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Council Building  
2 High Street  
Perth  
PH1 5PH

06/06/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 14 June 2023** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Ian Massie (Convener)  
Councillor Grant Stewart (Vice-Convener)  
Councillor Hugh Anderson  
Councillor Bob Brawn  
Councillor Dave Cuthbert  
Councillor Ken Harvey  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Bailie Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Bailie Mike Williamson



## **Planning and Placemaking Committee**

**Wednesday, 14 June 2023**

### **AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 17 MAY 2023 FOR APPROVAL** **5 - 10**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 23/00224/FLM - SECTION 42 APPLICATION TO VARY CONDITION 12 (NOISE MITIGATION) OF PERMISSION 19/00917/FLM, LAND 30 METRES NORTHWEST OF LATHRO FARM, KINROSS** **11 - 28**  
Report of Handling by Head of Planning and Development (copy herewith 23/183)
- 5(2) LOCAL APPLICATION**
- 5(2)(i) 23/00167/FLL - SITING OF CONTAINER UNIT FOR USE AS HOT FOOD TAKEAWAY AND FORMATION OF DECKING (FOR A TEMPORARY PERIOD), LAND 25 METRES SOUTHWEST OF PUBLIC CONVENIENCE, ATHOLL STREET, DUNKELD** **29 - 46**  
Report of Handling by Head of Planning and Development (copy herewith 23/184)

## **6 PROPOSAL OF APPLICATION NOTICES (PAN)**

- 6(i) 23/00005/PAN - MIXED USE DEVELOPMENT COMPRISING THE ERECTION OF RETAIL UNITS INCLUDING GARDEN CENTRE (CLASS 1A), CAFE/RESTAURANT (CLASS 3) WITH DRIVE THRU, A PETROL FILLING STATION AND FORMATION OF LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS, FORMER BRITISH CAR AUCTIONS, KINROSS, KY13 8EN** **47 - 56**  
Pre-Application Report by Head of Planning and Development (copy herewith 23/185)
- 6(ii) 23/00006/PAN - SITING OF 68 HOLIDAY ACCOMMODATION UNITS AND MANAGER'S ACCOMMODATION UNIT, FORMATION OF VEHICULAR ACCESS, ERECTION OF HUB BUILDING, LANDSCAPING, CAR PARKING AND ASSOCIATED WORKS, LAND 1000 METRES EAST OF MUIRHEAD COTTAGE, AUCHTERARDER** **57 - 66**  
Pre-Application Report by the Head of Planning and Development (copy herewith 23/186)
- 6(iii) 23/00007/PAN - ERECTION OF STAFF SERVICE/WELFARE BUILDING, OFFICE BUILDING, GREENHOUSE, UPGRADE OF PUBLIC ROAD ACCESS AND UPGRADE TO FORESTRY TRACK, PARKING WITH CYCLE STORAGE, INSTALLATION OF BIOMASS PLANT AND ASSOCIATED ANCILLARY BUILDINGS/WORKS, LAND 0.8KM NORTH OF NEWHALL ESTATE, TAYMOUTH CASTLE, KENMORE, ABERFELDY, PH15 2NT** **67 - 78**  
Pre-application report by the Head of Planning and Placemaking (copy herewith 23/187)

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## PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 17 May 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, D Illingworth, I James, I MacPherson (Substituting for B Leishman), C Reid and R Watters.

In Attendance: L MacLean, S Panton, K Smith, K Steven and P Williamson (all Communities); A Brown, C Elliott, J Guild and R Ramsay (all Corporate and Democratic Services).

Apologies: Councillors K Harvey and B Leishman.

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

### 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

### 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 19 April 2023, be approved.

### 4. APPLICATIONS FOR DETERMINATION

#### (1) Local Application

- (i) **23/00103/FLL – Erection of storage and distribution building (Class 6), formation of landscaping, drainage and associated works, land 100 metres north west of Valleyfield Farm, Errol**

#### **Resolved:**

Grant, subject to the following conditions, terms and informatives:

#### **Conditions**

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period. Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland)

Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

3. The premises shall be used solely for the purposes of storage and distribution, as defined as Class 6 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, with no permitted change of use to Class 4 (business/light industry) or any other land use.

Reason – In order to clarify the use of the building and to ensure that a diversification of existing uses is provided.

4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

5. All plant or equipment 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 property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

6. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

7. No storage of material, crates or containers shall take place outside the building and the site shall at all times be maintained in a clean and tidy condition.

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

8. The detailed landscaping and planting scheme (document ref: 06 and 09) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the

satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

9. Prior to the occupation of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed in writing by the Council as Planning Authority. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

10. Within the site boundaries (including the landscaped areas), no land raising shall take place.

Reason – In order to ensure that flood risk is minimised.

11. Prior to the commencement of any works on site, precise details of the proposed surface water drainage scheme shall be submitted for the approval in writing by the Council as Planning Authority, including the timescales for its implementation. These details must include a full drainage impact assessment which takes into account surface water run-off from all surfaces (including paving/road surfaces) and the ground levels associated with the proposal. The proposal shall thereafter be implemented in full within the agreed timescales.

Reason – In order to ensure that surface water arising from the development is adequately dealt with and that any SUDS does not increase flood risk elsewhere.

12. Prior to the building being brought into use, an operational management plan shall be lodged which explicitly controls the storage of flood sensitive material above the 1 in 200yr flood level + 39% + 600mm freeboard shall be submitted to the Council for approval. The approved measures shall be implemented in full to the satisfaction of the Council as Planning and Flooding Authority.

Reason - In order to ensure that in the event of a flood, a pollution incident does not occur.

13. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The approved measures shall

thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason – In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

14. Prior to the commencement of any development on site a revised site plan shall be submitted for the written approval of the Planning Authority which demonstrates the provision of a disabled parking bay and provision of 5 cycle parking bays within the site. The details, as approved in writing shall be implemented as part of the site development and maintained thereafter.

Reason – To ensure provision of disabled parking provision and cycle parking on the site.

#### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

#### **6. PROPOSAL OF APPLICATION NOTICES**

- (i) **23/00001/PAN – Mixed use development comprising of 19 bay golf driving range with café (class 3), retail unit (class 1), formation of parking and associated works, land 240 metres north east of Lethangie Waste Water Treatment Works, Kinross**

Councillor Watters requested due consideration be given to: light pollution on the neighbouring Burleigh Road and Burleigh Steading, as well as the impact this may have on wildlife; access and egress for the site and road safety; interlinking the existing path network to the site to promote visitor attendance through walking; Policy 4: Natural Places of National Planning Framework 4 due to the proximity to Loch Leven; Policy 2: Climate Mitigation and Adaptation of National Planning Framework 4. Councillor Cuthbert agreed with these considerations.



Bailie Williamson requested due consideration be given to rights of access in conjunction with the existing footpaths and suitable safety netting to protect users of same.

The contents of the Head of Planning & Development's Report were noted.

**(ii) 23/00002/PAN – Redevelopment of 18 hole golf course to 9 holes, alterations and extension to clubhouse to form sports community hub building, erection of 200 dwellinghouses, formation of open/amenity space, landscaping, parking, footpaths and associated works at Craigie Hill Golf Club, Cherrybank, Perth**

Bailie Williamson requested due consideration be given to the installation of safety measures given the proximity of the golf course to new housing, as well as the connection of the SUDS to the existing golf course irrigation/drainage system with a view to reducing flood risk.

Bailie McLaren requested due consideration be given to access and egress of the site and flood risks.

Councillor Brawn requested due consideration be given to flooding impact on the wider Cherrybank area.

The contents of the Head of Planning & Development's Report were noted.

**(iii) 23/00003/PAN – Residential development comprising of 5 blocks of affordable flats and associated works at Former Hillside Hospital, Dundee Road, Perth**

Bailie Williamson requested due consideration be given to consultation with Network Rail given the proximity to the railway line.

Bailie McLaren requested due consideration be given to provision of adequate bin storage for all properties.

The contents of the Head of Planning & Development's Report were noted.

**(iv) 23/00004/PAN - Erection of 50 dwellinghouses, formation of SUDS, landscaping, footpaths and associated works (allocated site H24) on land 150 metres south west of Moncur Farm, Moncur Road, Inchture**

Bailie Williamson requested due consideration be given to capacity of medical provision in the area.

Councillor Watters requested due consideration be given to mitigation of road noise given the close proximity to the A90.

Councillor James requested due consideration be given to the proximity of the primary school and noise/privacy mitigations as appropriate.

The contents of the Head of Planning & Development's Report were noted.

DRAFT

Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Report of Handling by Head of Planning & Development  
 (Report No. 23/183)

**PROPOSAL:** Section 42 application to vary condition 12 (noise mitigation) of permission 19/00917/FLM

**LOCATION:** Land 300 metres northwest of Lathro Farm, Kinross

Ref. No: [23/00224/FLM](#)

Ward No: P8 – Kinross-shire

### Summary

This report recommends approval of the application as the proposed amendment to condition 12 of 19/00917/FLM, and development which would result, is considered to comply with the relevant provisions of the Development Plan. Furthermore, there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application relates to a 33 hectare site, known as Lathro Farm, which sits between Kinross to the south and Milnathort to the north. It has been designated for residential purposes for some time, initially via the Local Development Plan 2014 (LDP1). The parent planning permission (Planning ref: 19/00917/FLM) to which this application relates was granted on 22 January 2021 and allows for the erection of 169 dwellinghouses, formation of open space, landscaping and associated infrastructure as Phase 2 of a wider development.
2. The purpose of this Section 42 (S42) application seeks a revision to the requirement of Condition 12, which relate to noise mitigation measures. Condition 12 is currently worded as follows:  
  
*“Trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight of the M90 trunk road and South Street, Milnathort; providing an acoustic attenuation of up to 42dBdN, e,w +Ctr as recommended in Section 9.5 ‘Lathro Farm, Kinross Noise and Vibration Impact Assessment’ document number 9. (Reason: in the interests of public health and to prevent adverse noise pollution.)”*
3. Following a recent assessment of the acoustic profile of the site, this proposal seeks to amend the terms of Condition 12 to reflect the findings and recommendations of the supporting Residential Noise Mitigation Scheme (dated 12 August 2022), to allow a revised range of glazing solutions to control noise

impact into the approved houses. The applicant suggests the following reworded condition:

*“The approved dwellings will be completed in strict accordance with the acoustic findings and recommendations of Residential Noise Mitigation Scheme (dated 12 August 2022) unless otherwise agreed by the planning authority. For the avoidance of doubt, all acoustic mitigation measures outlined within the scheme will be installed fully for each applicable individual residential unit within the development prior to the occupation of each unit.”*

### **Pre-Application Consultation**

4. Pre-Application Consultation (PAC) was undertaken in the submission of planning application 19/00917/FLM, with no procedural requirement for further PAC-in relation to this S42 application.

### **Development Plan**

5. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2). The National Planning Framework 4 (NPF4) was adopted on 13 February 2023 and has an Increased status over previous NPFs, being part of the statutory development plan.
6. The National Planning Framework 4 (NPF4) is the Scottish Government’s long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people’s lives by making sustainable, liveable and productive spaces.
7. The Council’s assessment of this application has considered the following policies of NPF4:
  - Policy 1: Tackling the Climate and Nature Crises.
  - Policy 14: Design, Quality and Place.
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes.
8. The Council’s assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document

### **Planning Advice Notes**

9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 56: Planning and Noise.

## Perth and Kinross Local Development Plan 2

10. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.*” It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The relevant LDP2 policies are:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 1C: Placemaking
  - Policy 2: Design Statements
  - Policy 56: Noise Pollution

## Site History

11. [14/00493/SCRN](#) On 7 April 2014, a Screening Opinion was submitted for a proposed residential development. Opinion issued 7th April 2014.
12. [14/00004/PAN](#) On 16 May 2014, a Proposal of Application Notice was submitted for a residential development with associated open space, landscaping and infrastructure.
13. [14/01345/SCOP](#) On 8 September 2014, a Scoping Opinion was submitted for a residential development with associated access and landscaping.
14. [15/01512/FLM](#) Full planning permission (major) was approved on 31 March 2017 for the erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works.
15. [17/00759/FLL](#) An application for full planning permission was withdrawn on 5 October 2017 for the erection of 13no. dwellinghouses and associated works.
16. [17/00760/FLL](#) Full planning permission was approved on 28 May 2018 for the erection of 47no. dwellinghouses and associated works.
17. [17/00886/FLM](#) Full planning permission (major) was approved on 20 September 2017 under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land and to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM to reflect change in implementation timescale.
18. [17/00893/FLL](#) Full planning permission was approved on 20 September 2017 for the erection of 6no. dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect).

