Education & Children's Services** - No objections subject to a financial contribution to the local school.
- 29 **Transport Planning** - No objections subject to conditions for the roads and associated works being in accordance with the Council's specifications, suitable surface water treatment, and pick up and drop off areas for school children/bus passengers on both sides of the A977, and a 3 bay enclosed bus shelter.
- 30 **Environmental Health** - No objections subject to a noise condition to control noise from the proposed waste water treatment plant.

## REPRESENTATIONS

- 31 27 letters of representation have been received from 16 households raising the following issues:-
  - Odour issues
  - Housing supply in Kinross already exceeds demand
  - Not in keeping with goal of sustainable development
  - The proposal should be considered as a major development
  - Contrary to the local development plan
  - Phosphorus mitigation and drainage issues
  - Increased traffic and road safety onto A977
  - Flooding
  - Overlooking and impact on privacy
  - Properties too close to existing housing/overdevelopment

- No provision made for SUDs
- Inappropriate road layout
- Ridge heights proposed not appropriate
- No design statement submitted
- No open space provision
- Boundary treatment unclear, lack of landscaping detail/plan
- Lack of refuse collection information
- Concerns over street lighting
- Impact on daylighting
- Impact on private water supplies
- Application site boundary should have included vehicular access to public road and neighbour notification carried out.

32 These issues are all addressed in the Appraisal section of this report.

### ADDITIONAL STATEMENTS

33

|  |              |
|--|--------------|
| 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           | Not required |

### APPRAISAL

34 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 Development Plan consists of the TAYplan 2012 and the Perth and Kinross Local Development Plan 2014.

35 The determining issues in this case are whether; the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

#### Policy

36 The application site is within the small settlement of Balado where the principle of residential development is accepted. The detailing of the proposal and all other material planning considerations are considered below. Concerns were raised that the application should be considered as a major application, however it is concluded that the proposal is a local development as defined under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 as the application site is less than 2ha at 1.63 ha and it is a proposal for less than 50 dwellings. An Environmental Impact Assessment is not required for a housing development of this scale at this location. Another concern raised was that there was no requirement for further housing within the Kinross housing market area as supply of housing already exceeds demand. There is no issue with any potential

oversupply of Housing Land in the Local Development Plan (LDP) as the Development Plan needs to ensure that the Housing Land Requirement is at least met and opportunities over and above this offers flexibility and choice to the market.

- 37 This site is a windfall site on Greenfield land, it is not allocated for housing but it lies within the settlement boundary for Balado which means in principle it may offer the potential to accommodate development subject to consideration of the individual merits of the proposal against the general policy provisions of the LDP. The LDP does not normally allocate housing opportunities of this scale and nature but identifies opportunity for them through identification of settlement boundaries, and through the Housing in the Countryside Policy Guidance.
- 38 The Housing Land Audit 2014 defines that windfall sites are: "Sites that receive planning permission and are not previously identified as land for housing. They usually refer to reuse or redevelopment of land and are therefore brownfield sites. In Perth & Kinross however some windfall sites are on greenfield land."

### **Scale and Design**

- 39 The scale and design of the proposed dwellinghouses is acceptable and reflects the character of the surrounding housing which is relatively modern in appearance. The external materials are of high quality, including natural slate and stone and timber boarding. The height of the dwellinghouses at 2 storeys is not excessive and is similar to the height of some of existing housing to the north and east. Existing housing varies in height. The layout of the proposal is acceptable and dictated by the configuration of this infill site within the village boundary of Balado with a continuation of the existing access road to the east. Concerns were raised that a design statement was not submitted in support of the application. This was not required at the time of submission and it is considered that there was sufficient information submitted with the application in order to assess the scale and design of the proposal. For the reasons outlined it is considered that the scale and design of the proposal will not have any detrimental impact on the character or appearance of neighbouring housing or on the wider settlement of Balado.

