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Council Building  
2 High Street  
Perth  
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25/05/2022

A meeting of the **Planning and Placemaking Committee** will be held virtually on **Wednesday, 01 June 2022 at 10:00.**

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 Eric Drysdale  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Councillor Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Councillor Mike Williamson



## **Planning and Placemaking Committee**

**Wednesday, 01 June 2022**

### **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 DEVELOPMENT MANAGEMENT COMMITTEE OF 13 APRIL 2022**  
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 22/00195/FLM - FORMATION OF A BATTERY STORAGE SYSTEM WITH ASSOCIATED WORK AND INFRASTRUCTURE OF UP TO 49.9MW, LAND 130 METRES SOUTH EAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **5 - 26**  
Report of Handling by Head of Planning and Development (copy herewith 22/111)
- 5(1)(ii) 22/00301/FLM - S42 APPLICATION TO REMOVE CONDITION 14 (BUS SHELTER AND INFORMATION BOARD) OF PLANNING PERMISSION 18/02139/FLM, WHEEL INN, 37 ANGUS ROAD, SCONE** **27 - 44**  
Report of Handling by Head of Planning and Development (copy herewith 22/112)
- 5(2) LOCAL APPLICATIONS**

<b>5(2)(i)</b>	<b>21/00248/FLL - ERECTION OF RETAIL UNIT (CLASS 1), FORMATION OF ACCESS, CAR PARKING, ENGINEERING WORKS, LANDSCAPING AND ASSOCIATED WORKS, LAND WEST OF 4 PICKEMBERE, PITHEAVLIS, PERTH</b> Report of Handling by Head of Planning and Development (copy herewith 22/213)	<b>45 - 72</b>
<b>5(2)(ii)</b>	<b>21/01488/FLL - CHANGE OF USE FROM RETAIL UNIT (CLASS 1) TO HOT FOOD TAKEAWAY (CLASS 3) AND INSTALLATION OF FLUE, 96 GLENGARRY ROAD, PERTH</b> Report of Handling by Head of Planning and Development (copy herewith 22/214)	<b>73 - 86</b>
<b>5(2)(iii)</b>	<b>22/00228/FLL - INSTALLATION OF 2 CCTV CAMERAS (IN RETROSPECT), LOGIEALMOND ESTATE, LOGIEALMOND</b> Report of Handling by Head of Planning and Development (copy herewith 22/215)	<b>87 - 98</b>
<b>5(2)(iv)</b>	<b>22/00529/FLL - ERECTION OF AN AGRICULTURAL BUILDING, LAND EAST OF MOIVAIRD HOUSE, OCHTERTYRE, CRIEFF</b> Report of Handling by Head of Planning and Development (copy herewith 22/216)	<b>99 - 110</b>

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Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
 (Report No. 22/111)

<b>PROPOSAL:</b>	Formation of a battery storage system with associated work and infrastructure of up to 49.9 MW
<b>LOCATION:</b>	Land 130 Metres South East of Coupar Angus Substation Pleasance Road Coupar Angus

Ref. No: [22/00195/FLM](#)  
 Ward No: P2 - Strathmore

### Summary

This report recommends approval of the application which proposes the formation of an electrical energy storage facility, including up to 15 battery storage containers and associated infrastructure, adjacent to Coupar Angus Substation. The proposals are considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.1.21 hectares (Ha) in area, with approximately 0.54Ha forming the substations and equipment compound, contained within a security fence. The balance comprises the access and landscaped areas. All located c.250m south-west of the settlement boundary of Coupar Angus, and surrounded largely by agricultural land (Broad Valley Lowland), other than the recently upgraded substation directly west and properties to the north of the northern section of the access. Local topography is generally level, with a slight slope up to the north.
- 2 In September 2019, Planning Permission (Ref: 19/00513/FLM) was granted at this location for a similar battery storage facility, vehicular access and associated works. Subsequently, after that development commenced in early 2021, as a result of various factors and resultant design modifications (i.e. more efficient plant and equipment), the developer chose to depart from the consented design. This saw the development then being undertaken begin to depart from the approved design. Initially in June 2021 a non-material variation to the approved development was submitted (Ref: 21/01186/FLL), but the Planning Authority subsequently confirmed that those changes, although relatively minor when considered individually, overall constituted a materially different development and accordingly a new application for planning permission was required. This application now seeks planning permission for

the revised development scheme, thus some of these preliminary elements are retrospective.

- 3 In physical terms, the proposals are for 15 containerised storage units (dimensions 12.19 x 2.44 x 2.6m), housing 15 battery units; 15 Power Conversion Systems (PCS) and transformers on skids; a District Network Operator (DNO) substation; a medium voltage (MV) substation; LV Room, Emergency Diesel Generator; welfare and parts storage facilities; security alarm, cameras; and access track. The access track (approximately 70m in length) culminates at a new junction onto Pleasance Road. Supporting infrastructure including a temporary construction compound is also required.
- 4 The battery storage facility will be enclosed by a 3m high palisade security fence, with a 3m high acoustic fence along the northern perimeter. Security cameras and lighting columns, also up to 3m in height will also be proposed along the perimeter fence.
- 5 A significant planting and a landscaping scheme is proposed to assist integrate the proposed development into the wider surroundings.

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

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of flooding, noise, ecology, traffic and transport were required.

### **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified noise, landscaping and flood risk as being matters not addressed by the consultation events. These matters have been responded

to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.

- 10 The PAC Report notes that a letter drop to local properties (within a 1 km radius) was undertaken, outlining that consultation events were held online, as permitted by the relevant regulations. These online events were held on the 1<sup>st</sup> and 16<sup>th</sup> of December between 4:30 and 6:30pm, with an additional event on the 11<sup>th</sup> of January 2022. As the Coupar Angus Community Council was disbanded in 2020 additional invites were provided to neighbouring community councils, local MPs and MSPs and Council Members. A total of 19 interested parties attended the events and a number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through: The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework (NPF)**

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy (SPP) 2014**

- 13 The current SPP was published in June 2014 and sets out national planning policies, which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It promotes consistency in the application of policy across Scotland, whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57

- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Delivering Heat and Electricity: paragraphs 152 – 173
- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268

### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- 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
  - The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

#### **TAYplan Strategic Development Plan 2016-2036**

- 17 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision states that:
- “By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 18 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

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

- 19 The Local Development Plan 2 (LDP) was adopted by Perth and Kinross Council on the 29<sup>th</sup> November 2019. It sets out a vision statement for the area, which includes that, *“By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.”* It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.



20 The principal relevant policies are:

- Policy 1A and 1B Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 6 Settlement Boundaries
- Policy 8 Rural Business and Diversification
- Policy 27A Listed Buildings
- Policy 33A Renewables and Low Carbon Energy
- Policy 33B Repowering and Existing Facilities
- Policy 35 Electrical Transmission
- Policy 39 Landscape
- Policy 40 Forestry, Woodland and Trees
- Policy 41 Biodiversity
- Policy 47 River Tay Catchment Area
- Policy 50 Prime Agricultural Land
- Policy 52 New Development and Flooding
- Policy 53 Water Environment and Drainage
- Policy 55 Nuisance from Artificial Light Pollution
- Policy 56 Noise Pollution
- Policy 60B Transport Standards and Accessibility Requirements

## **SITE HISTORY**

- 21 [16/02230/FLL](#) Erection of a switch-room facility at the adjacent sub-station approved on 9 March 2017
- 22 18/01672/FLL Formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works. This application was returned on 19 November 2018, following a screening which determined the proposal was a 'Major' development and required public consultation to take place.
- 23 [18/00016/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development comprising: the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. PKC confirmed on 6 February 2019 that the approach set out in the PAN was accepted.
- 24 [19/00513/FLM](#) Detailed planning permission for the formation of a battery storage facility, vehicular access and associated works was approved on 24<sup>th</sup> September 2019.
- 25 [21/00015/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development comprising: Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW saw PKC confirm on the 18<sup>th</sup> November 2021 that the approach set out in the PAN was accepted.

- 26 21/01186/FLL A Non-Material Variation, in relation to changes to the layout of 19/00513/FLM, was sought. On the 16 July 2021 this application was returned as it was determined the changes proposed were material and a new application for detailed planning permission would be required.

## **CONSULTATIONS**

- 27 The following parties have been consulted:

### **EXTERNAL**

- 28 **Dundee Airport** - No objection. No other Comments Provided
- 29 **Scottish Water** - No objection. Informative noted in respect of drinking water and connection to sewer systems.
- 30 **National Grid:** - No objection. The development is located outside of the High Risk zone for National Grid Gas Transmission.
- 31 **Perth and Kinross Heritage Trust** - No objection and no additional comments made
- 32 **RSPB** – No comments.

### **INTERNAL**

- 33 **Biodiversity Officer** - No objection, subject to conditions regarding: the implementation of biodiversity survey action points; a pre works check for protected species; and the implementation of proposed landscaping.
- 34 **Strategy and Policy** – No comments.
- 35 **Structures and Flooding** - No comments.
- 36 **Community Greenspace** - No comments.
- 37 **Environmental Health (Noise/ Odour)** - No objection subject to conditions regarding noise, external lighting and an external complaint procedure.
- 38 **Transport Planning** - No objection subject to a condition to ensure construction traffic is appropriately managed.
- 39 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

## **REPRESENTATIONS**

- 40 One objection has been received, with concerns summarised as follows:
- Noise Impacts

- Landscape impacts
- Flooding and Drainage.

41 The matters raised are addressed in the Appraisal section below.

### **ADDITIONAL STATEMENTS**

Environment Report	Not Required
Screening Opinion	Undertaken – Not EIA development.
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not required
Design Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Flood Risk Assessment</li> <li>• Landscape and Visual Appraisal</li> <li>• Preliminary Ecological Appraisal</li> <li>• Noise Impact Assessment</li> <li>• Design and Access Statement</li> <li>• Construction traffic Management Plan</li> </ul>

### **APPRAISAL**

42 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (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 as set out and specifically Scottish Energy Strategy (SES) (December 2017), the future of energy in Scotland.