19. [17/01721/FLL](#) Full planning permission was approved on 28 May 2018 for the erection of 12no. dwellinghouses and associated works.
20. [17/01796/ADV](#) Advertisement consent was approved on 7 December 2017 for the display of a sign (in retrospect).
21. [17/02273/ADV](#) Advertisement consent was approved on 14 February 2018 for the display of a sign.
22. [18/01117/FLL](#) Full planning permission was approved on 17 April 2019 for the erection of 47no. dwellinghouses and associated works (change of house type to include sunrooms for plots 515-518, 522-527, 531-536, 540-546, 550-553 and 557-559).
23. [18/01118/FLL](#) Full planning permission was approved on 17 April 2019 for the erection of 12no. dwellinghouses and associated works (change of house type to include sunrooms for plots 509-512 and 700-707).
24. [18/00013/PAN](#) On 27 November 2018 a Proposal of Application Notice was submitted for a residential development.
25. [19/00917/FLM](#) Full planning permission (major) was approved on 25 January 2021 for the erection of 169 dwellinghouses, formation of open space, landscaping and associated infrastructure (Phase 2).
26. [21/00746/FLM](#) Full planning permission (major) was approved on 22 October 2021 for a S42 application to modify condition 7 (open space and parkland) of permission 17/00886/FLM.
27. [22/00623/FLL](#) Full planning permission was approved on 31 March 2023 for the erection of 16 dwellinghouses (revised design and change of house type).

## **CONSULTATIONS**

28. As part of the planning application process the following bodies were consulted:

### **Internal**

### **Environmental Health (Noise Odour)**

29. No objection, subject to a revised condition regarding noise:

*“Trickle ventilators shall be installed with passive extract ventilation systems inline with the recommendation within the approved ‘Residential Noise Mitigation Scheme’ report N79153-1r2 dated 19 August 2022. Figure 3 and 4 proposed glazing and sound insulation performance and ventilation strategy for Ground and 1<sup>st</sup> floors plans.”*

## Representations

30. Two representations were received. The main issues raised are:
- Lack of notification on previous applications associated to the overall development;
  - Noise from construction activities affecting existing properties;
  - Loss of open space associated to the inability to access a park; and
  - Contrary to LDP policy 36B (New Waste Management Infrastructure) part (k) and policy 56 (Noise Pollution).

These issues are addressed in the appraisal section of the report.

## ADDITIONAL STATEMENTS

31.

Screening Opinion	No further EIA required
Environmental Impact Assessment (EIA): Environmental Report	An EIA covers the wider development and no further assessment is required.
Appropriate Assessment under Habitats Regulations	Not required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Not Required

## APPRAISAL

32. 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance, and the updated information on noise.

## Principle

33. The principle of the overall development approved by the parent application has been previously established, ultimately through the approval of the extant planning permission (19/00917/FLM). That planning permission being a significant material consideration and therefore well-established and not required to be reviewed through this S42 application. In this instance, works are underway

via the 2021 parent permission, therefore, planning permission is partially implemented.

34. In a wider context it is noted that since the original planning permission decision, There has been a change to the Development Plan, through firstly TAYplan 2016, LDP2 In 2019 and most recently NPF4 in February 2023. The changes within the Development Plan do not significantly change the way in which the overall development should be considered.
35. The technical amendment of Condition 12, to allow for the recent Residential Noise Mitigation Scheme to be implemented, is not in itself considered contrary to the general terms of the Development Plan. Nevertheless, consideration must be given to the specific characteristics of the amendments and representation points raised, including:  
The design and layout, landscape and visual impact, residential amenity set within the context of the application site and whether any adverse impacts are identified.

### **Noise and Residential Amenity**

36. The proposed modification to Condition 12 is designed to appropriately protect the long-term residential amenity, in terms of noise impact from road traffic on the M90 and South Street, of the development currently approved by 19/00917/FLM. In terms of residential amenity, and with consideration of the approved residential layouts, the proposals are considered to address the relevant policies of LDP2. In this instance, and in terms of noise and residential amenity, the most relevant part of LDP 2 is Policy 56: Noise Pollution.
37. An objection has been submitted that the proposed revision of Condition 12 is contrary to LDP2 Policies 36B (New Waste Management Infrastructure) part (k) and policy 56 (Noise Pollution). However, in this instance, Policy 36B (New Waste Management) is not a relevant consideration in the assessment of this application, as it relates only to new waste management facilities and not residential developments. In terms of Policy 56: Noise Pollution, it is stated that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation. In this case the condition seeks to protect future residents from noise associated to traffic using the M90 and South Street. Furthermore, the Council may use conditions attached to the granting of planning consent, or if necessary, planning agreements, in order to control noise levels. In this instance, it is proposed to revise the wording of Condition 12 to reflect the proposed noise mitigation measures set out in the Residential Noise Mitigation Scheme. This being the case, this application is considered to be in accordance with LDP2 Policy 56: Noise Pollution, given those recommendations would adequately protect the amenity of future residents from noise impact associated to traffic using the aforementioned roads.



38. One of the public comments has raised the issue of noise from construction works affecting existing properties on site. However, this does not have any bearing on the assessment of this Section 42 application. A further public comment relates to lack of green space and inability to access a local park. However, again, this issue is not relevant in the assessment of this application, as it is not proposed to alter arrangements associated to green space or the local park, and no significant, alternative construction is being proposed. Rather, it is proposed to alter the mitigation measures in terms of noise to include a range of glazing solutions to protect residential amenity, as set out in the supporting Residential Noise Mitigation Scheme. Perth and Kinross Council's Environmental Health team have been consulted and accept that the measures identified are appropriate.

### **Developer Contributions**

39. The amendment of the condition does not change the level or nature of developer contributions set out in the S75 and that agreement accounts for future planning applications including any Section 42 application. On this basis, it does not require to be updated.

### **DIRECTION BY SCOTTISH MINISTERS**

40. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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.

### **OTHER MATTERS**

41. As part of this application, it is appropriate to consider and review other material considerations and associated conditions in the extant planning permission (19/00917/FLM). There were 17 planning conditions, and it is good practice, where seeking to approve a S42 application, to review and update conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered to, should remain. The original suite of conditions has therefore been reviewed and updated reflective of the ongoing nature of the development. The updated condition 12, now condition 13, re-presented in the recommendation section below. As a result of a background and ambient noise survey, which was conducted at six locations on site, mitigation measures have been put in place to ensure that internal ambient noise levels within the proposed properties, are achieved in line with British Standard 8233:2014 criteria. The new mitigation measures that form part of the wording of the new condition are as recommended in the "Residential Noise Mitigation Scheme Report."

42. As a result of this, it is proposed to apply the revised Condition 13:

*“Trickle ventilators shall be installed with passive extract ventilation systems in line with the recommendation within the approved 'Residential Noise Mitigation Scheme' report N79153-1r2 dated 19 August 2022, Figure 3 and 4 proposed glazing and sound insulation performance and ventilation strategy for Ground and 1st floors plans.*

*Reason: in the interests of public health and to prevent adverse noise pollution.”*

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

43. To conclude, the application must be determined in accordance with the development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 policies: 1. Tackling the Climate and Nature Crises, 14. Design, Quality and Place, 15. Local Living and 20 Minute Neighbourhoods and 16. Quality Homes. In this instance, the relevant policies of the adopted Local Development Plan 2 (2019) are 1A. Placemaking, 1B. Placemaking, 1C. Placemaking, 2. Design Statements and 56. Noise Pollution. Account has been taken account of other relevant material considerations and none has been found that would justify overriding the Development Plan.
44. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application.**

### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

3. The development shall be completed in accordance with the delivery plan confirming the phased delivery of the site and construction works, submitted 23/04/21. Drawing No. 19/00917/133.

Reason: In order to ensure the implementation and completion of the development components of the proposal coincide with key infrastructure delivery requirements.

4. The development shall be completed in accordance with the updated Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.

Reason: In the interest of protecting environmental quality and of biodiversity.

5. The development shall be completed in accordance with the Construction Traffic Management Scheme as included in the Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow throughout the construction period.

6. The development shall be finished in accordance with the Invasive Species Management Plan and Biodiversity Action Plan, submitted 23/04/21. Drawing No's - 19/00917/136 and 19/00917/137.

Reason: In the interests of protecting environmental quality and promoting biodiversity

7. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the planning authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981)

8. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the planning authority. The details of the protective fencing and its location shall be as set out and agreed in the Construction Environmental Management Plan (CEMP) subject of Condition 3 of this planning permission. No materials, supplies, plant, machinery, soil heaps,

changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area

9. The detailed landscaping and planting scheme (plans 19/00917/74) which is hereby approved shall be implemented concurrently with development and be completed within the first available planting season (October to March) after the completion of the development. The approved scheme shall thereafter be maintained, with any planting failing to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

10. The development shall be completed in accordance with the finished detail of the required Sustainable Urban Drainage (SuDS) pond, submitted 23/04/21. Drawing No. 19/00917/136.

Reason: In the interests of visual amenity, enhancing biodiversity opportunities and in pursuance of satisfying placemaking policy criteria of the LDP

11. The development shall be completed in accordance with the finished design details of the proposed children's play area. Submitted 23/04/21. Drawing No. 19/00917/135

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

12. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality during the construction period.

13. Trickle ventilators shall be installed with passive extract ventilation systems in line with the recommendation within the approved 'Residential Noise Mitigation Scheme' report N79153-1r2 dated 19 August 2022, Figure 3 and 4 proposed glazing and sound insulation performance and ventilation strategy for Ground and 1st floors plans.

Reason: In the interests of public health and to prevent adverse noise pollution.

14. Within 2 months of the date of this planning permission, detailed designs and specification of the following road infrastructure improvements shall be submitted to and approved in writing by the planning authority:
- a) hard standing areas to facilitate bus stops on the North and South sides of Gallowhill Road in the vicinity of the development's new access; and
  - b) delivery of bus shelters on both sides of the A922, in the vicinity of the development access (near Lathro Cottage).

Thereafter, the approved details for both schemes shall be completed by or on behalf of the developer and made available for use to the satisfaction of the planning authority, within 4 months of the date of this planning permission.

Reason: In the interests of pedestrian and traffic safety; ensuring provision and encouraging use of suitable public transport measures.

15. The development shall be completed in accordance with the Travel Plan, aimed to encourage more sustainable means of travel, submitted 23/04/21. Drawing No. 19/00917/141.

Reason: In the interests of road safety; to seek sustainable means of travel to and from the site.

16. Within 4 months of the date of this planning permission, the vehicular access at Gallowhill Road shall be formed in accordance with Perth & Kinross Council's Road Development Guide, Type C Figure 5.7 access detail, of Type B Road construction detail, delivered and opened at a time as agreed in association with satisfying the delivery plan required by condition 3.

Reason: In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

17. Within 2 months of the date of this planning permission, a scheme for the introduction of traffic signal control at the junction of The Muirs and C495 and associated road infrastructure works shall be submitted to and approved by the planning authority in writing. Thereafter the approved scheme shall be implemented by or on behalf of the developer prior to the occupation of the ninety seventh dwellinghouse on the development hereby approved, to the satisfaction of the planning authority.

Reason: In the interests of road safety.

18. Within 2 months of the date of this planning permission, a scheme for the extension of the existing 30 mph traffic regulation order beyond the proposed new development access junction on Gallowhill road and associated road infrastructure works shall be submitted to and approved by the planning authority in writing. Thereafter the approved scheme shall be implemented at a time as

agreed in association with satisfying the delivery plan required by Condition 3, to the satisfaction of the planning authority.