### **Residential Amenity**

- 40 The plot ratios are acceptable reflecting existing densities and plot sizes within Balado. The distances to rear boundaries are greater than 9 metres and therefore afford occupiers of the development with a suitable level of private amenity garden ground. There are suitable distances between the proposal and neighbouring housing and the height of the development and window orientation does not pose any privacy or overshadowing/daylighting issues to existing neighbouring properties. There were concerns raised that the proposed detached garages would cause overshadowing/daylighting issues to neighbours, in particular on plot 3, however the proposed height, position and distance from the neighbouring boundary of the garage is within acceptable limits in terms of impact on neighbouring amenity from overshadowing and daylighting, being 3.2m from the boundary and 2.7m to the eaves and 5.45m to the ridge. A noise condition is recommended by Environmental Health on any consent to protect neighbouring residential amenity from any noise generated by the private waste water treatment

plant to the north of the site. Concerns were raised by neighbours on odour issues from the treatment plant and this will be controlled by a condition. The applicant will require a CAR licence for the proposed development and any operational issues arising from the treatment plant will be dealt with through SEPA's CAR licencing regulations to ensure there are no amenity issues to neighbouring residential properties. There was concern raised that the proposal would have an impact on neighbours' right to the peaceful enjoyment of their property and that protection of the countryside falls within the interests of Article 8 of the Human Rights Act 1998. It is considered however that for the reasons outlined above the proposed development, which is not within the countryside but in the designated settlement of Balado, will not have any adverse impact on neighbouring residential amenity and on any individual's right to the peaceful enjoyment of their own home.

### **Open Space**

- 41 Concerns were raised on the lack of open space provision within the development, however it is considered that the number of houses proposed on this site does not generate a requirement for the provision of communal open space provision for the wider community. There is a requirement for open space provision for the village under the larger allocated housing site H51 to the west which is also within the settlement boundary.

### **Landscaping and Visual Impact**

- 42 The application site configuration is an infill site within the settlement boundary consisting of flatly profiled land and it is contained to the east, north and west by existing housing and garden ground. The southern boundary has an open aspect to the wider countryside similar to adjacent housing on the southern edge of the settlement boundary. The building line along this edge has been maintained by this infill proposal and it is considered that it will not create any additional adverse visual impact to the wider countryside at this location. Boundary treatment proposed is post and wire fencing and existing hedging to the north and east boundaries. There are no trees lost as a consequence of the proposed development. A condition on any consent is recommended for a detailed landscaping plan to be submitted to include hard and soft landscaping within the site for the approval of the Council.

### **Roads and Access**

- 43 There are no objections to the proposed road layout and access on road safety grounds from Transport Planning subject to conditions to ensure that the roads and associated works are carried out in accordance with the Council's specifications. The access to the site will connect to an existing access road to the A977 which is acceptable in terms of capacity, configuration and specification. Also, prior to occupation of the development pick up/drop off areas for school children are recommended to be provided on both sides of the A977 for the wider benefit of the village. There were concerns raised that the crossing arrangements for pedestrians over the A977 to the bus stop was inadequate, however in consultation with Transport Planning no pedestrian safety concerns were raised in this regard, There were concerns raised by neighbours on issues of road safety

and that the road layout for the development was inappropriate, however as stated above the Transport Planner has no objection with regard to these issues and the proposal is considered acceptable in terms of access, parking and road layout subject to conditions. There were concerns raised that the application site boundary did not include the vehicular access to the site from the public road. An amended site plan was submitted which includes the vehicular access to the site and neighbour notification was carried out accordingly to reflect the change in the application site boundary. There were concerns raised that there were no details of street lighting provided at the application submission stage. It is considered that the Council will require street lighting for the development through the Roads Construction Consent. There is street lighting provided in the village at the Nurseries, Balado Wynd and Dawson's Court and it is recommended by Transport Planning that details of any street lighting shall be provided by condition for the approval of the Council prior to work starting on site. The specification and design of any street lighting will require to be in accordance with acceptable standards to mitigate any light pollution impacting on residential amenity. Neighbours also raised concerns that there was no information provided on refuse collection. It is likely that kerbside refuse collection will be acceptable at the application site as the road layout can accommodate the turning of refuse vehicles. An informative is recommended on any consent for the applicant to confirm with the Council the refuse collection arrangements for the site.