#### **Principle**

43 The location is a peripheral rural area on the edge of Coupar Angus, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking, Policy 8 Rural Diversification, Policy 33A and 33B Renewables and Low Carbon Energy and Policy 50 Prime Agricultural Land. Furthermore, and of significant material consideration in the assessment of this application is the previous approval of planning permission for the development of a battery energy storage facility, which overlaps the majority of the site area.

- 44 In itself the proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO<sub>2</sub> reduction targets, supporting the strategy principles of the SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, decreasing CO<sub>2</sub> emissions. An important consideration is that the principle of a development for a proposal of this nature and at this location has already been established through the granting of Planning Permission 19/00513/FLM. The changes from that previously approved development are otherwise considered acceptable, as set out below.

### **Design and Layout**

- 45 The design and layout essentially reflect the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will be contained below 4m in total height. The tallest visible built structure will be the substation building which will be 3.9m at its roof pitch above ground level. Remaining built elements will be approximately 3.3m in height above ground level. All built development within the storage compound will be enclosed behind a security fence and an acoustic fence up to 3m in height. Having regard to the overall scale and height of built structures horizontal massing is more significant than vertical impacts. This aspect is further considered in the landscape and visual impact sections below. Physically separation between each container is a minimum of 3m and colour/finishes can be controlled by condition 9.

### **Landscape and Visual Impact**

- 46 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1 and 33. In this instance, as said above the proposed utilitarian design is largely set, thus some landscape and visual impacts are inevitable. In this respect currently defined boundaries and screening is limited, and the site is thus relatively prominent. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides screening from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy 33, the cumulative visual impact of the proposal and the existing sub-station should also be taken into account.
- 47 A landscape visual impact assessment (LVIA) was requested, along with a fully detailed structural landscape plan. These were key in assessing if the proposals could be successfully accommodated visually.
- 48 Existing landscape features will be supplemented by robust and comprehensive native planting (plan 22/00195/30) as well as an acoustic screening fence along the northern compound boundary (plan 22/00195/30 and 22/00195/31). These proposals are considered sufficient to satisfactorily accommodate the development in the landscape. Following establishment, it is not considered

that there would be unacceptable impact on landscape or visual amenity, with photomontages (plan 22/00195/15) indicating the predicted situation.

- 49 The proposal is therefore considered to accord with policies 1 and 33.

### **Residential Amenity**

- 50 The closest residential properties (grouping of 5) are approximately 250m to the northeast of the compound and immediately north of the northern section of the access (including Tweedside Cottages, Tweedside Bungalow, Pleasance Farm and The Firs), with further residential properties approximately 500m distant (off Pleasance Road and within Abbey Gardens).
- 51 PKC Environmental Health (EH) initially raised concerns on the potential of noise impact on residential properties. Potential noise sources including: air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise, and in emergency circumstances the use of a diesel generator. A supporting noise impact assessment (NIA) assessed the potential impact on nearby residential properties and sets out associated mitigation recommendations.
- 52 This NIA sees noise from the emergency generator scoped out, due to its highly infrequent and short-term impacts. EH confirmed this is acceptable and that any adverse impacts are covered by statutory nuisance legislation. Furthermore, the recommended noise based conditions are considered to allow for mitigation.
- 53 Based on the proposed mitigation measures outlined in the NIA (including the provision of an acoustic fence) and subject to conditions 2, 3, 4 and 5, EH do not object to the proposal and as such it is considered to comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

### **Lighting**

- 54 The impact of artificial lighting has been noted as a matter of concern. However, the use of lighting is to be minimal and primarily for security purposes. Condition 6 can control spillage and limit operation.

### **Roads and Access**

- 55 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. No public objections have been raised with respect to traffic and access.
- 56 The development proposes a new access off Precinct Street and this access point was previously approved via 19/00513/FLM. Notwithstanding, it is acknowledged that the present local road network layout and narrow pinch points, sees potential for issues during the development phase, due to the size of vehicles. As such a Construction Traffic Management Scheme (CTMS) can

be required via condition 7, to ensure construction access requirements are accommodated, including directing movements via alternative routes: such as to avoid Precinct Street.

- 57 Subject to compliance with condition 7 (CTMS) and Condition 8, requiring the formation of a vehicle crossing, the proposal is considered to remain in accordance with Policy 60B of LDP2.

### **Drainage and Flooding**

- 58 Policy 52 requires development to appropriately consider flooding and drainage. In this regard, the objection raises concerns in respect of flooding from a tributary to the Coupar Burn.
- 59 Having regard to the previous planning permission (Ref: 19/00513/FLM) both SEPA and the Structures and Flooding team were satisfied that the development was unlikely to be impacted by significant flooding. With all principal infrastructure elements situated out with the functional floodplain, and there was unlikely to be any flood risk elsewhere. Having regard to this application, which is seeking minor changes to the layout and equipment types only, the supporting flood impact assessment confirms there will be no development within the functional floor plain. Furthermore, no land raising and landscape planting is proposed within the functional floodplain. Consequently, no further consultation was considered required. Condition 14 has been recommended to avoid raising ground within the flood plain to safeguard the storage and conveyance function.
- 60 The proposals are thus considered to satisfy policy 52 of LDP2

### **Conservation Considerations**

- 61 In relation to above and below ground conservation considerations, there is no indication of any significant designations locally. Otherwise, due to the low-lying topography and existing/ proposed planting, inter-visibility will be limited and not considered to cause any adverse impact on the setting of any listed buildings or the conservation area of Coupar Angus.

### **Natural Heritage and Biodiversity**

- 62 LDP2 Policies 39, 40 and 41 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Masterplan includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy. There are some sections of hedgerow, trees, etc. which may be impacted by the development and conditions are recommended to ensure that impacts on these or protected species, such as birds, are mitigated. (Conditions 11 and 12)

- 63 The Councils biodiversity officer has reviewed the development proposal and raised no objections subject to conditions seeking the adoption of proposed landscaping, recommendations of the preliminary ecological appraisal and the protection of nesting birds. Subject to conditions 10-13 and compliance with the action points noted in the biodiversity survey, the proposal is considered to accord with policies 39-41 of the LDP2.

### **Developer Contributions**

- 64 There has been comment that no local benefits would result from the development. However, in planning policy terms, no developer contributions are triggered for this type of development. As a result the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

### **Economic Impact**

- 65 In the short term, construction will create jobs with scope for local employment. Beyond this local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

### **Loss of Prime Agricultural Land**

- 66 Policy 50 sets out that development outwith settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land.
- 67 Whilst the site comprises prime agricultural land (LCA Class 2). The reasons for selecting the location are clearly set out in supporting documents and considered reasonable, highlighting the proximity of the existing substation as beneficial, reducing the need for long transmission cables and increasing the efficiency of the storage facility.
- 68 It is also clarified that there are no peat or carbon rich soils present and the layout and design minimises land take, with no farm unit rendered unviable. Measures to manage, protect and reinstate soils have been set out and are to be incorporated into the development, which will be appropriately controlled by condition 17, all satisfying the objective terms of Policy 50 of LDP2.
- 69 Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development.

### **Lifespan of Facility**

- 70 The lifespan of the facility is not specified. As such, condition 19 can require that should the energy storage facility not be in use for a continuous period of 12 months, that the site is then decommissioned and re-instated to its original condition.

### **LEGAL AGREEMENTS**

- 71 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 72 None.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 73 The application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal not assessed to conflict with the development plan in this case.
- 74 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

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

#### **General**

1. 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.

#### **Noise**

2. All hereby approved 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 20 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.



3. Noise from the hereby approved development shall not exceed 33dB LA<sub>eq,(15 min)</sub>, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, when measured at any residential property in accordance with BS4142 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

4. Noise mitigation measures outlined in Section 7.1 and Appendix 3 of the hereby approved Noise Impact Assessment undertaken by ARCUS - dated February 2022 (Plan reference 22/00195/16) , shall be implemented prior to the hereby approved development being brought into use.

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

5. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 2 and 3. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 2 and 3 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

### **Lighting**

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

### **Roads and Transport**

7. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety.

8. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, and of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

## **External Finishing Colour**

9. Prior to the commencement of the development hereby approved, details of the recessive, natural colour of the proposed external finishing materials to be used for the hereby approved fence and other structures (i.e. auxiliary generator, battery pack kiosks, battery storage substation, client substation inverter and LV Room, etc.) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

## **Biodiversity**

10. The conclusions and recommended action points within the supporting Preliminary Ecological Appraisal Report, prepared by Arcus Consultancy Services – dated January 2022 (plan 22/00195/25) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

11. 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 and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. Any such written confirmation should be submitted in advance to the local 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).

12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. These measures may include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations; or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being closed off at the end of each working day

Reason - In order to prevent animals from being trapped within any open excavations.

13. The detailed landscaping and planting scheme (plan 22/00195/30) 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, 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 and to ensure the satisfactory implementation of the proposed planting scheme.

### **Flooding / Drainage**

14. For the avoidance of doubt, parts of the site are located within the 1/200 (0.5% AEP) flood extent, with a medium to high risk of flooding. Such areas must not be raised above existing ground levels. This applies to the entirety of the site as identified by the red line shown in drawing 22/00195/02, titled Proposed Site Plan.