Reason: In the interests of road safety.

19. The development shall be finished in accordance with the design details of the mini glass recycling point. Submitted 23/04/21. Drawing No. 19/00917/135.

Reason: in the interests of sustainability, seeking to reduce carbon footprint and encourage household recycling

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.

4. There is a continued requirement for a Section 75 legal obligation covering the wider site, which includes Open Space provision and maintenance. A copy is available to view on the Council's Public Access portal.

Background Papers: Three letters of representation  
Date: 2 June 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

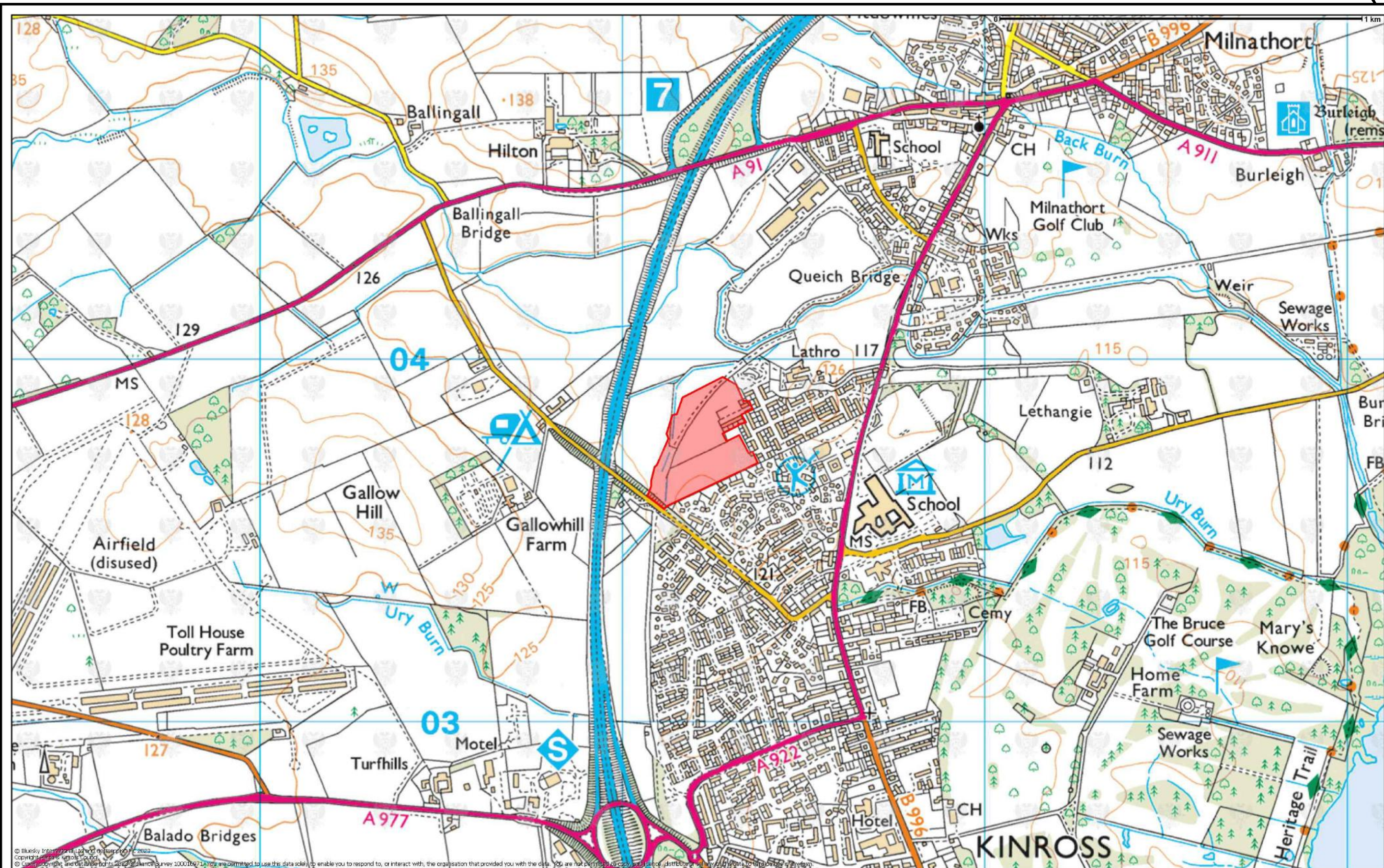
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**Planning and Placemaking  
Committee - 14 June 2023**

**Scale 1:10000**



**23/00224/FLM**

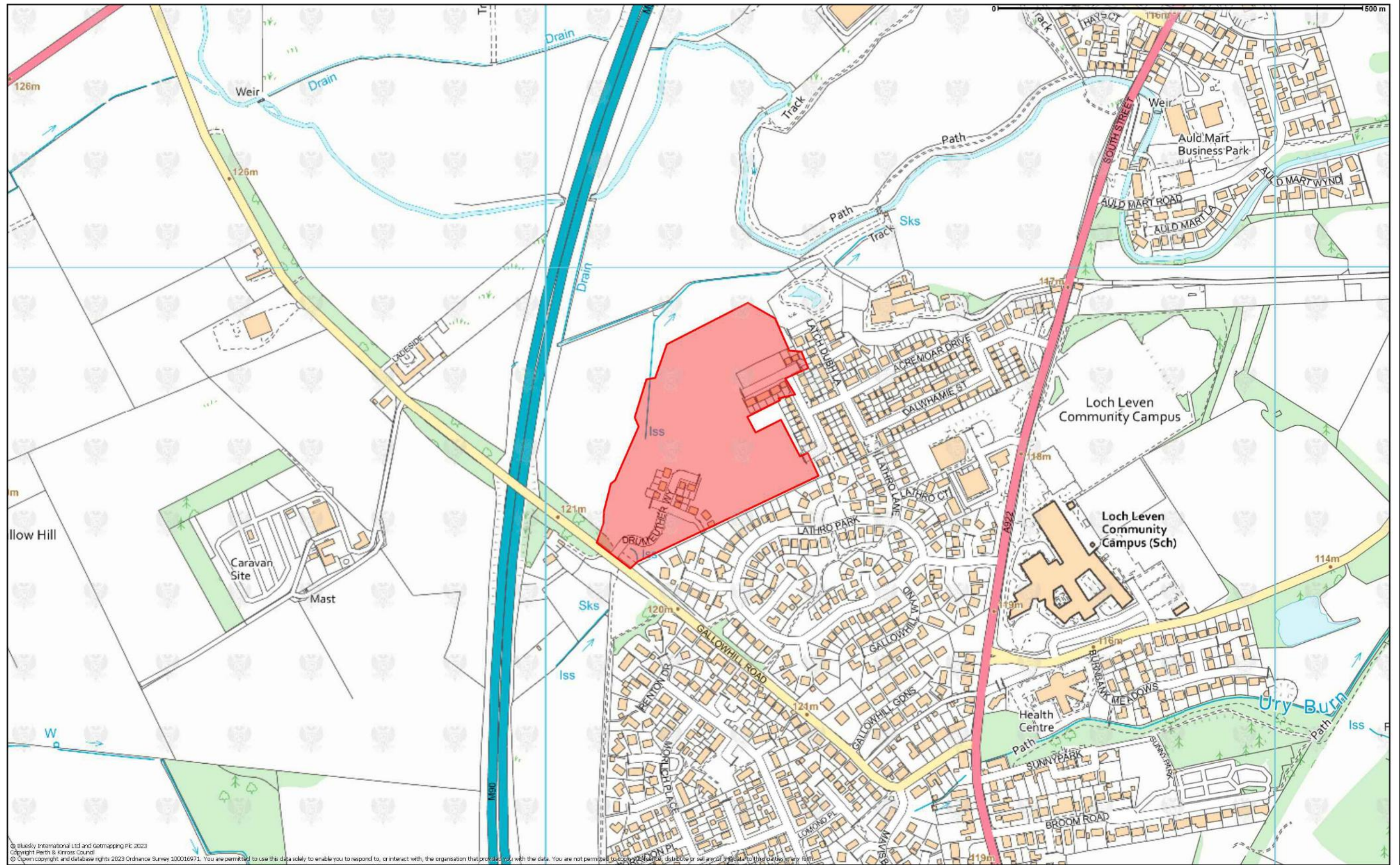
**Section 42 application to vary condition 12 (noise mitigation) of permission 19/00917/FLM at Land 300 Metres North West Of Lathro Farm Kinross**







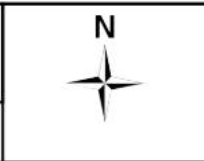




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Planning and Placemaking Committee - 14 June 2023

Scale 1:5000



23/00224/FLM

Section 42 application to vary condition 12 (noise mitigation) of permission 19/00917/FLM at Land 300 Metres North West Of Lathro Farm Kinross







Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Report of Handling by Head of Planning & Development  
 (Report No. 23/184)

<b>PROPOSAL:</b>	Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period)
<b>LOCATION:</b>	Land 25 metres south-west of public convenience, Atholl Street, Dunkeld, PH8 0AX

Ref. No: [23/00167/FLL](#)  
 Ward No: P5 – Strathtay

### Summary

This report recommends a temporary and conditional approval of a detailed planning application for the siting of a container for hot food takeaway on a site adjacent to the Atholl Street car park in Dunkeld, as the development is considered to comply with the relevant provisions of the of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

1. This planning application seeks a temporary approval for the siting of a container on a site adjacent to the Atholl Street carpark in Dunkeld, and the use of a small area for outside seating, which comprises two wooden picnic tables. The location is within an existing opening in woodland, and no trees are proposed for removal. The container will be used for serving hot food and drinks and will have ancillary water containers and waste recycling provision. Access would principally be via foot, although public car parking would be available immediately to the east within the public car park.
2. The container is modest, measuring only 2.5m x 3.1m (7.75m<sup>2</sup>) in footprint, with a height of approx. 2.5m. A simple awning is proposed on the front elevation, above a window, and a single door to one side. The external walls will be painted 'forest green'. An area of decking area will be positioned below the principal container and the associated ancillary containers/bins with a small overhang. The outside seating area will not be subject to any decking, with the table's placed straight onto the existing ground. The applicant had initially proposed to provide decking over the entire area of outside seating, however after discussion with the

Council, this element has been removed, and the amended position has been reflected in amended plans.

3. The container to be used is currently sited and operating at Dunkeld Station (planning Ref: 22/00401/FLL and it is proposed to relocate the business to this new location due to the uncertainty related to the A9(T) dualling project. The site is located within the Conservation Area of Dunkeld, as well as being within the boundary of both the Historic Garden and Designed Landscape (HGDL) associated with Dunkeld House and the historic Battlefield associated with the battle of Dunkeld. To the south east of the site, is the boundary of a Scheduled Monument (Dunkeld Cathedral).

### **PRE-APPLICATION CONSULTATION**

4. The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

### **DEVELOPMENT PLAN**

5. The Development Plan for the area comprises National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

#### **National Planning Framework 4**

6. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
7. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 7 – Historic assets and places
  - Policy 26 – Business and Industry
  - Policy 30 – Tourism

#### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

9. The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

10. The site is located within the settlement of Dunkeld within the LDP, and within the town's conservation area, where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 26: Scheduled Monuments
- Policy 28: Conservation Areas
- Policy 29: Historic Gardens and Designed Landscapes
- Policy 30: Battlefields
- Policy 55: Artificial Light
- Policy 56: Noise Pollution
- Policy 57: Air Quality

### **Statutory Supplementary Planning Guidance**

11. The following statutory SPGs are applicable,

- Developer Contributions & Affordable Housing (adopted in 2020)
- Placemaking (adopted in 2020)

### **OTHER PKC POLICIES**

#### **Non-Statutory Guidance**

12. There is no specific non-statutory guidance which is relevant to this proposal.

### **NATIONAL PLANNING GUIDANCE**

13. The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

14. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements

## **National Roads Development Guide 2014**

15. This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

### **SITE HISTORY**

16. None relevant to this proposal.

### **CONSULTATIONS**

17. As part of the planning application process the following bodies were consulted:

#### **External**

18. **Scottish Water** – No objection to the proposal.
19. **Historic Environment Scotland** – Consulted in relation to the Battle of Dunkeld Battlefield, and the HGDL and have opted not to make any specific comment.