### **Drainage and Flooding**

- 44 A private waste water treatment plant is proposed for foul drainage which will incorporate phosphorus stripping as required in the Loch Leven Catchment Area. The applicant has demonstrated satisfactorily that sufficient phosphorus mitigation can be achieved to accommodate the proposed development through the upgrade of 2 existing 5 and 3 bedroom dwellinghouses at Beaufield, Middle Balado and Gardeners Cottage, Turfhill. SEPA have confirmed that they have no objection to the proposed phosphorus mitigation measures with both mitigating properties being within the Loch Leven Catchment Area. Phosphorus mitigation will be secured by condition on any consent in accordance with the approved guidance for development within the Loch Leven Catchment Area. The revised drainage scheme incorporating treatment and discharge to soakaway to the north of the site will require CAR authorisation, however SEPA accept the principle of the proposed drainage and mitigation scheme. SNH have no objections to the proposed development provided suitable phosphorus mitigation is secured by condition in order to protect the water quality of Loch Leven Special Protection Area (SPA).
- 45 A concern was raised over the previous inclusion of Beaufield as phosphate mitigation for a large residential development in Balado under ref: 07/01226/IPL. That consent was subject to a Section 75 legal agreement for phosphate mitigation but the owners of Beaufield were not signatories to that agreement. In addition, as that application was an in principle application, the number of units was therefore not specified and a detailed submission has still to be made. This would establish the number of units and have to clarify the phosphate mitigation position. In addition, it would have to also have to satisfy the CARS licence process. SEPA have confirmed that they are agreeable to this position. It is

therefore not considered that this would prejudice the drainage position on the current application as proposed.

- 46 Concerns were raised by neighbours on the grounds of flood risk. The application site is not in an identified flood risk area from any watercourse. The SEPA flood maps indicate that there is the possibility of flood risk from surface water, however the Council's Flooding Engineer has no objection to the principle of the development in terms of flood risk. The application site is surrounded by housing to the north, west and east and it is considered that any surface water issues can be dealt with through the satisfactory engineering of the site and implementation of a surface water soakaway system in order to mitigate surface water runoff from the road surface and garden areas. Full details of a suitable SUD's scheme are recommended as a condition on any consent.

### **Private Water Supplies**

- 47 The potable water supply for the proposed development will be via the public water supply network. There were concerns raised by SEPA who initially objected to the proposal with regard to possible impact of the foul drainage measures on private water supplies in the vicinity of the proposed private waste water treatment plant. This matter has been resolved and SEPA have withdrawn their objection. An informative is recommended on any consent to make the applicant aware that any works in the vicinity of private water supplies complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006.

### **Developer Contributions**

#### **Affordable Housing**

- 48 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 49 As this application is for 8 units, the affordable housing requirement would therefore be for 2 units ( $8 \times 0.25 = 2$ ).
- 50 Under the current policy where sites are at, or under, the 10 unit threshold for on-site provision, and on-site provision is not appropriate, other methods of contribution are available. The preferred type of contribution in this case would be a commuted sum payment; this has been discussed and agreed with Housing & Community Care. The commuted sum stated in the Affordable Housing Supplementary Guidance (November 2012) for the Kinross HMA is £15,000 per unit, therefore the applicable figure is £30,000 ( $2 \times 15,000$ ).

#### **Education**

- 51 This development falls within the Kinross Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. Therefore the Finalised Primary Education and New Housing Contributions Policy shall be

applied to this application where there is a contribution required on 6 of the 8 units, i.e. £6395 x 6 = £38 370.

### **Economic Impact**

- 52 There will be economic benefits arising from the proposal through the construction phase of the development and added value through spending on goods and services in the local economy.