Reason - Ensure no displacement of floodwater to the rest of floodplain

### **Facility Lifespan**

15. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason - To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to

commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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 41 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 41 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.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information

more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 1 letter of representation  
Contact Officer: Jamie Torrance  
Date: 19 May 2022

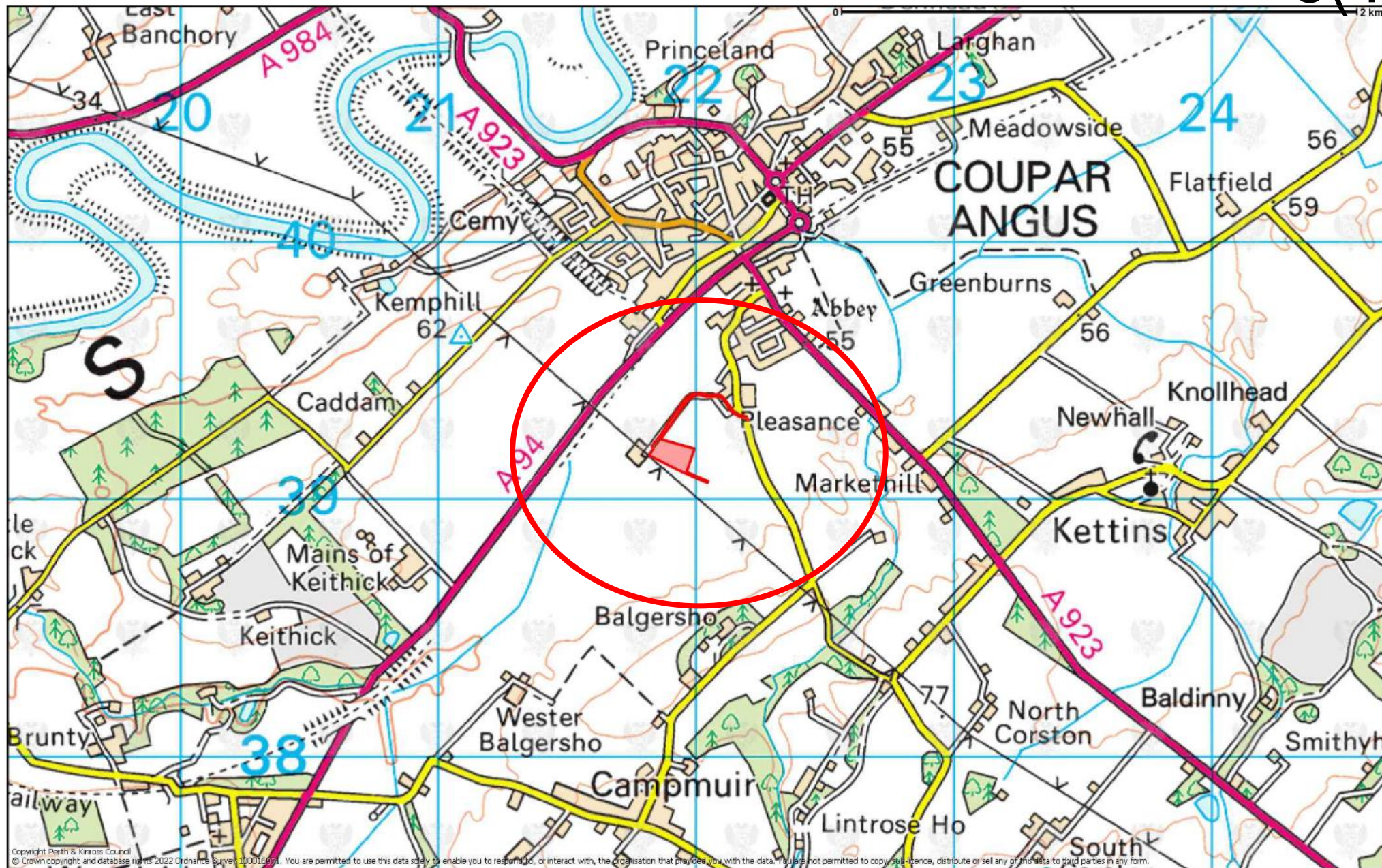
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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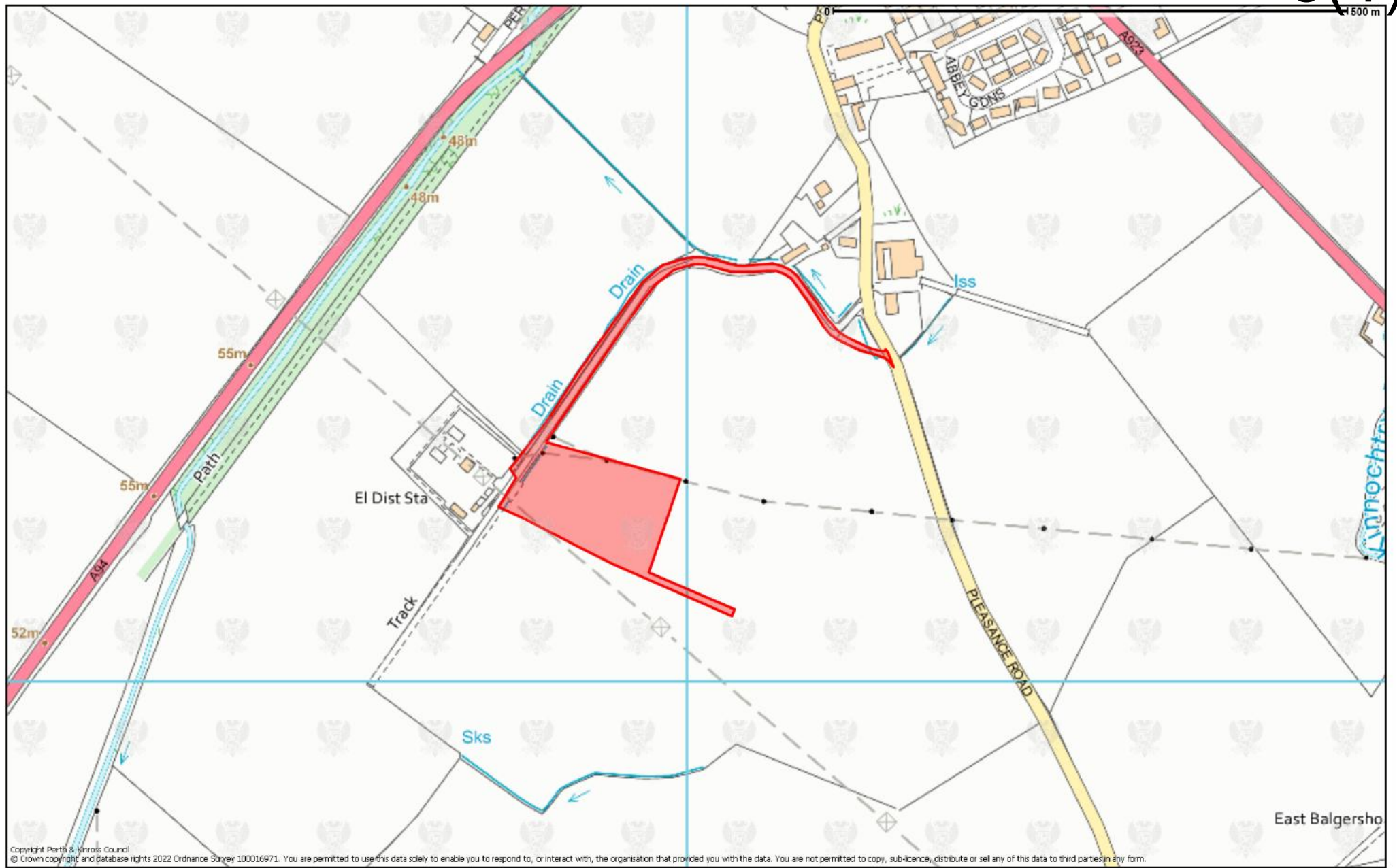
**22/00195/FLM - Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW**

**Land 130 Metres South East Of Coupar Angus Substation, Pleasance Road, Coupar Angus**









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Scale 1:5000



**22/00195/FLM - Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW**

**Land 130 Metres South East Of Coupar Angus Substation, Pleasance Road, Coupar Angus**





Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
 (Report No. 22/112)

**PROPOSAL:** S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM

**LOCATION:** Wheel Inn 37 Angus Road Scone Perth PH2 6RA

Ref. No: [22/00301/FLM](#)

Ward No: P2- Strathmore

### Summary

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site benefits from planning permission for 51 retirement living apartments, including 13 affordable apartments, provided across two blocks which are age restricted (by planning condition) to residents aged 55 and over. To facilitate the development, the proposal included the demolition of the existing public house and restaurant known as the Wheel Inn.
- 2 The application site is located within the Scone settlement boundary and extends to 0.71 hectares in area (7100sqm). The site has a main vehicular access from Angus Road, with a secondary access from Stormont Road to the north. The site is bounded by a doctors' surgery to the north, residential properties to the south and west and larger dwellinghouses to the opposite side of Angus Road to the east (elevated by topography). The topography of the site is variable, with the ground sloping down from Angus Road towards the car parking and then rising again to the rear of the site.
- 3 Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission to develop land which depart from conditions attached to an existing permission. The effect of granting permission via a Section 42 (S42) application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.

- 4 The primary purpose of this S42 application seeks to remove Condition 14 of the extant planning permission 18/02139/FLM.
- 5 The original wording of Condition 14 states:
- 6 *Prior to the development hereby approved being completed or brought into use, a scheme for the location and specification of a 3-bay cantilever bus shelter and information board shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Public Transport Unit. The approved scheme shall thereafter be installed at the applicant's expense, in accordance with the agreed details and confirmed as operational by the Council's Public Transport Unit, prior to the occupation of the last residential unit.*  
*Reason – In the interest of promoting sustainable public transport.*
- 7 Assessment of the proposed removal of this condition is set out below.

### **Pre-Application Consultation**

- 8 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 18/02139/FLM and there is no further PAC needed procedurally in relation to this S42 application.

### **National Policy and Guidance**

- 9 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 2014**

- 10 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014 (SPP)**

- 11 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.