#### **Internal**

20. **Structures and Flooding-** No objection in terms of flooding or drainage matters.
21. **Environmental Health-** No objection in terms of noise, external lighting and odours, subject to conditions.

### **REPRESENTATIONS**

22. 25 letters of representations were received. 18 of these offered support and 7 objected. The main issues raised within objections are,
  - Conflict with the Development Plan
  - Impact on Visual Amenity
  - Impact on Conservation Area / Historic Environment
  - Lack of Parking Provision
  - Over provision of food and drink options locally
  - Impact on red squirrels / ecology
  - Noise
  - Public health issues due to onsite storage of food waste
  - Erosion of Open Space
  - Impact on residential amenity
23. These issues are addressed in the Appraisal section of the report.



24. In terms of the letters of support, these focus on the economic benefits the proposal would bring, the suitable location and the need and demand for such a facility.
25. In addition to the public letters of representation, a representation from the local Community Council was received, which was stated as being neutral, but wished to raise some points of concern. The principal issues raised by the Community Council relate to parking issues, visual impact, impact on the historic sensitivities and impact on residential amenity.

## **ADDITIONAL STATEMENTS**

26

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

27. 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 Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019, and statutory supplementary planning guidance.
28. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves compliance with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

## **Policy**

29. In terms of relevant land use policies, there are a number of policies which are applicable across the Development Plan. Within the LDP2, the site is located within the settlement boundary of Dunkeld, but outwith the designated town

centre. The site is not specifically identified for any specific use, nor has it been identified as an area of open space.

30. To this end, Policy 17 (residential areas) is applicable and this looks to ensure that all new developments (within settlements) are compatible with the existing uses (including residential), and states that in general terms encouragement will be given to proposals which fall onto one or more listed categories. One of those categories (d) offers specific encouragement to developments which promote tourism and business.
31. LDP2 Policies: 55 (Artificial Light), 56 (Noise) and 57 (Air Quality) all emphasise the requirements of Policy 17, insofar as protecting existing residential amenity from various sources of nuisance.
32. In addition, LDP2 Policy 1 (Placemaking) seeks to ensure that all proposals do not have an adverse impact whilst Policies 26A (Scheduled Archaeology), 28A (Conservation Areas), 29 (Historic Gardens and Designed Landscapes) and 30 (Battlefields) all look to protect our various cultural and built heritage assets from inappropriate new developments.
33. In terms of NPF4, Policy 7 (Historic Assets and Places) looks to protect our historic assets, Policy 26 (Business and Industry) supports new business in suitable locations and Policy 30 (Tourism) encourages tourism growth.
34. In terms of relevant statutory supplementary planning guidance, the Placemaking Guide 2020 offers guidance on expected design standards for all new developments.

### **Land Use Acceptability**

35. The site is located within the settlement boundary of Dunkeld, where new development is generally encouraged providing it does not impact adversely on residential amenity, and other existing environment sensitivities – which for this site, includes historic and cultural assets. In addition, both the LDP2 and the NPF4 are supportive of the creation and expansion of businesses – but only in locations which are suitable, and do not cause unacceptable environmental harm.
36. Accordingly, there is an acceptance of the principle of the proposed land use however its acceptability is ultimately a question of whether or not the details of the proposal at this location are appropriate or not. The various issues are broken down and considered below.

## **Visual Amenity, Design and Layout**

37. The principal visual impacts are intrinsically linked to the sensitivity of the site in terms of its cultural and built heritage designations. This aside, all other design and layout matters are considered acceptable subject to some additional controls via conditions.

## **Cultural/Built Heritage Considerations**

### Conservation Area

38. The site is within the Conservation Area (CA) of Dunkeld, as such new proposals therein must either preserve or improve the character and appearance of the CA. In this regard the location for the container is within an established woodland setting and it would not be overly prominent. No trees are to be removed, and the 'tucked away' positioning within a woodland setting is indicated to have been a key consideration by the applicant. The nature of containers can often mean that they are visually obtrusive in the wrong location and with inappropriate external finishes. In this case, the combination of the woodland setting, not being in a prominent location and a recessive external colouring is considered to result in a neutral impact on the character and appearance of the Conservation Area, as opposed to being negative or adverse. It should also be noted that the container as proposed, was considered appropriate next to the 'A' listed Dunkeld Station.
39. Conditions are recommended to ensure that the external appearance is maintained, and that the permission is only for a temporary period of 5 years. In the event that use ceases, the container and all other development will be required to be removed. Such limitations being standard practice for temporary structures and buildings (such as containers) to retain longer term control. Conditions 1 (time) and 8 (finishes) relate to this.

### Scheduled Monument

40. The boundary of the Scheduled Monument associated with Dunkeld Cathedral stretches into to a field close to the southwest. This historic asset is not physically affected by the proposal, nor is its setting. The wider historic setting of the Cathedral (as an 'A' listed Building) is also not affected by this proposal by virtue of the small scale and contained setting of the proposal.

### Battlefield

41. The boundary of the battlefield site associated with the Battle of Dunkeld incorporates the application site, as well as the majority of Dunkeld on the north side of Dunkeld Bridge. In light of the temporary nature of the proposal, and the lack of any invasive works to the ground and relative visual containment within the treed area, the proposal raises no issues in terms of the battlefield assets.

### Historic Garden and Designed Landscape (HGDL)

42. The site is just within the eastern edge of the HGDL that is associated with Dunkeld House. The combination of the location, temporary nature and scale of the proposal means again that there will be negligible impact on the integrity of the HGDL.
43. In all, the proposal therefore raises no issues with the relevant cultural and built heritage policies of the LDP2 or the NPF4.

### **Residential Amenity**

44. The location of the proposal is such, that it would not directly impact on any existing residential amenity in terms of overlooking or loss of privacy. The closest residential properties are approximately 50m eastwards from the site and are located across the public carpark. In terms of noise and odours arising from cooking, these can be controlled via standard conditions to ensure operation in line with acceptable recognised standards. Conditions 4 (noise), 5 (ventilation) and 6 (lighting) are recommended. The applicant has provided no details concerning the proposed opening times and / or deliveries to the site. In order to have some control over the operating times, it is therefore recommended that a generic operation plan is submitted to the Council for further approval, which will include more specific details of the opening times and that of deliveries and will allow for a review of the operations in the event of a justified complaints. Condition 12 relates to this. Environmental Health have been consulted and have no objections, subject to the aforementioned conditions.

### **Roads and Access**

45. The proposal raises no concerns in terms of parking or access provision.
46. Users of the facility will either walk to the facility or use existing parking provision nearby, such as the adjacent public car park. That car park at an access point to the core path. Whilst it is noted that concerns have been raised regarding existing parking issues in the area, the site is centrally located within Dunkeld and close to the core path network. It is also unlikely that this facility would independently generate a significant additional level of visitors to the area, and therefore in isolation it is not considered a proposal which would unacceptably affect the parking provision of the existing car park. It is more likely that users of the public car park would be coming to the town for other reasons i.e. visiting the Cathedral, and then may 'opt' to use the facility proposed. In addition, high levels of car parking provision can discourage use of more sustainable modes of transport, such as walking, cycling and public transport (bus and train) - all assisting in reducing congestion and greenhouse gas emissions, as well as encouraging exercise.

## **Drainage and Flooding**

47. The proposal raises no issues in terms of drainage or flooding matters. The area covered by the decking for the container and other elements is small. Surface water will essentially therefore drain to the surrounding ground, which will act as a natural soakaway. Engineered SUDS is not considered appropriate and standard rainwater goods to direct the water to the ground is considered acceptable.

## **Waste Collection**

48. Collection of commercial waste and recycling will take place at the edge of the public car park, and Condition 9 relates to this. Food waste will be stored onsite in a sealed container and be subject to regular commercial servicing and controls through Environmental Health legislation. Condition 10 also emphasises the requirement to comply with recognised standards.

## **Trees and Biodiversity**

49. The proposal is located within a woodland clearing and it is likely that there will be some degree of root spread over the area where the container and associated storage items will be located. However, in the absence of any invasive activities into the soil, the impact would likely be low and be limited to minor pressure on roots and more management on discharge of rainwater – via downpipes, rather than direct to open ground.
50. Bearing in mind the scale of the container and the lack of foundations, appropriate mitigation measures to address impact on trees and drainage are deliverable and will be secured via conditions before the siting of the container takes place. Condition 3 relates to this. It is also noted that the applicant does not propose any underground services to the site, which will again reduce the potential for root damage. The initially proposed decking area over the outside seating area has been removed to reduce the potential impact on tree roots.
51. A condition which requires tree protection during the delivery of the container is also recommended (Condition 8).
52. In terms of impact on ecology, it is noted that red squirrels have been raised within some of the letters of representation. Whilst the presence of the container may have an impact on some wildlife, the lack of any tree works and the small nature of the development would not result in a significant impact on ecology. It would be the case that via the core path, there is unrestricted human activity already. Controls over noise and odours for the interest of residential amenity would also help to mitigate any adverse, and significant biodiversity impacts.

### **Public Access**

53. To the south of the site, there is an existing Core Path route (DUNK/25) which runs from the car park towards the Cathedral. The proposal will not obstruct or affect this route in any way, and its closeness to the route would be advantageous to the business. A standard condition in relation to no obstructions either during siting or upon operation is nevertheless attached for completeness. Condition 11 relates to this.

### **Open Space**

54. Within the letters of representation, it has been suggested that the site is part of an area identified as open space within the LDP2, and which are protected under the terms of Policy 14A of the LDP2.
55. This site is not identified within the LDP2 as area of existing open space or public park which has value to community for either recreational or amenity purposes.

### **Existing over-provision of food/drink outlets**

56. Within some of the letters of representations, concerns have been raised that the Dunkeld area is already over provided for in terms of food and drink outlets. There is no specific policy in relation to this within the Development Plan, and it is not normal for planning to become involved in safeguard personal interests – with the exception of the larger retail proposals which have the potential to have a significant negative impact on a whole local community. The scale of what is proposed here is not likely to impact on the whole community and will ultimately provide for a degree of choice which judging by the level of representations offering support – would be welcomed by a proportion of the local community.

### **Developer Contributions**

57. The proposal does not require any developer contributions.

### **Economic Impact**

58. The proposal could have a positive impact on the local economy, albeit perhaps a localised one.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

59. The planning application has been varied by the omission of the decking area over the outside seating area.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

60. None required.

## **DIRECTION BY SCOTTISH MINISTERS**

61. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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**

62. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory supplementary planning guidance.
63. Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
64. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application, subject to the following conditions.**

1. Planning permission is hereby granted for a temporary period until 30 June 2026. Prior to this date, all development shall be removed from the site, and the use shall cease. If the use of the site ceases prior to this date for a continuous period of 6 months, then all development shall be removed from site within a period of 2 months from the date of a formal notification by the Council as Planning Authority.

Reason: This is a temporary planning permission.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

3. Prior to the commencement of the development hereby approved, precise details of the proposed base of the container and other ancillary storage containers shall

be submitted to and agreed in writing by the Council as Planning Authority. The details must ensure that a) pressure on the roots is not excessive and b) suitable drainage to the ground beneath can take place. The agreed details shall thereafter be implemented in full.

Reason: In order to safeguard surrounding trees.

4. All plant or equipment 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 property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to protect existing residential amenity.

5. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained as per the manufactures specifications.

Reason: In order to protect existing residential amenity.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In order to protect existing residential amenity.

7. The container shall be finished in the agreed colour on all four sides, and the external finish thereafter maintained yearly.

Reason: In order to protect the visual amenity of the area.

8. Prior to the delivery of the container, all trees on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of installation phase.

Reason: In order to protect existing trees from unnecessary damage during the delivery of the container.



9. Prior to the commencement of the development hereby approved, detailed drawings showing all waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full after commencement.

