

PLANNING AND ACCESS COMMITTEE

MEETING: NPAPC/07/2014

DATE: 27th October 2014

SUPPLEMENTARY REPORT

REPORT No.	NPA/PC/07/2014/03
SUBMITTED BY:	Director of Operations
APPLICATION NUMBER:	2014/0171/DET
APPLICANT:	Dr Colin Mackenzie
LOCATION:	Land Adjacent To Riverview, Main Street, Killin
PROPOSAL:	Amendment to planning permission 2008/0288/DET for erection of dwellinghouse - revised design

NATIONAL PARK WARD:	Ward 2 (northern (central) area)
COMMUNITY COUNCIL AREA:	Killin Community Council
CASE OFFICER:	Name: Catherine Stewart Tel: 01389 727731 E-mail: catherine.stewart@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This report introduces the re-consideration of application 2014/0171/DET which was presented to the previous meeting of the Planning and Access Committee, on the 29th September 2014. The Committee requested a site visit prior to making a determination on the application.
- 1.2 The Planning Officer's assessment of the application remains as presented in the report as previously submitted – and that report is attached, in full, as **Appendix 7**. An update in relation to consultations and additional supporting information received is outlined below.
- 1.3 If Members are minded to approve the application, this would be contrary to the advice of SEPA, a statutory consultee, and would therefore be required to be referred to the Scottish Ministers, to determine whether they wish to 'call in' the application.

2 RECOMMENDATION

That Members:

1. Indicate to the Scottish Government that the Authority is minded to **APPROVE** the proposed development, subject to the imposition of the conditions contained in Appendix 1 of this report.

3 CONSULTATIONS AND REPRESENTATIONS

Representations Received:

- 3.1 The response from Killin Community Council was received after the previous committee meeting. They have no objections to this application.

4 SUMMARY OF SUPPORTING INFORMATION

- 4.1 Following the discussion by Members at the previous planning committee, and in particular questions raised about the height of the proposed building in relation to Killin Main Street, the agent produced a number of drawings showing the outline of the previously approved design and the proposed design. These are included as Appendix 6 to this report.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: Click on view applications, accept the terms and conditions then enter the search criteria as "2014/0171/DET".

List of Appendices:

- Appendix 1** *Conditions and Informatives*
- Appendix 2** *Site location plan*
- Appendix 3** *Photographs of the site*
- Appendix 4** *Photomontages*
- Appendix 5** *Site Plan*
- Appendix 6** *Package of drawings submitted by agent October 2014*
- Appendix 7** *September Committee Report (original report)*

APPENDIX 1: Conditions and Informatives

Conditions:

- 1 **Samples of Materials:** Samples of the following specified external materials to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before such materials are incorporated into the development and only materials of those types and colours shall be used:
 - a) vertical larch cladding
 - b) slate cills
 - c) aluminium box gutter and down pipes
 - d) sedum roof and aluminium edge trim

REASON: For the avoidance of doubt and to achieve an acceptable form of external treatment in the interests of preserving and enhancing the visual amenity of Killin Conservation Area.

- 2 **Stone filled gabion revetment:** A sample gabion basket to be used in the formation of the revetment wall shall be assembled for inspection and approval by the Planning Authority prior to its incorporation into the development. The revetment shall thereafter only be constructed in such a manner as to harmonise with the approved sample gabion basket.

REASON: For the avoidance of doubt and to achieve an acceptable form of external treatment in the interests of preserving and enhancing the visual amenity of Killin Conservation Area.

- 3 **Further Details:** Prior to their installation on site, the following additional details shall be submitted to and approved in writing by the Planning Authority:
 - a) details of the colour of all external windows and doors
 - b) details of the colour of painted wood fascias, gable eaves boards and soffits
 - c) details of the colour and design of the black metal balustrade

REASON: For the avoidance of doubt and to achieve an acceptable form of external treatment in the interests of preserving and enhancing the visual amenity of Killin Conservation Area.

- 4 **External Lighting:** Prior to its installation full details of any external lighting to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, type, angle of direction and wattage [degree of illumination as expressed by E_v and E_h] of each light which shall be so positioned to prevent any glare or light spillage outwith the site boundary.

REASON: In order to minimise the effect of light pollution in the interests of the amenity of the area.

- 5 **Flue:** Notwithstanding the approved plans, the flue hereby permitted shall have a matt and non -reflective exterior finish.

REASON: For the avoidance of doubt and to achieve an acceptable form of external treatment in the interests of preserving and enhancing the visual amenity of Killin Conservation Area.

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- 6 **Restriction on Construction Hours:** No machinery shall be operated, no activity carried out and no deliveries received at or despatched from the site outwith the hours of 8.00am to 6.00pm Monday to Friday, and 9.00am to 1.00pm on Saturdays, nor at any time on Sundays; unless otherwise agreed in writing by the Planning Authority. This limitation does not apply to internal works that are not audible at the boundaries of the site.

REASON: To protect the occupants of nearby housing from excessive noise/disturbance associated with the implementation of this permission.

- 7 **Surface Water Treatment:** No works shall commence on site until details relating to the satisfactory provision of surface water drainage associated with the development are submitted to and approved in writing by the Local Planning Authority, in consultation with the Scottish Environment Protection Agency and Scottish Water. The approved works shall be completed before the house is brought into use.

REASON: To ensure that appropriate surface water drainage arrangements are established in association with the development.