- 12 The following sections of the SPP will be of particular importance in the assessment of this proposal:

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

### **Planning Advice Notes**

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport

### **Creating Places 2013**

- 14 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYplan Strategic Development Plan 2016-2036**

- 16 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 17 The following section of the TAYplan 2016 is of particular importance in the assessment of this application.

### **Policy 2: Shaping Better Quality Places**

- 18 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

## **Perth and Kinross Local Development Plan 2**

- 19 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.
- 20 The principal relevant policy is, in summary;

### **Policy 60B - Transport Standards and Accessibility Requirements**

- 21 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. The aim of all development should be to reduce travel demand by car and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.

### **SITE HISTORY OF RELEVANCE**

- 22 [16/01122/FLL](#) Formation of a sensory garden, erection of boundary treatments, engineering works and other associated works Application Approved under delegated powers 16 August 2016.
- 23 [18/00005/PAN](#) Residential development PAN Decision Issued 12 June 2018.
- 24 [18/01466/FLM](#) Erection of an assisted living facility comprising 55no. accommodation units, communal area, office, store, 2no. plant rooms, bin storage, boundary treatments and formation of parking areas, landscaping and associated works. Application Withdrawn.
- 25 [18/02139/FLM](#) Erection of 51 retirement flats and cycle store, formation of parking and associated works. Application Approved at Planning and Development Management Committee on 14 March 2019.
- 26 [19/02116/FLL](#) Formation of car parking and associated works. Application Approved under delegated powers on 26 February 2020.

### **CONSULTATIONS**

- 27 As part of the planning application process the following bodies were consulted:

#### **External**

- 28 **Scone and District Community Council** - Objection on the grounds that the bus stop is popular on the Number 7 bus route and as such the shelter and noticeboard is required by the Scone residents.

## Internal

- 29 **Transport Planning** - No objections.

## Representations

- 30 A total of 3 letters of representation has been received in respect of the current application including one from the Community Council. Out of the 3 received, 2 object and one is in support. The main issues raised within the 2 representations are:
- Increased car use/traffic
  - Perth City Centre Congestion
  - Contrary to Development Plan
- 31 These issues are addressed in the Appraisal section of the report.
- 32 The remaining letter of support suggested that as there is currently no bus shelter at the bus stop in Angus Road in the northerly direction, a shelter could be erected with a replacement notice board.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	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

- 33 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
- 34 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:

If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;

If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 35 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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 involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

### **Principle**

- 36 The detail of the development subject of this application has been previously established through the approval of the extant planning permission (18/02139/FLM), and is therefore not reviewed as part of this S42 application. The removal of Condition 14 (a scheme for the location and specification of a 3-bay cantilever bus shelter and information board) is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are anticipated.
- 37 The original wording of Condition 14 of planning permission 18/02139/FLM states:
- 38 *Prior to the development hereby approved being completed or brought into use, a scheme for the location and specification of a 3-bay cantilever bus shelter and information board shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Public Transport Unit. The approved scheme shall thereafter be installed at the applicant's expense, in accordance with the agreed details and confirmed as operational by the Council's Public Transport Unit, prior to the occupation of the last residential unit.*  
*Reason – In the interest of promoting sustainable public transport.*
- 39 The applicant proposes the removal of Condition 14 as Perth and Kinross Council's Public Transport Unit specified the bus shelter is to be provided to the existing bus stop location on Stormont Road. In a supporting statement, the applicant has stated that the existing footpath in this location is not wide enough to accommodate a bus shelter, requiring it to be set back within the grounds of Scone Surgery.
- 40 The supporting statement further states that the applicant can only install the bus shelter either within their site or on Council owned land or adopted land and that it is unreasonable for the Council to require the applicant to negotiate with another landowner to provide the bus shelter within their land. As a result,



they state that they are unable to comply with the requirement of this condition, hence they are seeking the removal of the condition.

## **Roads and Transport**

- 41 The wording of Condition 14 does not specify an exact location for the bus shelter. It states a scheme for the *location* and specification of a 3-bay cantilever bus shelter and information board shall be submitted. The applicant submitted a scheme for a bus shelter at an existing bus stop in Angus Road, however, after consultation, the Council's Public Transport section specified it was to be located in the same location as existing stop on Stormont Road, at Scone Surgery.
- 42 The Public Transport section acknowledged that in order to maintain footpath accessibility, there would be a need to set the shelter back in the grounds of Scone Surgery, with liaison with the Surgery regarding this. No evidence has been submitted from the applicant which suggests this has been undertaken. To the contrary, the supporting statement states they can only provide the bus shelter if it is to be located within the application site or on Council owned or adopted land and that the Council cannot reasonably require negotiations to take place with another landowner to provide the facility within third party title.
- 43 With regard to public transport, there is a frequent bus service operating near the application site. Service No 7 calls at a stop (Stormont Road Surgery) approximately 50 metres from the nearest residential block on Stormont Road heading west and there is an adjacent bus stop (opp. Stormont Road Surgery) heading east. These stops are part of a circular route leading into Perth City Centre and Hillend beyond. Other stops where shelters are present are within walking distance on Angus Road to the east and Mansfield Road to the south, albeit a much further distance than the stops at the Surgery on Stormont Road. The service runs at approximately 20 minute intervals between 06.11 hours and 18.33 hours then moves on to an hourly service after 19.00 hours. There is also a well serviced Park and Ride facility within Scone which also runs at approximately 20 minute intervals.
- 44 The objections have expressed concerns that a shelter is required in this location to serve the development as it is aimed at persons over 55 and the level of parking within the development does not allow for multiple cars per household requiring reliance on public transport.
- 45 It is recognised through the objections received that there is a perception that the absence of a bus shelter in this location would give rise to an increase in traffic movements leading to congestion within Perth city centre. It is clear that both national and local planning policies require new developments to be sustainable. In order to offset the potential for increased unsustainable car journeys, there is no doubt public transport enhancement measures would assist, however, there is no information to suggest that in the absence of a bus shelter in this location, car usage would increase and the use of public transport would be reduced. It is, therefore, held that the current arrangements would not discourage the use of public transport.

- 46 As noted above, the applicant has stated that it is unreasonable for the Council to require negotiations with another landowner. The application submission is unclear, however, it is assumed that no negotiations have been attempted with the landowner and as a result the scheme cannot be delivered. Conditions requiring works on third party land are not normally appropriate in any case and possibly would have been clarified at the granting of the earlier permission, had the full implications been known at that time.
- 47 In summary, Condition 14 has been imposed on the development at the request of the Public Transport section, with the support of adopted planning policy in order to ensure that appropriate public transport improvements are secured in the interests of sustainable development. No objections have been received to the removal of Condition 14 from the Public Transport section who originally recommended the inclusion of this condition and there is no evidence to suggest that in the absence of a bus shelter in this location, public transport usage will significantly change, as a result of the proposed residential development. Furthermore, the existing bus service is frequent and reliable and as noted above, there is a Park and Ride facility located within a short distance of the site. On that basis the proposal to remove the condition is considered to be acceptable.

#### **Developer Contributions**

- 48 No change to developer contributions through amending Condition 14 of planning permission 22/00301/FLM.

#### **Economic Impact**

- 49 The economic impact from this proposal is anticipated to be limited.

#### **LEGAL AGREEMENTS**

- 50 Not required.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the removal of Condition 14 (bus shelter and information board). Having taken account of the Local Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that

all other matters are unaffected from the existing permission and, therefore, as a new standalone permission would be granted here.

- 53 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

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

1. 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.

2. The occupation of the residential accommodation hereby approved shall be restricted to occupants aged 55 and over and shall not be occupied as the sole or main residence of any occupant aged under 55 years of age.

Reason - For the avoidance of doubt and to ensure occupation of the development hereby approved complies with the relevant Perth and Kinross Local Development Plan Policy.

3. The detail and timing of the on-site affordable apartment delivery as agreed in association with planning permission 18/02139/FLM (Kingdom Housing Association letter dated 24th February 2022) shall be delivered and managed in accordance with the agreed delivery mechanism and timing.

Reason - To ensure the development is in accordance with the terms of the relevant Perth and Kinross Council Local Development Plan and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

4. In line with planning permission 18/02139/FLM (drawing number 18/02139/38), the agreed details of the specification and colour of the proposed external finishing materials to be used shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

5. As agreed on drawing number 18/02139/62 of planning permission 18/02139/FLM, all trees on site (other than those marked for felling on the approved plans) 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 construction. Any works required within the Root Protection Areas

shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Council as Planning Authority.

6. The agreed landscaping and planting scheme in association with planning permission 18/02139/FLM (drawing numbers 18/02139/54 and 18/02139/59 shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

7. The recommendations within the supporting Bat Activity Survey Report (drawing number 18/02139/28) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures 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 local 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).

9. The bird box specification (Madrid swift nest box from Wildcare) and locations in association with planning permission 18/02139/FLM (drawing number 18/02139/69) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential block.

Reason - In the interests of enhancing biodiversity opportunities on the site.

10. The agreed locations for bin collection presentation in association with planning permission 18/02139/FLM (drawing number 18/02139/44) shall be implemented as part of the development.

Reason - In order to ensure adequate servicing facilities are provided.

11. 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 public health and to prevent noise pollution.

12. The agreed construction traffic management scheme (CTMS) in association with planning permission 18/02139/FLM (drawing numbers 18/02139/50 and 18/02139/51) shall be adhered to during the entire site construction programme.

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

13. In line with planning permission 18/02139/FLM, the accesses at Angus Road and Stormont Road shall be upgraded to the satisfaction of the Council as Roads Authority and footpath links, including dropped kerbs shall be provided at both accesses in accordance with the standards required by the Council as Roads Authority.

Reason - In the interest of pedestrian and cycle safety.

14. The agreed sustainable urban drainage system (SUDS) in association with 18/02139/FLM (drawing number 18/02139/52) shall be implemented and all works operational prior to the bringing into use of the development.