Reason: In order to clarify the terms of this planning permission.

10. The onsite refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of the area or any neighbouring premises.

Reason: In the interest of proper site management.

11. The asserted core path (DUNK/25) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: In order to protect public access rights.

12. Prior to the commencement of the development hereby approved, an Operational Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The Plan must include opening hours, details of means of deliveries and timing, a procedure for dealing with onsite anti-social behaviour and a review procedure. The approved plan shall be implemented in full.

Reason: In order to protect residential amenity

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
4. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 25 letters of representation

Date: 2 June 2023

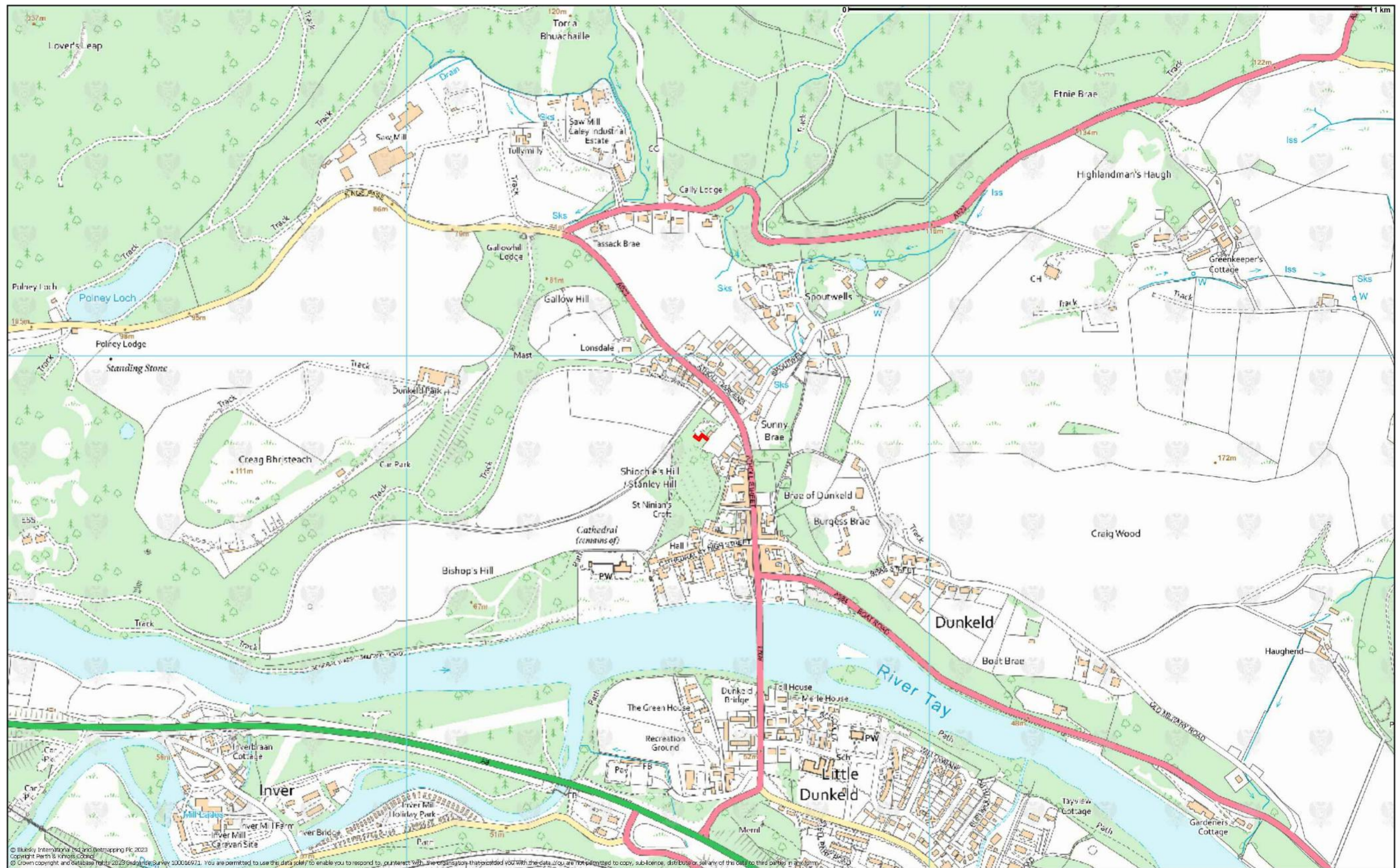
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Planning and Placemaking Committee 22 March 2023

Scale 1:7000



23/00167/FLL

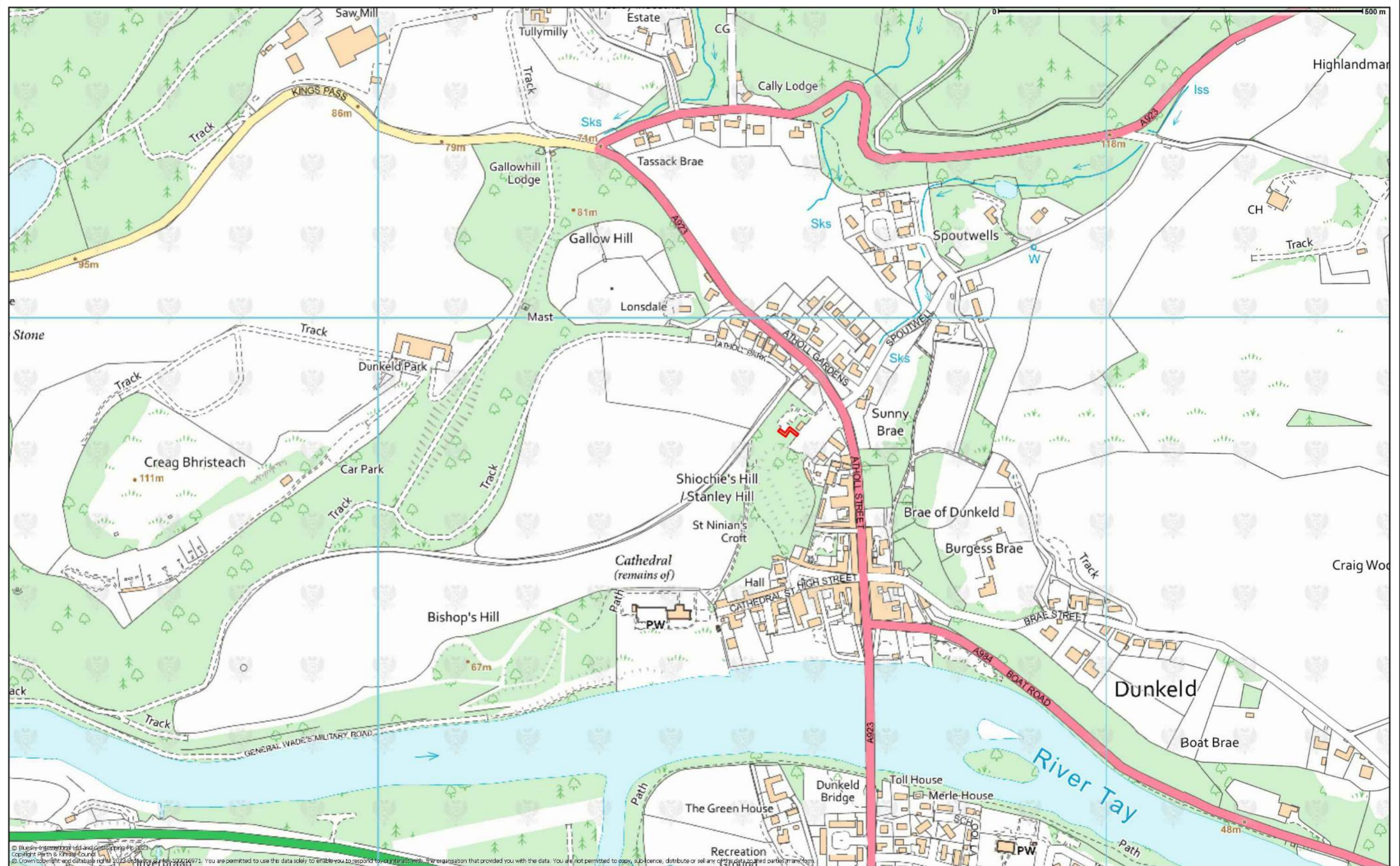
Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period) at Land 25 Metres South West of Public Convenience Atholl Street Dunkeld PH8 0AX











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Planning and Placemaking Committee - 14 June 2023

Scale 1:5000



23/00167/FLL

Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period) at Land 25 Metres South West of Public Convenience Atholl Street Dunkeld PH8 0AX







Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Pre-Application Report by Head of Planning and Development  
 (Report No. 23/185)

Mixed use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works, Former British Car Auctions, Kinross, KY13 8EN.

Ref. No: [23/00005/PAN](#)

Ward No: P8 – Kinross-shire

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Mixed Use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works at Former British Car Auctions, Kinross, KY13 8EN. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 4 April 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for Mixed use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works at Former British Car Auctions, Kinross, KY13 8EN.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
3. This PoAN seeks to formally establish a major development as described above. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

4. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. It is

noted that a screening opinion has already been provided, reference 22/02094/SCRN, and is not subject of an EIA development.

## **PRE-APPLICATION PROCESS**

5. The PoAN (reference **23/00005/PAN**) confirmed that two public exhibitions will be held the first event on 14 June 2023 at Millbridge Hall, Old Causeway, Kinross, KY13 8DW between 3pm and 7pm and the second event held on 13 July 2023. The Ward Councillors, Kinross Community Council, and Kinross-Shire Civic Trust have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **DEVELOPMENT PLAN**

6. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

7. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
8. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 8: Rural Development
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 18: Infrastructure First
  - Policy 20: Blue and Green Infrastructure
  - Policy 21: Play, Recreation and Sport
  - Policy 22: Flood Risk and Water Management
  - Policy 28: Retail



## **Perth and Kinross Local Development Plan 2019**

10. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 30: Protection, Promotion and Interpretation of Historic Battlefields
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

## OTHER POLICIES

11. The following non statutory guidance and documents are of particular importance in the assessment of this application: -
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
  - [Planning Guidance - Planning & Biodiversity](#)
  - Perth and Kinross Community Plan 2013/2023
  - Perth and Kinross Local Transport Strategy (2010)

## NATIONAL GUIDANCE

12. The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### Planning Advice Notes

13. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
- PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

## PLANNING SITE HISTORY

14. **87/00557/FUL** Full Planning Permission was Approved on 31 July 1987 for Erection of a WC Block.
15. **88/00052/FUL** Full Planning Permission was Approved on 5 August 1988 for Extension to Restaurant at Kinross Motor Auctions.
16. **88/01298/FUL** Full Planning Permission was Approved on 20 October 1988 for Erection of new toilet block at Kinross Motor Auctions, Kinross.
17. **91/00949/FUL** Full Planning Permission was Approved On 7 August 1991 for Display of adverts (flags) at Kinross Motor Auctions, Kinross.
18. **96/00164/FUL** Full Planning Permission was Approved on 24 July 1996 for Change of use to car boot sale on Saturday from 8.00am to 2.30pm at Kinross Motor Auctions, Kinross.

19. [11/00260/FLL](#) Full Planning Permission was Approved on 8 April 2011 for Variation of condition 3 of previous consent (01/01440/FUL) to alter hours of operation.
20. [11/01014/FLL](#) Full Planning Permission was Approved on 26 July 2011 for Erection of a covered canopy and partial re-cladding of building.
21. [12/00967/FLL](#) Full Planning Permission was Approved on 5 July 2012 for Modification of existing consent (11/01014/FUL) to erect covered canopy extension and partial re-cladding of building.
22. [19/00653/FLL](#) Full Planning Permission was Approved on 3 September 2019 for Erection of 8 floodlights.