### **LEGAL AGREEMENTS**

- 51 A legal agreement may be required for the deferral of developer contributions.

### **DIRECTION BY SCOTTISH MINISTERS**

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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**

- 54 The application site is an infill site within the settlement boundary of Balado where the principle of residential development is considered to be acceptable. The scale, design and density of the housing proposed is acceptable and will not have any detrimental impact on the character or appearance of the area, in accordance with local development plan policy. The road layout is acceptable in terms of access and road safety. Suitable foul drainage arrangements and phosphorus mitigation have been agreed with SEPA to the benefit of the Loch Leven Catchment Area and fully detailed surface water drainage arrangements will be secured by condition on any consent. For the reasons outlined above the proposal is recommended for approval.

### **RECOMMENDATION**

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

#### **Conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, 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 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

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

- 3 Roads and associated works shall be constructed in conformity with the Council's specifications and to the satisfaction of the Council as Planning Authority prior to the occupation and use of the approved development.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 4 Prior to the occupation and use of the approved development 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 Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 5 Prior to the occupation or use of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of the A977 road adjacent to the Balado junction. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority. The area on the north side of the A977 shall incorporate a 3 bay enclosed bus shelter to the standard required by the Council.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 6 Prior to commencement of work on site a fully detailed SUD's scheme incorporating best practise shall be submitted for the approval of the Planning Authority.

Reason - In the interests of flood risk and surface water treatment.

- 7 Prior to commencement of work a fully detailed hard and soft landscaping plan including boundary treatment and planting plan shall be submitted for the approval of the Planning Authority.

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

- 8 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

- a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at Beaufield, Middle Balado and Gardener's Cottage, Turfhill has been installed.

- b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed to the reasonable satisfaction of the Planning Authority. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with policies EP7 of the Perth and Kinross Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 9 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with policies EP7 of the Perth and Kinross Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 10 All plant or equipment including any ventilation system shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity.

- 11 Prior to commencement of work the applicant shall provide detailed information to confirm that there will be no odour issues arising from the private waste water treatment plant for the approval of the Planning Authority.

Reason - In the interests of residential amenity.

- 12 A street light system designed to EN 13201 / BS 5489 shall be provided. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution'. Details of the lighting system shall be submitted and agreed with the Council as Planning Authority prior to commencement of work.

Reason - In the interests of residential amenity.

## **B JUSTIFICATION**

The proposal is considered to generally comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

## **C PROCEDURAL NOTES**

1. Prior to issue of consent the applicant shall provide a financial contribution of £30 000 towards affordable housing provision and a financial contribution of £38 370 towards improving educational capacity at Kinross Primary School. Deferral of these payments may be acceptable through the conclusion of a suitable legal agreement with the Council prior to issue of consent.
2. The formal planning consent shall not be issued until such time as the required Developer Contributions have been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.

## **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 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant shall require to apply for a CAR licence(s) from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 for the proposed private waste water treatment plant.

- 7 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.
- 8 The applicant shall contact the Council's Community Waste Adviser to confirm the refuse collection arrangements for the development. Tel 01738 475268.

Background Papers: 16 letters of representation  
Contact Officer: Mark Williamson – Ext 75355  
Date: 1 October 2015