Reason - For clarity and in order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

## **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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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 41 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 41 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; and
  - Printed on durable material.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. Swift brick installation should proceed in accordance with Swift Conservation guidance available from [swift-conservation.org](http://swift-conservation.org). Installation of lighting and bat boxes should proceed in accordance with Bat Conservation Trust guidance.

9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
10. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
11. The applicant is advised to allow for a maximum of 10 linear metres of level hard standing from bin storage or presentation point to refuse collection vehicle to reduce manual handling for bin collection crews.
12. The applicant is recommended to discuss potential options with the Council's Waste Services team (Tel: 01738 475000) for securing an onsite glass recycling point for the benefit of the development.

Background Papers: 3 letters of representation  
Contact Officer: Gillian Peebles  
Date: 19 May 2022

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

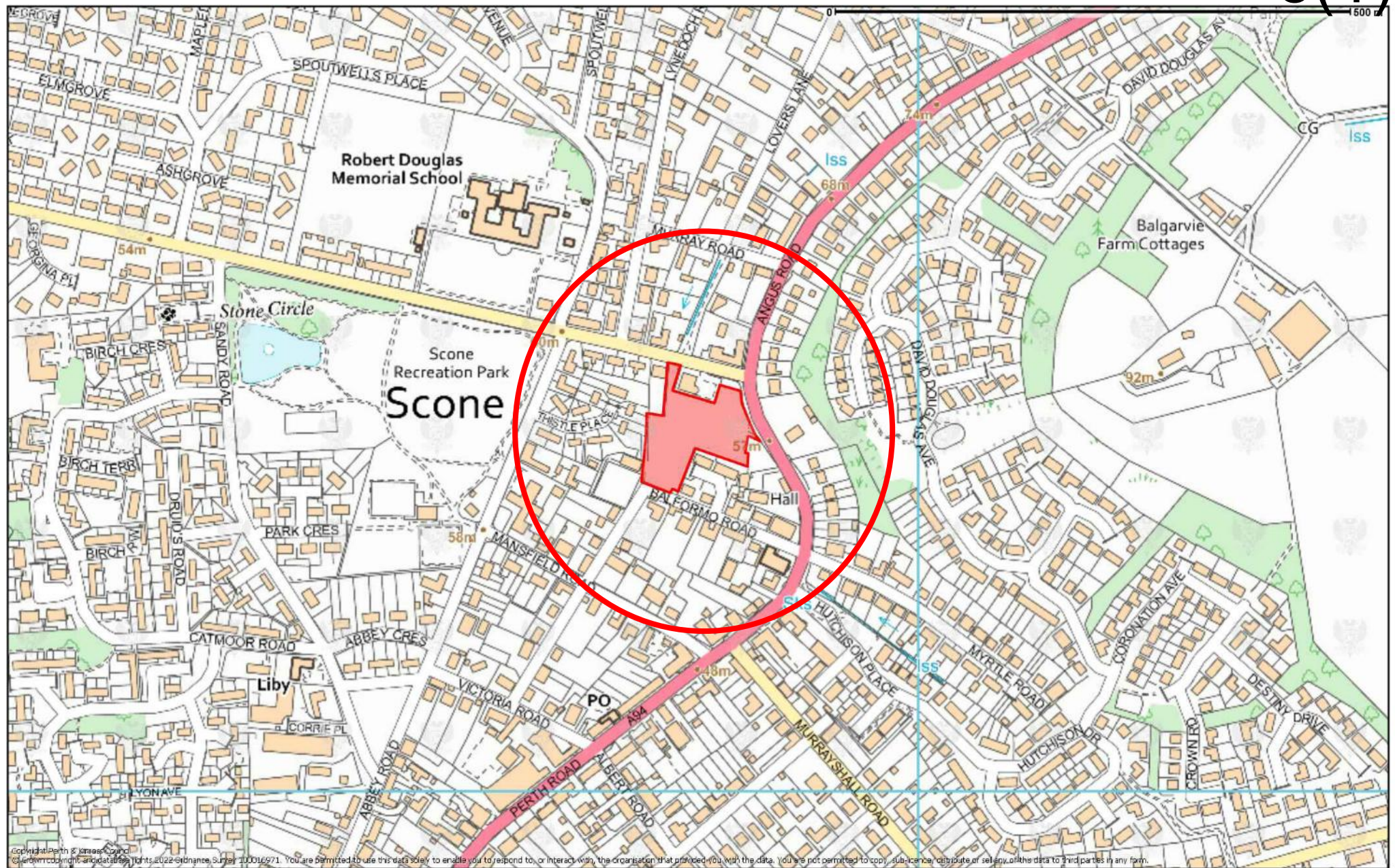
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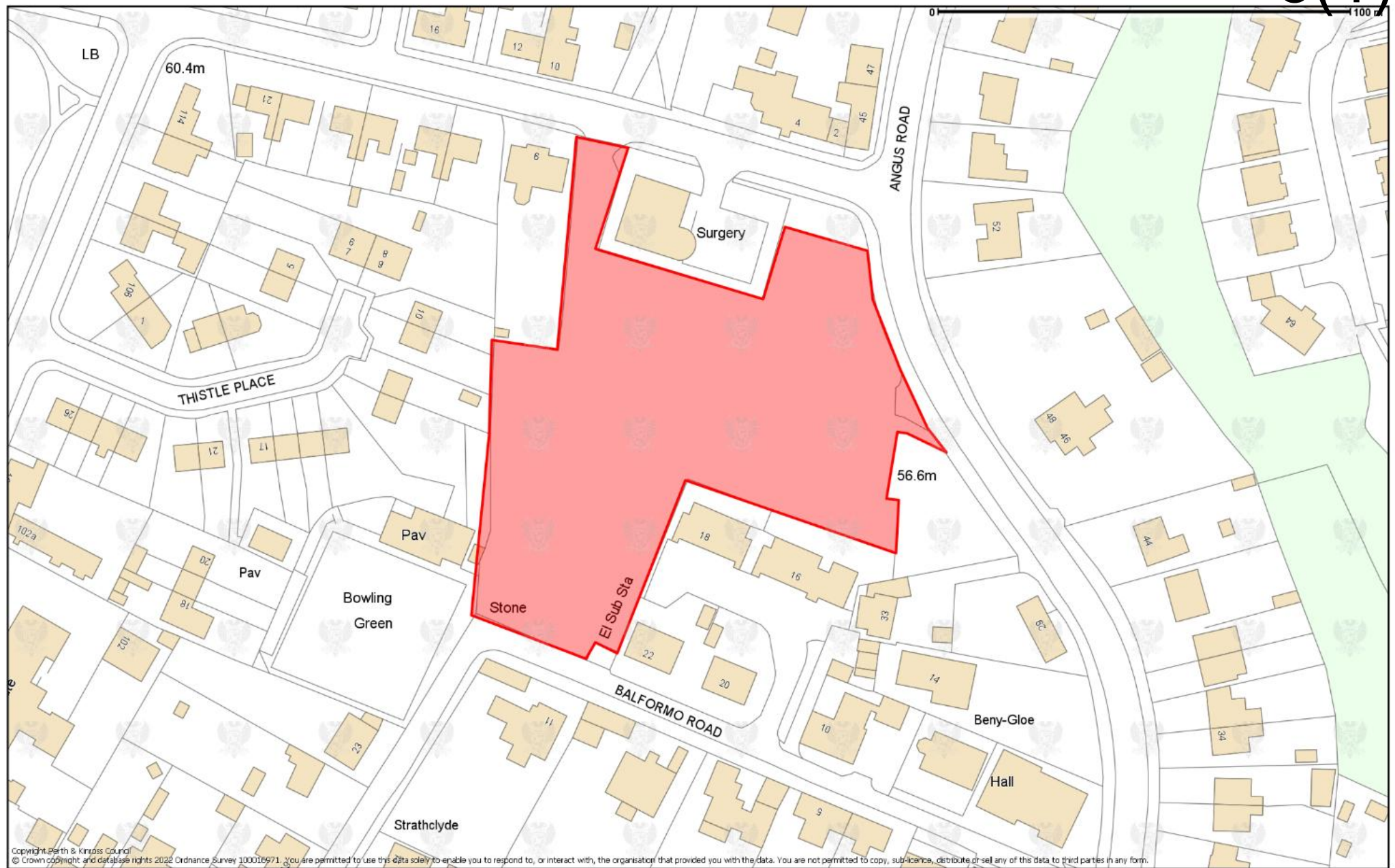
22/00301/FLM - S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM

Land at 37 Angus Road, Scone, Perth









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22/00301/FLM - S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM

Land at 37 Angus Road, Scone, Perth





Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
 (Report No. 22/113)

**PROPOSAL:** Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works

**LOCATION:** Land west of 4 Pickembere, Pitheavlis, Perth

Ref. No: [21/00248/FLL](#)

Ward No: P10- Perth City South

### Summary

This report recommends approval of the application, subject to receipt of or other means of securing identified developer contributions and the revocation of the aspect of planning permission 99/00818/FUL to remove the ability to use that premises for Class 1 retail use at the applicants existing Glasgow Road store. Although the development is not considered to fully comply with the relevant provisions of the Development Plan, there are material considerations which outweigh the position of the Development Plan and justify a recommendation of approval.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located within the settlement boundary of Perth, on the southern edge. The Aviva campus, the main building of which is Category A listed, lies to the south in an elevated position. Currently access is from the main Aviva service road, through a vacant site to the southwest. This area previously used as a hotel/training centre linked to Aviva. Topography generally falls by c.5 metres west to east towards woodland (forming the Buckie Braes) and a row of traditional stone cottages. To the northwest, across Necessity Brae is a residential area.
- 2 Outline planning permission has previously been granted on a wider site, this including office use on the site and the subsequently developed housing across Necessity Brae. The office element has never progressed.
- 3 Aldi have explored extending their current store at Glasgow Road, which is allocated in the Perth and Kinross Local Development Plan 2 within an 'Employment Safeguarding' adjacent to the city centre. However they consider the site is not large enough to deliver the business requirements sought in this proposal. The existing store extends to a gross floorspace of 1,173sq metres and the new store would increase to 1,884sq metres. In order to limit the drawing of trade away from the city centre area, the permission for the existing

store will in part be revoked, to remove the ability to use it for Class 1 (retail) purposes and the new store, in terms of retail impacts on existing identified centres, considered only on the basis of it's uplift in retail floorspace rather than in addition to the vacated store. The revocation process would require to be completed before any positive decision was issued, if this proposal is supported by committee.