## **CONSULTATIONS**

23. As part of the planning application process the following would be consulted:-

### **External**

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Kinross Community Council
- Balado Airfield

### **Internal**

- Environmental Health (Noise and Contaminated land)
- Development Contributions Officer
- Community Greenspace
- Transportation and Development
- Structures and Flooding
- Waste Services
- Biodiversity Officer

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

24. The key considerations against which the eventual application will be assessed include:
  - a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape

- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

25. The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

## **CONCLUSION AND RECOMMENDATION**

26. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
 Contact Officer: Kirsty Strong  
 Date: 2 June 2023

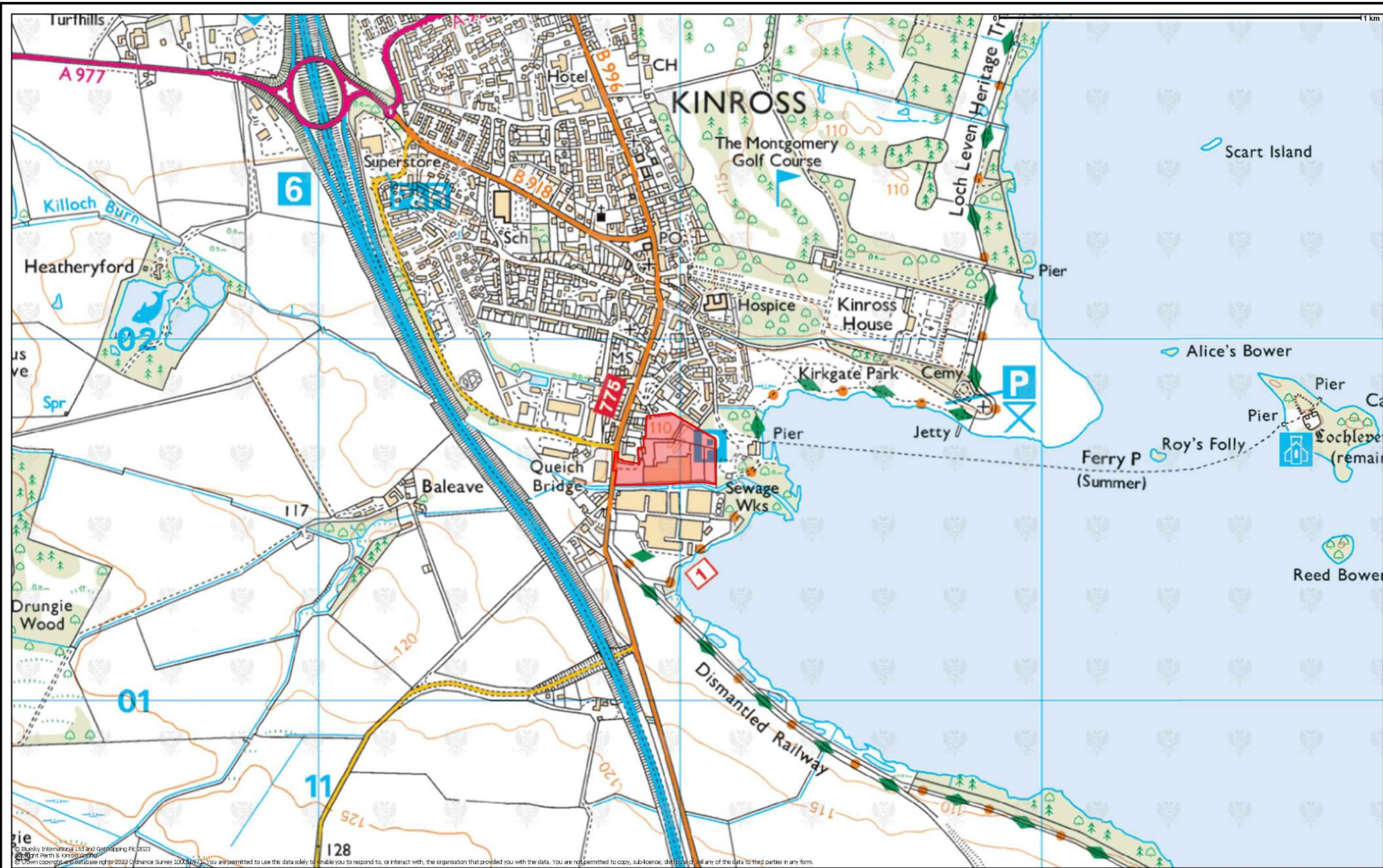
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**



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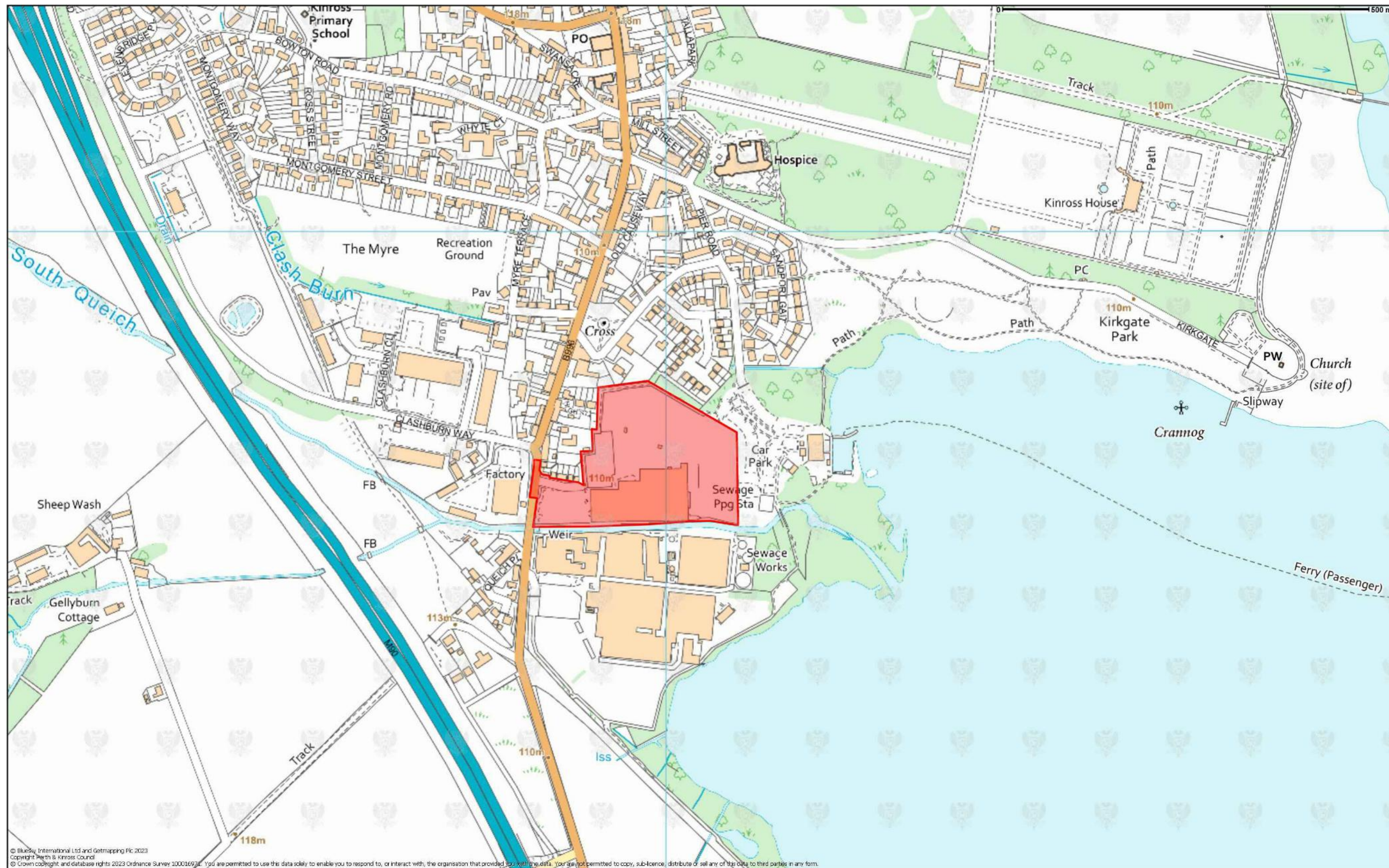


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Planning and Placemaking Committee - 14 June 2023  
Scale 1:5000



23/00005/PAN  
Mixed use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works at Former British Car Auctions, Kinross, KY13 8EN









Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Pre-Application Report by Head of Planning and Development  
 (Report No. 23/186)

Siting of 68 holiday accommodation units and manager's accommodation unit, formation of vehicular access, erection of hub building, landscaping, car parking and associated works, Land 1000 Metres East of Muirhead Cottage, Auchterarder.

Ref. No: [23/00006/PAN](#)  
 Ward No: P7 – Strathallan

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Siting of 68 holiday accommodation units and manager's accommodation unit, formation of vehicular access, erection of hub building, landscaping, car parking and associated works at Land 1000 Metres East of Muirhead Cottage, Auchterarder. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

## **BACKGROUND AND DESCRIPTION**

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 17 April 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for the siting of 68 holiday accommodation units and manager's accommodation unit, formation of vehicular access, erection of hub building, landscaping, car parking and associated works on land 1000 Metres East of Muirhead Cottage, Auchterarder.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
3. This PoAN seeks to formally establish a major development as described above. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

4. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. It is

noted that a screening opinion has already been provided, reference 19/01721/SCRN, and is not subject of an EIA development.

## **PRE-APPLICATION PROCESS**

5. The PoAN (reference **23/00006/PAN**) confirmed that a public exhibition will be held at Cairn Lodge, Orchil Road, Auchterarder on Wednesday 26 April 2023 between 4pm and 8pm and a second event will be held on Wednesday 17 May 2023 between 4pm and 8pm. The Ward Councillors, Auchterarder and District Community Council, Muthill and Tullibardine Community Council and Blackford Community Council have also been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **DEVELOPMENT PLAN**

6. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

7. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
8. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 5: Soils
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 18: Infrastructure First
  - Policy 21: Play, Recreation and Sport
  - Policy 22: Flood Risk and Water Management
  - Policy 28: Retail
  - Policy 30: Tourism

## **Perth and Kinross Local Development Plan 2019**

10. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome / Campervan, and Camping Sites
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 53B: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

11. The following non statutory guidance and documents are of particular importance in the assessment of this application:-

- [Planning Guidance - Delivery of Development Sites](#)

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

## **NATIONAL GUIDANCE**

12. The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **Planning Advice Notes**

13. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
  - PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

## **PLANNING SITE HISTORY**

14. [19/01721/SCRN](#) EIA Screening request on 17 January 2020 for erection of 196 holiday lodges, hub buildings, landscaping, open space, vehicular access, parking area and associated works
15. [20/00868/FLM](#) Full Planning Permission Major application was Withdrawn on 9 December 2021 for Siting of 122 holiday accommodation units, formation of vehicular access, erection of hub building, landscaping, car parking and associated works

## **CONSULTATIONS**

16. As part of the planning application process the following would be consulted:-

### **External**

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland

- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Muthill and Tullibardine Community Council
- Auchterarder and District Community Council
- Blackford Community Council
- National Grid – Gas

#### **Internal**

- Environmental Health
- Planning and Housing Strategy
- Development Contributions Officer
- Community Greenspace including Access
- Transportation and Development
- Economic Development
- Waste Services
- Biodiversity Officer
- Perth and Kinross Heritage Trust
- Structures and Flooding

#### **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

17. The key considerations against which the eventual application will be assessed include:
  - a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape
  - f. Water Resources and Soils
  - g. Air Quality
  - h. Transport Implications
  - i. Tourism and Economy
  - j. Impact on Agriculture
  - k. Archaeology and Cultural Heritage

#### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

18. As an EIA Report is not required the following supporting documents will need to be submitted with any planning application:
  - Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Leisure/Economic Impact Assessment
  - Transport Assessment
  - Flood Risk and Drainage Assessment

- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

## CONCLUSION AND RECOMMENDATION

19. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
 Contact Officer: Kirsty Strong  
 Date: 2 June 2023