- 8 **Implementation of Landscaping:** Unless otherwise agreed in writing with the Local Planning Authority, all approved landscaping works (see drawing ref 33/009 Rev B dated 9th September 2014, and approved documents ref 33/015 and ref 33/016 dated 5th September 2014) shall be carried out not later than 12 months from the occupation of the building or the substantial completion of the development hereby permitted, whichever is the sooner. Any new trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the scheme of landscaping is implemented in order to ensure the visual amenity of the site and its setting in the Killin Outstanding Conservation Area.

- 9 **Protection of Retained Trees:** All tree works and development on site shall be carried out in accordance with approved plans: 'Site clearance work and tree removal' reference 33/013 REV A and 'Site construction works plan' ref 33/014 Rev A and the working methodology set out in the letter from the agent dated 28th August 2014 – approved document 'Tree Protection Methodology', unless otherwise agree in writing by the Planning Authority.

REASON: To protect and minimise the disturbance to established trees during construction in order to ensure the visual amenity of the site and its setting in the Killin Outstanding Conservation Area.

- 10 **Loss of retained trees: Compensatory tree planting:** Any existing trees which are shown as being retained on drawing ref 33/013 REV A which, within a period of 10 years from the date of consent die or become seriously damaged or diseased, or are felled for any other reason, shall be replaced in the next planting season with a tree, the species of which shall be submitted to and approved in writing by the planning authority.

REASON: In the event that the impact of the development weakens or damages existing trees to be retained on site or any trees subsequently felled (although this in any event requires prior permission of the Planning Authority as they are within the Conservation Area) they should be replaced with adequate compensatory planting in

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order to protect the visual amenity of the site and its setting in the Killin Outstanding Conservation Area.

- 11 **Standing Buildings Survey:** Prior to any development, including demolition, commencing on the application site (as outlined in red on the approved plan), the developer shall secure the implementation of an archaeological standing building survey of the extant industrial archaeological structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The National Park's Archaeological Adviser will set the scope of the archaeological standing building survey. A method statement for the recording survey will be submitted by the applicant, agreed by the National Park Authority's Archaeological Adviser, and approved by the Planning Authority prior to commencement of the survey. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to National Parks Archaeological Adviser in writing not less than 14 days before development commences.

REASON: To ensure that appropriate steps are taken in advance of development to provide a complete record of all the upstanding historic structures located on the site for the benefit of the nation to reflect the first aim of the National Park.

- 12 **Archaeological Watching Brief:** The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance on the site, including any which results from demolition. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the National Park Authority's Archaeological Adviser, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to National Parks Archaeological Adviser Service in writing not less than 14 days before development commences.

REASON: To ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded as necessary for the benefit of the nation to reflect the first aim of the National Park.

- 13 **Otter Protection Plan:** Prior to commencement of development, an otter protection plan shall be submitted to, and approved in writing by, the Planning Authority. The otter protection plan shall be implemented in its entirety to the satisfaction of the Planning Authority.

REASON: To safeguard protected species and nature conservation interests in accordance with adopted local plan Policy ENV4 and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 14 **Watercourse protection:** All development on site shall be carried out in accordance with approved plan: 'Protection Works 1' and the working methodology set out in the email from the agent dated 11th September 2014 – approved document: "Watercourse Protection Methodology", unless otherwise agree in writing by the Planning Authority.

REASON: To ensure that no sediment, building debris or excavated materials enter the lade or the River Dochart as the river forms part of the River Tay Special Area of Conservation, in order to accord with local plan policy ENV1 European Sites (SACs and SPAs).

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- 15 **Compliance with Approved Details:** With respect to any condition that requires the prior written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval, unless amended in writing by the Local Planning Authority, prior to the proposed development being brought into use (unless otherwise specified).

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development prior to the proposal being brought into use.

Title	Reference	Date Received
Specifications Landscaping Works - Seeding Works and Maintenance Operations	33/015	05/09/14
Specifications Landscaping Works - Planting Schedule and Maintenance Operations	33/016	05/09/14
Location Plan		08/07/14
Plan Existing site survey plan	33/002	29/08/14
Site Plan	33/003	29/08/14
Plan Ground floor plan	33/004	29/08/14
Plan Cross sections AA & BB	33/005	01/07/14
Plan Cross sections CC & DD	33/006	01/07/14
Plan SW and SE elevations	33/007	01/07/14
Plan NE and NW elevations	33/008	02/07/14
Plan Landscaping works after construction completed	33/009 REV B	09/09/14
Plan Impact of root protection area analysis	33/012 REV A	09/09/14
Plan Site clearance work and tree removal	33/013 REV A	09/09/14
Plan Site construction works plan	33/014 REV A	09/09/14
Plan Protection Works 1		11/09/14
General Tree Protection Methodology		28/08/14
General Watercourse Protection Methodology		11/09/14

Reason for decision

The proposal complies with local plan policy H1 as the site is located within Killin settlement boundary. The principle of a house on this site has been established through the previous approval.

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The house proposed is of a high quality design and complies with local plan policies D1 and SUSDEV1 and the SPG on Sustainable Design. Although there will be a short term negative impact during construction the proposed compensatory and mitigatory planting, together with the high quality designed house replacing the dilapidated chalet building, will overall enhance the Conservation Area, in accordance with local plan policy ENV20.

There are no concerns about the impact of the development on protected species (policy ENV 4). Impact on the SAC has been adequately covered through proposed mitigation techniques to prevent sediment entering the watercourse, in compliance with ENV 1 European Sites. Archaeology conditions from the previous consent should also be applied in order to comply with policy ENV27 Sites with Unknown Archaeological potential. Flood risk to the proposed development is not significantly different to the approved scheme.

Informatives

1 Notification of Initiation of Development - 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. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

3 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

4 Protected species in vicinity – Otters are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places.