- 4 In addition to delivering a new retail store, replacing that at Glasgow Road. The plans also include a new access junction from Necessity Brae, parking facilities, retaining structures and landscaping.

### **Pre-Application Consultation**

- 5 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 any formal pre-application consultation with the local community.
- 6 The applicant did however undertake engagement early with the local community and Councillors, to inform their submission.
- 7 Online consultations were held with virtual question and answer sessions. The report on this indicates that there was a good level of support for the scheme from 250 respondents (c.64%), with the concerns raised being considered and responded to in the final submitted design, etc.

### **NATIONAL POLICY AND GUIDANCE**

- 8 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **National Planning Framework 2014**

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

#### **The Scottish Planning Policy 2014 (SSP)**

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

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

11 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Promoting Town Centres: paragraphs 58 – 73
- Supporting Business and Employment: paragraphs 92 – 108
- Valuing the Historic Environment: paragraphs 135 – 151
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

12 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
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Other Material Considerations**

[Getting the Right Change: A Retail Strategy for Scotland](#) – March 2022

Scotland Retail Strategy

13 The ‘Place Principle’ adopted in this recent Scottish Government publication is one where people, location and resources combine to create a sense of identity and purpose, and is at the heart of addressing the needs and realising the full potential of communities. Creating communities and places people want to visit, live and shop in, is seen as vital to Scotland’s Covid recovery – not only for retail, but for culture, hospitality and tourism too. Where there are actions to support a strong local retail and cultural destinations, there will be opportunities for other businesses, such as hospitality and tourism, to capitalise on increased footfall. ‘20 minute’ neighbourhoods are places where people live within 20 minutes of walking, wheeling, cycling or using public transport to reach key amenities like shops, services and green spaces.

[Scotland's National Strategy for Economic Transformation](#): Published March 2022.

- 14 The Scottish Government launched its Economic Development Plan with a vision to create a well-being economy: a society that is thriving across economic, social, and environmental dimensions, and that delivers prosperity for all Scotland's people and places. The aim to achieve this while respecting environmental limits embodied by our climate and nature targets. Whilst creating this vision to increase investment and increase productivity.

### **Creating Places 2013**

- 15 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **National Roads Development Guide 2014**

- 16 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.

### **DEVELOPMENT PLAN**

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 3: First choice for investment
- Policy 5: Town Centres First

### **Perth and Kinross Local Development Plan 2**

- 20 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.



21 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7: Employment and Mixed Used Areas: Business and Industrial
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 25: Housing Mix
- Policy 27: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

#### **Other Policies**

#### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

#### **Placemaking Supplementary Guidance 2020**

23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

#### **Perth and Kinross Town Centre and Retail Study 2016**

24 The retail study is the most up to date assessment that has been undertaken of capacity across the city to accommodate additional retail floorspace.

#### **SITE HISTORY**

25 [08/00122/OUT](#) Outline planning permission was approved on 15 August 2008 for a mixed use development comprising residential, hotel with associated

public house/restaurant, care home and offices with associated car parking, internal access roads and adjusted site levels.

- 26 [14/00269/AMM](#) related to the above parent permission and a subsequent Section 42 consent (11/00933/FLM) matters specified in conditions were approved on 12 September 2014 for the residential development now present on the north side of Necessity Brae.

## **CONSULTATIONS**

- 27 As part of the planning application process the following bodies were consulted:

### **External**

- 28 **Historic Environment Scotland** – No objection, initial concerns addressed by submission of a Heritage Assessment.
- 29 **Scottish Water** – No objection. Note that capacity is available for foul and water, subject to an application to secure connections.

### **Internal**

- 30 **Biodiversity/Tree Officer** – No objection. Advise of no impact on protected species. Concerns raised over the removal of trees and limited of biodiversity enhancements.
- 31 **Community Greenspace** – Initially objected to the proposals on the basis of landscape concerns. It was considered that these were largely addressed by the subsequent heritage assessment, design/boundary revisions and updated landscaping proposals.
- 32 **Development Contributions Officer** – No objection. Advise a contribution is required for transport infrastructure (£87,654).
- 33 **Environmental Health (Contaminated Land)** – No objection and no conditions required.
- 34 **Environmental Health (Noise Odour)** - No objection. Conditions recommended related to noise, lighting and constriction management.
- 35 **Structures And Flooding** – No objection to drainage proposals.
- 36 **Transport Planning** – No objection. Conditions recommended for construction traffic management, road improvements and submission of travel plan.

## **Representations**

- 37 27 representations have been received, 16 in support and 11 objections. The main issues raised within the representations are:

### 38 Support

- Employment Provision
- Enhances Character of Area
- Results in Environmental Improvements
- Supports Economic Development
- Provides a shop within walking distance/shorter car trips

### 39 Objections

- Impact on Buckie Braes
- Out of character with the area
- Adverse effect on visual amenity
- Contrary to development plan policy
- Inappropriate land use
- Loss of open space
- Loss of trees
- Noise pollution
- Road safety concerns
- Traffic congestion
- Flooding

40 These issues are addressed in the Appraisal section of the report.

### ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"><li>• Heritage Assessment,</li><li>• Landscape Design Statement,</li><li>• Tree Survey,</li><li>• Planning and Retail Statement,</li><li>• Employment Land and Viability Report,</li><li>• Drainage Impact Assessment inc Flood Risk Assessment,</li><li>• Geo-Environmental Assessment,</li><li>• Consultation Report,</li><li>• Transport Assessment,</li><li>• Ecological Survey,</li><li>• Noise Report.</li></ul>

## **APPRAISAL**

- 41 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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 involves considerations of the Council's other approved policies and supplementary guidance.
- 42 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Principle**

- 43 Aldi currently operate two stores in Perth, with the Glasgow Road store one of the smallest in their Scottish portfolio with a gross floorspace of 1,173sq metres. As such Aldi have been exploring opportunities to improve this stores offering to be more in line with its other stores, such as through an extension. However, they advise this has not been feasible, due to the physical and operational constraints of that site. The alternative instead being to relocate to a larger site within the city. As a result of the alternative location, the existing store on Glasgow Road would be closed and the ability of the building to operate as a Class 1 retail facility removed, through a formal revocation.
- 44 In seeking a new site within the city, Aldi considered a range of options including alternative locations within the city centre, although none were available, nor any sequentially preferable – in terms of retail policy considerations. Following this, efforts were focused on considering sites in the southern part of Perth, given their existing presence at Inveralmond (covering the north area), leading to the selection of the application site. The Necessity Brae site considered to occupy a prominent location, in a walkable location which is highly accessible via a range of sustainable transport modes, given the proximity to the A93. The proposal therefore aligns with the principles contained within the Scottish Government's Retail Strategy for Scotland published in March of this year.
- 45 The site has been allocated in Local Development Plans for employment uses for a number of years and planning permission has previously been granted for a mixed commercial development. However, the site has remained vacant and the supporting statement details that there has not been any credible interest for office development. Furthermore, a viability appraisal has been completed which further identifies that development of the site for office, industrial or hotel use would not be viable due to the significant abnormal development costs

associated to the site adversely affecting returns on investment and making it unattractive to investors.

- 46 In terms of the principle of retail use the site is identified as employment site E165 within LDP2, specifically for employment uses (core), hotel, and non-residential institutions – reflective of the historic planning permission.
- 47 Policy 7 Employment and mixed-use areas applies and in relation to a proposed retail use it has the following limited exceptions:
- ‘(d) Proposals for retail uses in employment areas will not be acceptable unless they are ancillary to an acceptable use on the site:
- (e) Proposals for service facilities (should exclude retail and commercial facilities over 100 m<sup>2</sup>) and should serve the business and industrial area rather than draw out-side trade and cumulatively should not equal more than 15% of the allocated employment area.’
- 48 The proposed retail use does not meet either of these exceptions. Thus, the proposal is contrary to the LDP2 Policy 7 and to the uses identified for E165.
- 49 The supporting Employment Land and Viability Report (ELVR) acknowledges that PKC’s Employment Land Audit shows an employment land supply of 213ha within Perth Core. However, this land supply largely relies on sites yet to be serviced. In terms of sites which are already serviced and more readily available, such as E165, there is a more limited supply. When considering impact on employment land supply the Employment Land Audit 2020 identifies that of the 22.23 ha of serviced land available within Perth Core area, 2.15 ha is within E165, and 0.97ha of it would be lost if this planning application is approved. In this regard it is noted that PKC are committed to providing 11.25 ha of employment land over the next five years (to meet demand), although not directly in control of delivery.
- 50 The site has potential to attract employment uses (class 4, 5 or 6), due to the good public transport provision, including dedicated bus services to the adjacent Aviva. It is however acknowledged that the Post covid-19 situation is more uncertain. The ELVR also identifies that neither an office, industrial or hotel scheme is likely to be viable on the site, given the significant costs of developing the site. PKC’s Estates and Commercial Investment team have confirmed that the ELVR is well researched and makes a robust supporting case on non-viability. Furthermore, given the lack of delivery of the employment uses on site while other aspects have been delivered, the tabled proposal would also align with Scotland’s National Strategy for Economic Transformation in that the development would increase investment in the area whilst also catering for social and economic benefits locally.
- 51 It must therefore be considered whether the loss of 0.97ha is significant in terms of the serviced employment land and the wider supply. In real terms 0.5% of the overall employment land allocation in Perth Core would be lost,

furthermore it would lead to a loss of 4.3% of the serviced employment land in that Core.