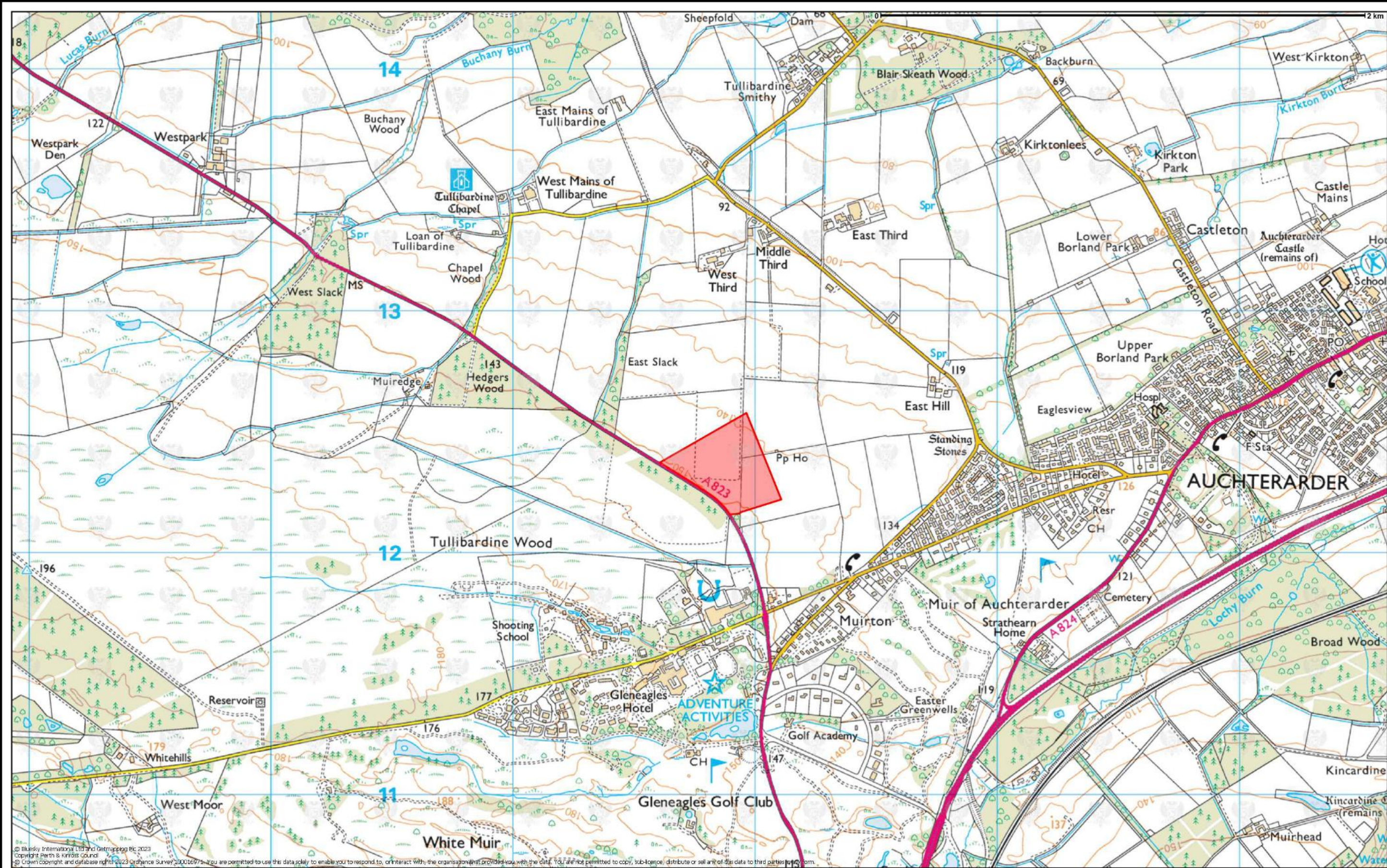
**DAVID LITTLEJOHN**  
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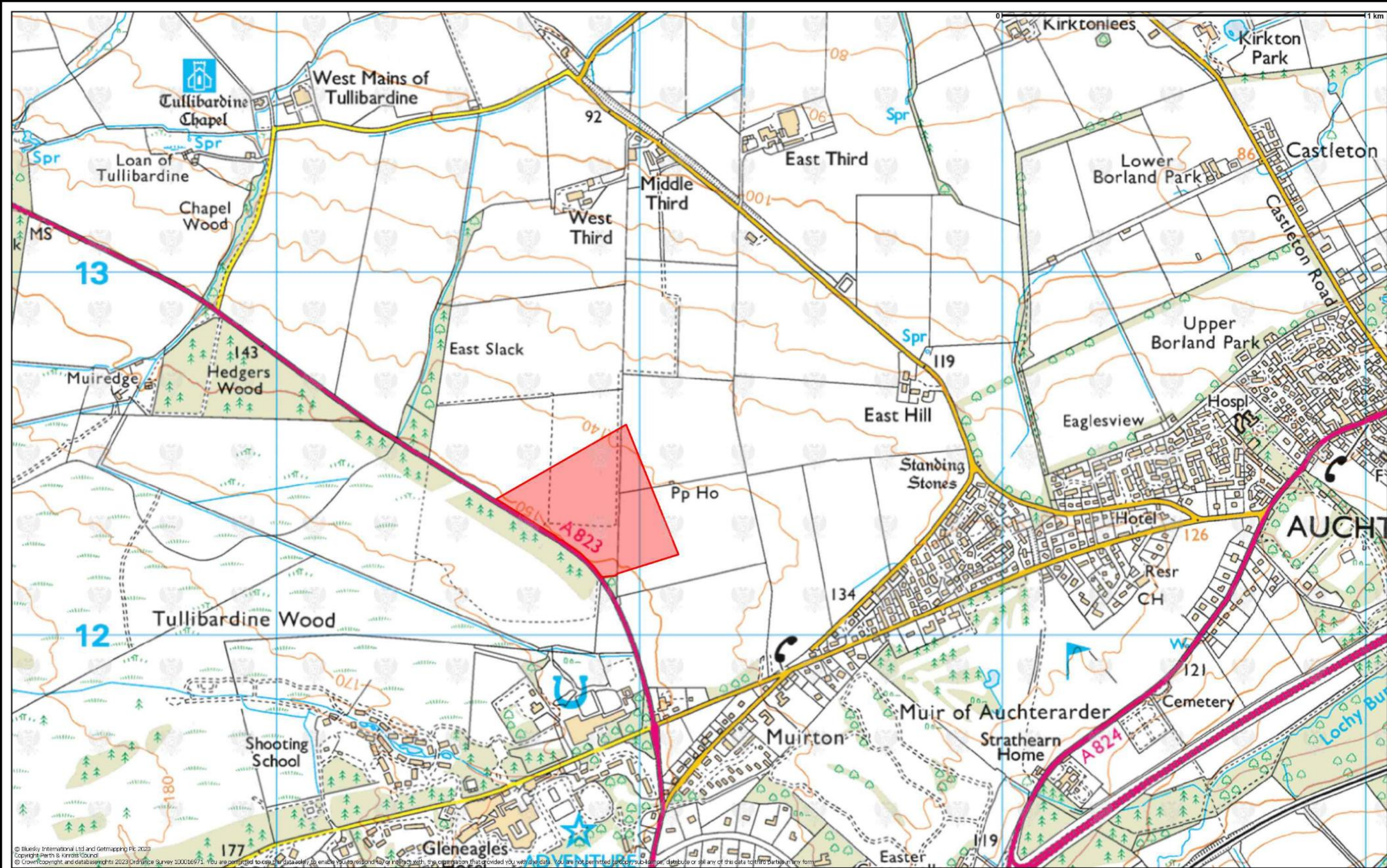




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Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Pre-Application Report by Head of Planning and Development  
 (Report No. 23/187)

Erection of staff service/welfare building, office building, greenhouse, upgrade of public road access and upgrade to forestry track, parking with cycle storage, installation of biomass plant and associated ancillary buildings/works Land 0.8km North of Newhall Estate, Taymouth Castle, Kenmore, Aberfeldy, PH15 2NT.

Ref. No: [23/00007/PAN](#)  
 Ward No: P4 – Highland

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for erection of staff service/welfare building, office building, greenhouse, upgrade of public road access and upgrade to forestry track, parking with cycle storage, installation of biomass plant and associated ancillary buildings/works at Land 0.8km North of Newhall Estate, Taymouth Castle, Kenmore Aberfeldy, PH15 2NT. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 19 April 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for erection of staff service/welfare building, office building, greenhouse, upgrade of public road access and upgrade to forestry track, parking with cycle storage, installation of biomass plant and associated ancillary buildings/works on land 0.8km North of Newhall Estate Taymouth Castle, Kenmore, Aberfeldy, PH15 2NT
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
3. This PoAN seeks to formally establish a major development as described above. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

4. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

## **PRE-APPLICATION PROCESS**

5. The PoAN (reference **23/00007/PAN**) confirmed that two public exhibitions will be held at Kenmore Hotel, The Square, Kenmore, PH15 2NU, first event on 17 May 2023 between 3pm and 7pm and a second event on 21 June 2023 between 3pm and 7pm. The Ward Councillors, and Kenmore and District Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **DEVELOPMENT PLAN**

6. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

7. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
8. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the following policies of NPF4 :
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 20: Blue and Green Infrastructure
  - Policy 21: Play, Recreation and Sport
  - Policy 22: Flood Risk and Water Management
  - Policy 29: Rural Development

## **Perth and Kinross Local Development Plan 2019**

10. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 29: Gardens and Designated Landscapes
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

11. The following non statutory guidance and documents are of particular importance in the assessment of this application: -
- [Planning Guidance - Delivery of Development Sites](#)
  - [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
  - [Planning Guidance - Planning & Biodiversity](#)
  - [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
  - Perth and Kinross Community Plan 2013/2023
  - Perth and Kinross Local Transport Strategy (2010)

## NATIONAL GUIDANCE

12. The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### Planning Advice Notes

13. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
- PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

## PLANNING SITE HISTORY

14. **87/00268/FUL** Full Planning Permission was Approved on 24 April 1987 for Installation of sewage treatment plant.
15. **88/00289/FUL** Full Planning Permission was Approved on 31 March 1988 for Revised layout of housing and leisure complex at Taymouth Castle Garden.
16. **99/00238/FUL** Full Planning Permission was Approved on 15 April 1999 for Conversion of existing building (former civil defence lecture hall) into a salmon hatchery at
17. **00/00293/FOR** was Approved on 23 March 2000 for Mixed working of 152.4 hectares at

18. **03/02250/PPLB** was Approved on 9 March 2005 for Redevelopment of Taymouth Castle Estate to include restoration of Castle to form hotel, extension to incorporate 72 hotel suites, erection of spa within Newhall Kennels. Construction of 63 lodges and 26 new fractional ownership houses, conversion of existing buildings to form 7 fractional ownership houses, erection of 16 staff houses, erection of equestrian centre, infra structure and engineering works including sewage treatment works and associated landscaping and maintenance proposals.
19. **07/01739/FUL** Full Planning Permission was Approved on 29 February 2008 for Proposed recreational facilities, including play area and tennis courts, 58 no. residential units varying type, including flatted accommodation and additional parking facilities.
20. **10/00020/PAN** On 9 December 2010 for Amendments to existing consented development along with additional development to include revisions within the castle and other elements within the estate, equestrian centre and golf course. Further applications to include additional properties within estate, spa facilities and restaurant and amendments to existing planning conditions 4 and 5.
21. **11/00145/FLL** Full Planning Permission was Approved on 8 April 2011 for Change of house type (Modification of 03/02250/PPLB) Plot 16 (Taymouth Sawmill)
22. **11/00146/FLL** Full Planning Permission was Approved on 8 April 2011 for Change of house type (Modification of 03/02250/PPLB) Plot 25 (Newhall)
23. **11/00530/FLM** Full Planning Permission Major was Approved On 29 June 2011 for Deletion of conditions 4 and 5 of planning consent 03/02250/PPLB.
24. **11/00531/LBC** Listed Building Consent was Approved on 4 August 2011 for Modification of existing consent 03/02250/PPLB for revised proposals within the east wing to form health and beauty spa and 14 apartment suites and formation of hotel suite and external lift access in west wing.
25. **11/00533/FLM** Full Planning Permission Major was Approved on 1 July 2011 for Erection of 71 estate properties, formation of spa facilities, erection of restaurant, erection of bridge, alterations to golf course and modification to existing consent (03/02250/PPLB) for change of house type of 89 estate properties, relocation of 14 estate properties, relocation and amendments of equestrian centre and golf clubhouse, revised proposals within the east wing of castle to form health and beauty spa and 14 apartment suites and formation of hotel suite and external lift access in west wing of castle
26. **11/01325/FLL** Full Planning Permission was Approved on 9 November 2011 for Change of House Types (Modification of 03/02250/PPLB) (Plots 24-26)
27. **11/01800/LBC** Listed Building Consent was Approved on 22 March 2012 for Alterations (revision of internal layouts)