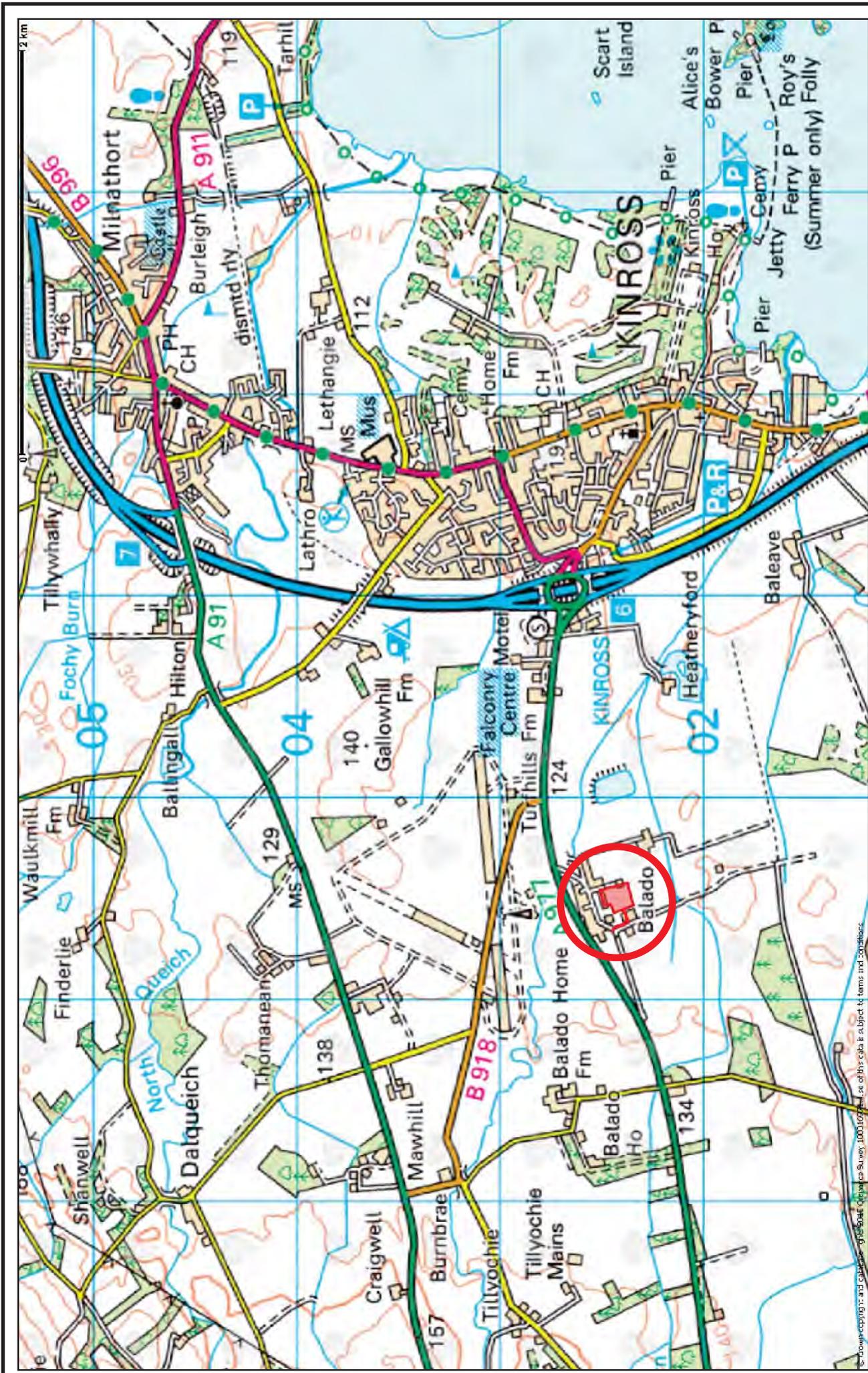
**Nick Brian**  
**Development Quality Manager**

|   |
|---|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|---|

|  |
|--|
| You can also send us a text message on 07824 498145. |
|--|

|  |
|--|
| All Council Services can offer a telephone translation facility. |
|--|