- 52 Policy 13 Retail and Commercial Leisure Proposals is another key policy in terms of considering the principle of this proposal. The Council's own Retail Study from 2016 identifies convenience retail capacity within the Perth catchment. From the applicant's assessment, it is stated that this floorspace uplift can easily be accommodated, without significant impact on any protected centre.
- 53 The proposed store is a direct, if slightly larger, replacement for Aldi's existing store at Glasgow Road. However, if the planning permission is granted without securing the revocation of the retail use of the Glasgow Road store then there would be a need for a Retail Impact Assessment (RIA) to consider the impacts of an additional of 1,884m<sup>2</sup> gross convenience floor space on existing identified centres. This being reflective of Policy 13 within LDP2 which states, *"retail and leisure development of 1,500 square metres or more gross floor space outwith a defined town centre boundary, and not in accordance with the Development Plan, will require a transport, retail or leisure impact assessment."* However, if the existing out of centre retail use is revoked then this proposal would only result in an additional 711m<sup>2</sup> of gross floorspace, containing 444m<sup>2</sup> of retail floorspace (355m<sup>2</sup> for food sales and 89 m<sup>2</sup> non-food). Only on this basis is it considered that a RIA is not required.
- 54 The Perth and Kinross Town Centre and Retail Study 2016 acknowledges two main considerations and states, *"In terms of the distribution of potential opportunities for new store development in the Perth sub area, it is reasonable to consider that Scone is a possible location for new store development to serve the local population. For example, there would be capacity to support the existing supermarket consent at Scone, or an alternative proposal, such as a discount food store."*
- 55 It is considered that the additional 444m<sup>2</sup> of discount store provision proposed helps address spare capacity for discount food store identified in the Perth and Kinross Town Centre and Retail Study 2016, although not in Scone. However the south/west area of Perth is one which is now identified for significant future growth and has seen some of this in recent years – post 2016. Furthermore, the applicant has submitted a sequential assessment and it is considered that the proposal meets the sequential test, as there are no suitable opportunities within sequentially preferable locations.
- 56 The following are site specific developer requirements associated to the E165 allocation:
- Connect to the core path network to east.
  - Tree survey required: enhancement of biodiversity and habitats and retention of existing woodland.
  - Flood Risk Assessment.
- 57 These are considered in more detail in subsequent sections of the report.

- 58 Overall, the proposed retail use is contrary to LDP2 Policy 7: Employment and Mixed - Use Areas as well as the specific land use allocation set out in E165, thus a departure from the Development Plan. However, alongside the revocation of the Glasgow Road retail use it is considered that the proposal is in accordance with Policy 13: Retail and Commercial proposals, as it meets the sequential test which indicates there are no suitable opportunities within better locations. In addition, the proposal would see 0.97ha developed of the remaining 2.1ha at E165, leaving 1.13 ha for employment uses. In turn the proposal could allow the existing Aldi site to be utilised for Class 4, 5 and 6 potentially bringing 0.4 ha of serviced employment land forward, which is currently in Class 1 (retail) use.

### **Design and Layout**

- 59 The proposed retail unit with car parking, servicing and landscaping sees a single storey building located to the south of the site with the service area contained to the rear. The access is to the west onto Necessity Brae and the carpark lies to the north/northwest.
- 60 The building has a simple rectangular floor plan with a low mono-pitch roof. The site, due to the sloping topography, requires land engineering works to increase levels and create a platform for development. The building is to be sited in the northern part, where no significant increase in levels are required. Where the levels require to be increased and retained, to a maximum height of c.4.95m (to the north/east) carparking areas will be provided. The platforming and cut and fill of sloping sites is not uncommon and can include the use of masonry/ concrete retaining walls, gabion baskets or a crib lock structures. However, the approach proposed seeks to mitigate the impacts and provide a softer solution via the use of 'Tensar Greenslope', which is a naturally vegetated, steep-slope earth retaining system.
- 61 The buildings finishes were originally to be a grey roof and wall cladding with a small amount of timber. The plans have since been revised and now see expansive timber cladding to walls and the roof finished in green coloured panels, to tie in with the natural character of the site and the immediate context of the woodland backdrop.
- 62 The design, siting and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

### **Residential Amenity**

- 63 The proposed opening hours of the store are between 8am and 10pm, Monday to Saturday and 9am to 8pm on Sundays.
- 64 The site sees the closest residential properties to the east at 1 to 4 Pickembere (Low Road) and then to the northwest (separated by Necessity Brae) where there are flatted properties at Arthur Park.

- 65 The store and its service yard are located to the south of the site set at the furthest point from these dwellings. The car park is however sited closer to 1 to 4 Pickembere.

### **Air Quality**

- 66 The site is within the Perth Air Quality Management Area (AQMA) and an Air Quality Assessment (AQA) supports the application. The AQA aligns with the submitted Transport Assessment and has used the traffic data from the recently produced Systra 2019 baseline traffic model for Perth. In line with the Institute Air Quality Management impact descriptor the AQA concluded that the impact from the proposed development will be insignificant for all pollutants.
- 67 A dust assessment was also undertaken to assess construction phase impacts and concluded that dust generated from the site construction activities would be low risk. However, a construction management plan shall be required by condition to ensure control measures and procedure to mitigate the effects of dust and noise during the construction period of the development. (Condition 7)

### **Noise**

- 68 The submission is also accompanied by a Noise Impact Assessment (NIA) which assesses noise from the proposed car park, store service area, fixed plant noise sources and deposit return scheme facilities.
- 69 The NIA concluded that no additional mitigation noise control measures would be required. As the development is not likely to have a detrimental effect on the existing residential amenity at closest dwellinghouses for both daytime and night-time as target criteria levels are not exceeded. Conditions are recommended in relation to noise to ensure that residential amenity is protected from noise from the daily operations of the development. (Conditions 2, 3, 4 and 5)
- 70 The NIA did not assess construction noise at the closest noise sensitive residential properties therefore, a condition to control noise during the construction phase due to the close proximity of the site to residential properties is proposed. (Condition 15)

### **Lighting**

- 71 The carpark would be at a higher level than the current ground level, as a result of site level works. However, the retaining structure would form a pediment enclosure to the boundaries which will screen car headlights. Otherwise, an overall lighting scheme is proposed for the carpark and a condition will be added to ensure that this is adequately screened. (Condition 6)
- 72 It is therefore concluded that there is no unacceptable impact on residential amenity from lighting and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.



## **Contaminated Land**

- 73 Site investigations have been undertaken to support a previous application for a larger site (which included the application site). This saw no constraints to the site's redevelopment due to the presence of any contamination.

## **Roads and Access**

- 74 The proposed vehicle and pedestrian access is to be formed directly onto the B9112 (Necessity Brae). The site-specific developer requirements states that connection is to be made to the core path network to east. However, this is not included in the proposal, due to the change in levels which would require a substantial stepped/ramp access and also reduce the potential for landscaping/compensatory planting. It is also considered that the link would offer little benefit, as the Buckie Braes lead out of Perth and do not connect any residential areas. As such this aspect is not considered necessary.
- 75 The site will be served by 100 parking spaces, including 8 accessible (two of which would see electric vehicle charging points (EVCP)) along with 9 parent and child spaces, and 4 EVCPs, (2 of which will be accessible, in addition to the 6 disabled spaces). Furthermore, ducting will be provided within the car park for a further 16 EVCPs should the need arise in the future. Cycle stands will also be installed at the shopfront, for up to 10 bicycles. This is an acceptable level of car and cycle parking for the development. A condition is recommended to secure the minimum number of cycle parking spaces and the timing of their installation. (Condition 11)
- 76 The delivery regime for Aldi stores generally involves the following: one to two HGV deliveries (16.5m vehicles) and a smaller milk delivery (small rigid truck) each day. The HGV driving forwards into the site, reversing into the carpark and then exit the site in forward gear.
- 77 To facilitate the vehicle access into the site, the proposal is to relocate the southwest bound bus stop.
- 78 Trip generation information for the development, shows that there will be a number of new trips and pass-by trips attracted to the store.
- 79 With approximately 300 residential properties to the northern side of Necessity Brae, it is considered that a signalised pedestrian crossing should be provided to enable residents to cross and access the proposed Aldi store. The location of the crossing shall be agreed with the roads authority and operational prior to the store opening. (Condition 9)
- 80 The footway on the southern side of Necessity Brae is currently slabbed and resulting increased footfall sees it recommended that an alternative material is considered, such as a Hot Rolled Asphalt. Improving evenness and navigation by those with visual impairment. (Condition 9)

- 81 With the large employment at Aviva to the southwest, it is recommended that the footway to the west of the proposed vehicle access is extended round into the site to the gas meter housing, to reduce the conflict between pedestrians and vehicles. (Condition 9)
- 82 Proposed 'yellow box' junction markings shall be subject to further discussion with Perth & Kinross Council and Police Scotland, therefore the implementation of the yellow box markings would not be approved through this planning application. An informative is recommended for discussions to take place, prior to the implementation on the public road network. (Informative 11)
- 83 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

### **Drainage and Flooding**

- 84 The application is supported by a Drainage Impact Assessment which includes a Flood Risk Assessment. This sees the site not identified within an area of flood risk, but there are known surface water flooding issues within the area. The reports submitted have considered these issues and drainage proposed to ensure the development does not contribute to any existing issues.
- 85 The development is also to be connected to the Scottish Water network for water and foul drainage. Scottish Water note that the following assets are within/or close proximity: a 225mm foul and combined sewer, 100mm surface water sewer and a 200mm distribution main. These have impacted the development layout and the planting scheme.
- 86 It is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage

### **Conservation Considerations**

- 87 The site is located to the north of the category A listed Aviva Insurance Building. Historic Environment Scotland (HES) initially considered that the development proposed could have a negative impact on key views from the Aviva Building in the immediate designed landscape which slopes down to the development site. To better understand the impacts, they recommended that further analysis of the setting was carried out to inform the design, proposed materials and mitigation measures. Also advising that visualisations should be produced to confirm the appearance of the building and car park in key views northwards from the Aviva Building.
- 88 This information has been submitted and HES reconsulted, where they welcome the amendments and supporting information in the revisions that are in line with their previous advice. These include a new Heritage Assessment, updated Design and Access statement and landscape design plan, and changes to the building design. They particularly welcome the visualisations which help to show how the building will be seen in key views from the Aviva building.