28. [11/01801/FLL](#) Full Planning Permission was Approved on 7 September 2012 for Erection of four estate properties.
29. [11/01825/FLL](#) Full Planning Permission was Approved on 6 December 2011 for Change of house type for Plot 24 - modification of consent (03/02250/PPLB and 11/01325/FLL)
30. [14/02108/LBC](#) Listed Building Consent was Approved on 27 February 2015 for Alterations to internal layout to form hotel accommodation.
31. [15/00692/LBC](#) Listed Building Consent was Approved on 16 June 2015 for Alterations to internal layout.
32. [15/01550/FLL](#) Full Planning Permission was Approved on 29 October 2015 for Renewal of permission 11/01801/FLL (Erection of four estate properties)
33. [15/01590/FLL](#) Full Planning Permission was Approved on 9 December 2015 for Modification of permission 11/00533/FLM (development of hotel, spa, estate properties and associated works) formation of 52 hotel suites, alterations and extensions.
34. [15/01591/LBC](#) Listed Building Consent was Approved on 9 December 2015 for Alterations and extension.
35. [22/00735/FLL](#) Full Planning Permission was Approved on 27 July 2022 for Installation of a bridge and re-alignment of access track (for a temporary period)
36. [22/01261/FLL](#) Full Planning Permission was Approved on 21 September 2022 for Erection of plant building, installation of LPG tanks, formation of vehicular access, path and associated works service yards, erection of walls with railings, installation of gates and associated works.
37. [22/01484/FLL](#) Full Planning Permission was Approved on 17 February 2023 for Erection of 8 estate properties, 2 garages and associated works (Zone D2)
38. [22/01485/FLL](#) Full Planning Permission was Approved on 17 February 2023 for Erection of 6 estate properties and associated works (Zone D1)
39. [22/01486/FLL](#) Full Planning Permission was Approved on 4 May 2023 for Erection of 5 estate properties, a replacement estate property, 6 garages and associated works (Zone C4)
40. [22/01487/FLL](#) Full Planning Permission was Approved on 17 February 2023 for Erection of 5 estate properties and associated works (Zone C1)
41. [22/01570/FLL](#) Full Planning Permission was Approved On 31 October 2022 for Erection of substation building

42. [22/02002/LBC](#) Listed Building Consent was Approved on 24 February 2023 for Installation of replacement gates and alterations and extension to boundary wall.
43. [22/02099/FLL](#) Full Planning Permission was Approved on 24 February 2023 for Formation of vehicular access and alterations to boundary wall.
44. [22/02100/LBC](#) Listed Building Consent was Approved on 24 February 2023 for Alterations to boundary wall.
45. [23/00223/FLL](#) Full Planning Permission was Approved on 6 April 2023 for Erection of refuse/storage building, walls, and gates.

## **CONSULTATIONS**

46. As part of the planning application process the following would be consulted: -

### **External**

- Scottish Environment Protection Agency
- Nature Scot
- Scottish Water
- Transport Scotland
- Historic Environment Scotland – Garden and Designed Landscapes
- Perth and Kinross Heritage Trust
- Kenmore and District Community Council

### **Internal**

- Environmental Health (Contaminated land, Odour, light and noise)
- Community Greenspace
- Transportation and Development
- Structures and Flooding
- Waste Services
- Biodiversity Officer

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

47. The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape
  - f. Water Resources and Soils
  - g. Air Quality

- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

48. Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Leisure/Economic Impact Assessment
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Tree and Woodland Survey
  - Habitat Survey
  - Archaeological Assessment
  - Sustainability Assessment

### **CONCLUSION AND RECOMMENDATION**

49. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
Contact Officer: Kirsty Strong  
Date: 2 June 2023

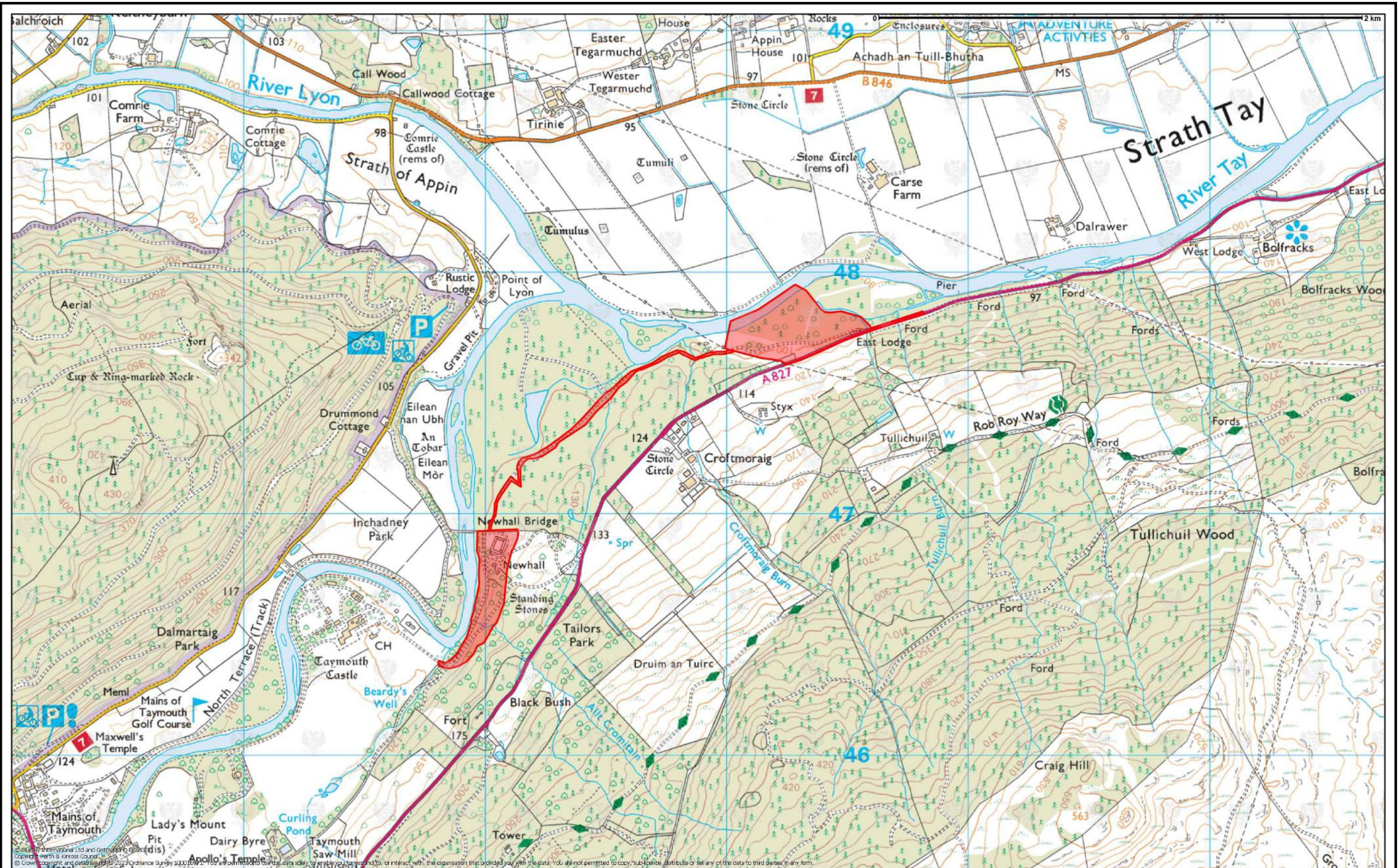
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**


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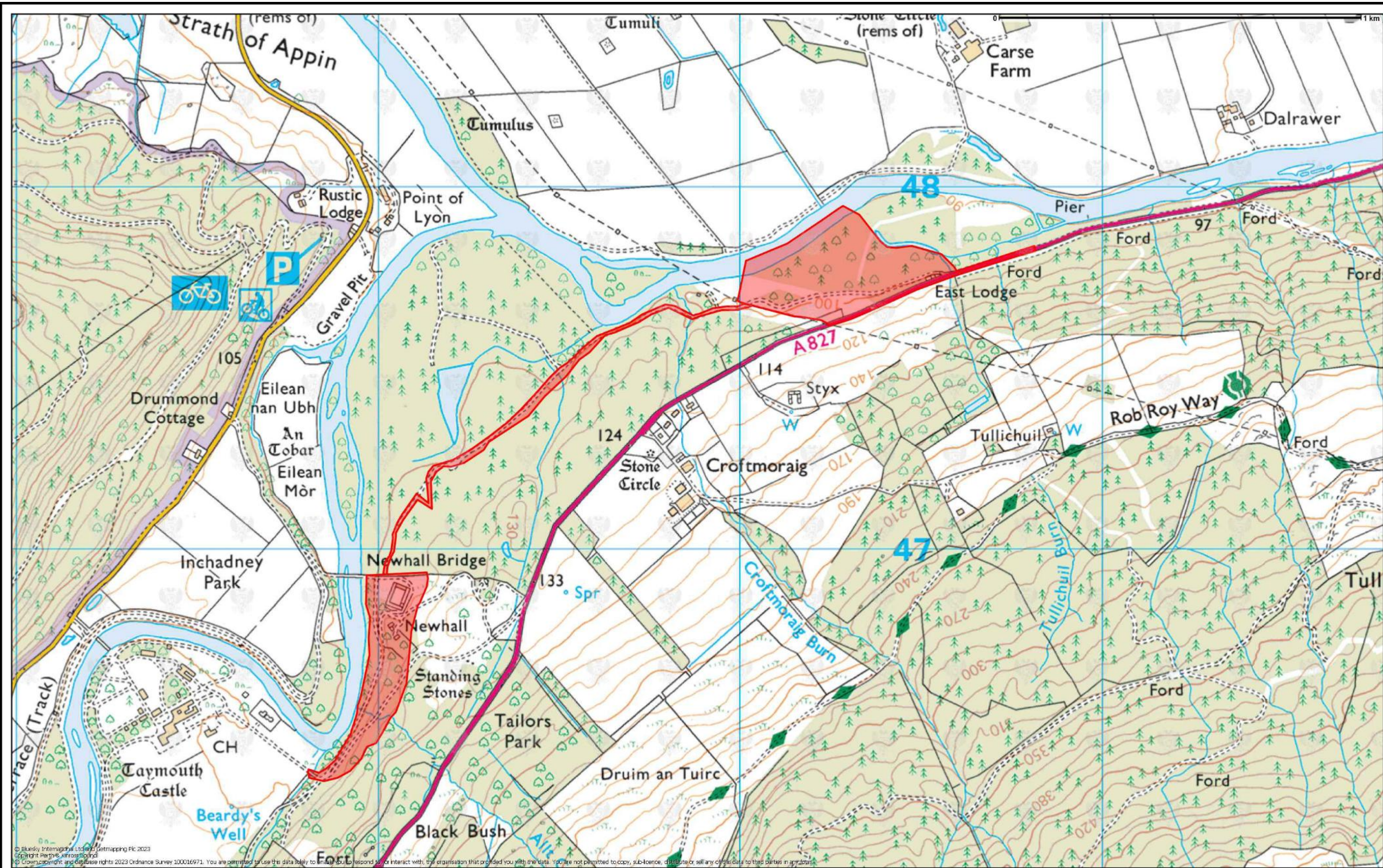




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<p>Scale 1:15000</p>				









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