13/01379/FLL

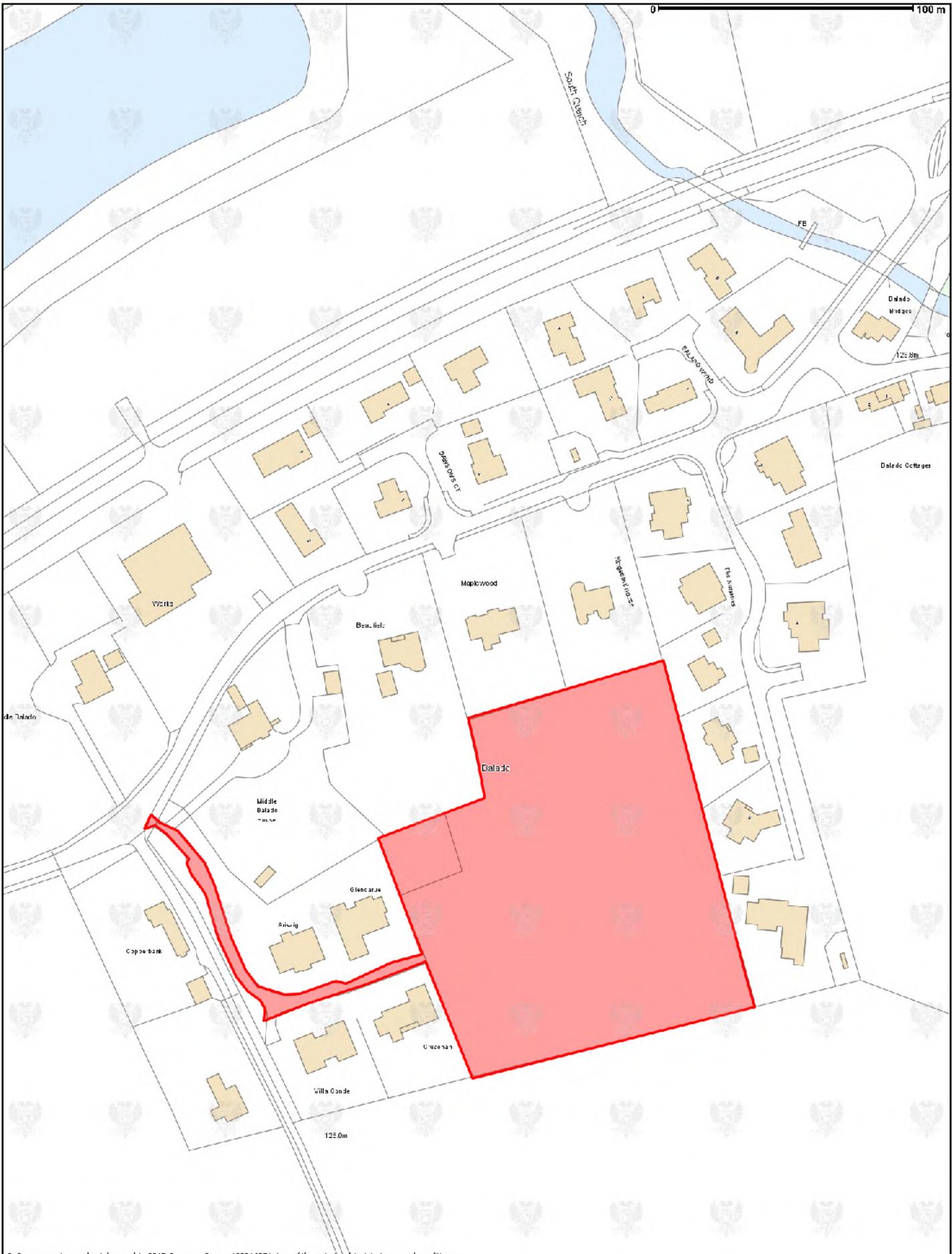
Erection of eight dwellings with associated access road, parking bays, turning areas and drainage arrangements at Middle Balado, Kinross



Scale 1:25000

© Crown copyright and database rights 2015 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.





© Crown copyright and database rights 2015 Ordnance Survey 100016971. Use of this data is subject to terms and conditions

© Crown copyright and database rights 2015 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



**13/01379/FLL**

**Erection of eight dwellings with associated access road, parking bays, turning areas and drainage arrangements at Middle Balado, Kinross**