- 89 It is therefore considered that the proposed mitigation measures – including changes to the roof colour and removal of cowls, timber clad elevations, and redefining of the northern edge of the site with micro siting of new trees - will make the supermarket building sufficiently recessive in the setting of the Aviva Building. The proposal is therefore considered to comply with Policy 28 Listed Buildings of LDP2.

### **Natural Heritage and Biodiversity**

- 90 A Preliminary Ecological Appraisal Report (PEAR) was undertaken in September 2020 in accordance with best practice guidance. The PEAR reported that the trees present were not suitable to support roosting bats and no evidence of mammals were found within the site or immediate surroundings.
- 91 Overall, the site was assessed as providing low suitability to support protected species and no evidence was found during the survey.
- 92 The PEAR notes that the trees provide suitable nesting habitat for small bird species and several birds were recorded during the survey. The grassland within the site was noted as having a tall sward height and suitable for breeding birds, but that human disturbance may limit this. As recommended in section 5:2 of the PEAR, any vegetation clearance must be undertaken outside of the bird breeding season. This will be covered by recommended Condition 13.
- 93 The Biodiversity Officer noted that the original landscaping scheme could offer enhancement for biodiversity. The revised plans have enhanced this by including planting to tie in with the Buckie Braes, planting native trees, pollinator friendly planting, installing a variety of bird boxes, a bee post and pole mounted bat boxes.
- 94 Although the proposal involves significant clearance of trees there will be no detrimental impact on protected species and the proposal is incorporating biodiversity enhancement. The proposal is therefore considered to comply with

### **Policy 41 Biodiversity.**

#### **Trees/Landscape**

- 95 The site is covered by a mix of tree species that are spread throughout forming small groupings and boundary screening. It is evident that a significant number of trees would need to be felled to enable the development of the site as there is not any significant existing clearing for either a building or parking. In addition, the site layout requires a new access point, engineering works and sewer diversions, all further impacting tree retention. This is also confirmed in supporting documents, which confirm it would not be feasible to retain a significant amount of the trees and see the site developed for any significant use, not just a supermarket. It is therefore accepted that trees will need to be felled to facilitate the development of this site and whilst the level of tree felling is unfortunate it must overall be weighted against the benefits of bringing a site forward. All recognising that it is zoned for development, is within the settlement

boundary, meets a retail need within the area, will serve an existing residential population who can access on foot and will also provide employment opportunities.

- 96 If the tree loss is accepted then the landscaping scheme must offer acceptable mitigation. In this sense the initial landscaping scheme has been revised to address concerns regarding the species chosen, etc. but also due to clarifications on drainage wayleaves which has seen planting removed from areas where it was previously shown. The revised scheme also includes a small amount of planting beyond the site boundary which the agent confirms has been discussed with the relevant landowners. Whilst this planting is welcomed it couldn't be controlled via condition or enforced and is therefore not a determining issue in relation to the acceptability of the scheme.
- 97 The supporting statement advises that 95 trees are to be removed, with only one tree at the north boundary identified for retention. The revised landscape plan sees 102 trees to be planted, comprising: 2 trees at the west boundary, 46 at north, 40 at east, with 14 trees off site. Overall the increase in tree numbers is heavily weighted to the east. This provides screening of the site to walkers accessing Buckie Braes addressing some of the Community Greenspace comments it also affords screening to the local residents adjacent to the east boundary.
- 98 The landscaping scheme includes herbaceous planting along the boundary with Necessity Brae, this offers benefit for pollinators but would not screen the building. The supporting documents note that due to wayleaves and position of retaining slopes tree planting cannot be accommodated within this area. It must also be noted that in planning terms it is not necessary to hide or screen the development it is more important that the cumulative impacts of the proposal can be accommodated within the landscape capacity. It is considered that the design of the building and colour pallet of materials (timber cladding/green roof) will enable the building to blend with the landscape backdrop. The use of the Tensar Greenslope will also help integrate the retaining structures into the landscape framework the herbaceous planting can contribute in providing a green edge.
- 99 The landscape proposals for the site are considered to provide adequate mitigation and to comply with Policy 1 Placemaking. The proposal is also considered to comply with Policy 40 Forestry, Woodland and Trees as mitigation in the form of replacement planting has been included.

### **Developer Contributions**

- 100 The Councils Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 101 In this regard the site is located in the Perth Transport Infrastructure zone (Appendix 3 of the Supplementary Guidance).

- 102 The planning application form confirms that the proposed retail unit is 1,884 sqm of gross floorspace, comprising; trading (1,315 sqm) and non-trading floorspace (569 sqm). In line with par 6.8 of the Supplementary Guidance, trading floorspace is calculated under the “Retail” contribution rate (£154 per sqm) and non-trading floorspace is calculated under the “Employment” contribution rate (£14 per sqm).
- 103 It is however proposed that the retail operator’s existing site (located on Glasgow Road) will see its retail permission revoked if this proposal is granted. Therefore, only the net increase in floorspace will be assessed for Contributions.
- 104 The applicant’s Planning Statement (par 1.11) indicates that the existing retail site provides 1,173 sqm gross floorspace, comprising; 760 sqm net floorspace. This provides 760 sqm trading and 413 sqm non-trading. The contribution required is therefore as follows:
- 105 Trading: (1,315 – 760 sqm) 555 sqm x £154 = £85,470  
Non-trading: (569 – 413 sqm) 156 x £14 = £2,184  
Total: £87,654

### **Economic Impact**

- 106 The supporting information indicates that all existing employees at Glasgow Road would be transferred to the proposed new store. with an opportunity for further full and part time roles. It will also provide additional employment during the construction process.
- 107 The proposal will also in turn through the closure and vacating of the existing store provide an opportunity for new uses and associated economic activity. As the existing building would no longer have a lawful use, due to the revocation, its location within a Class 4, 5, 6 allocation within LDP2 would see the principle of such uses and the associated employment opportunities acceptable in principle – subject to obtaining planning permission for such a use.

### **Sustainable Development**

- 108 Policy 32 requires that proposals for all new buildings are required to demonstrate 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.
- 109 The supporting statement details that the objective is to minimise energy needs in development by following the Government’s Energy Hierarchy approach to minimising energy use. This includes the innovative “heat recovery” technology which removes 100% of a store’s requirement for heating equipment by recycling heat from the refrigeration units. In this case a condition will be added so this can be agreed formally as the details submitted don’t cover the specific 10% requirement as outlined in the policy. (Condition 14)

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

- 110 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the landscaping scheme, finish materials and submission of additional supporting documents.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 111 The applicant will be required to enter into a Section 75 legal agreement in order to secure the necessary contributions towards transport infrastructure.
- 112 The existing permission for the Glasgow Road store will need to be part revoked so that the retail use is removed as the applicant is seeking to justify this application as an uplift in the existing retail store offering and not as a new store. This can be done under Section 65 of the Town and Country Planning (Scotland) Act (as amended) which allows a planning authority to revoke or modify a planning consent.

## **DIRECTION BY SCOTTISH MINISTERS**

- 113 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**

- 114 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is contrary to Policy 7 in that it would provide a non-conforming use (Class 1 –Retail) and lead to a loss of employment land, however a justification has been provided for the retail need in the area in accordance with Policy 13. It is therefore considered due to the site forming a small proportion of the overall employment land supply and that as there is no available/more preferable site that in this case there is a justification to override the adopted Development Plan.
- 115 Accordingly the proposal is recommended for approval subject to conclusion of the required legal agreement(s) and thereafter the following conditions.

## **A RECOMMENDATION**

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

1. 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.

2. 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 safeguard the neighbouring residential amenity in the area.

3. Noise levels from the operation and servicing of the development shall be limited to an internal night-time target noise level of 42 dB LAFmax at residential receptors.

Reason - In order to safeguard the neighbouring residential amenity in the area.

4. Prior to the commencement of the development a Service Delivery Noise Management Plan, shall be submitted to and agreed in writing by the Council as Planning Authority and Environmental Health. The plan shall include the procedures and mitigation measures to control noise from all service delivery operations of the store. The details as approved shall then be implemented in full as part of the operation of the site.

Reason - In order to safeguard the neighbouring residential amenity in the area.

5. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.

Reason - In order to safeguard the neighbouring residential amenity in the area.

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 safeguard the neighbouring residential amenity in the area.

7. Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority and Environmental Health. The CMP shall include a Dust Management Plan for the control of dust and Noise Management Plan for the control of noise during the construction phase of the development.

Reason - In order to safeguard the neighbouring residential amenity in the area.

8. Prior to the commencement of the development hereby approved, the applicant shall submit a street light system designed to EN 13201 / BS 5489 to be provided at the vehicle entrance to the development. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed in writing with the Council as Planning Authority and implemented in accordance with the approved plans.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

9. Prior to the commencement of development, a detail design showing the vehicle access onto B9112 Necessity Brae with the following schemes shall be provided for:
  - (a) a signalised pedestrian crossing on B9112 Necessity Brae to link footways on either side of the road from the development site to the housing on the north and northwest;
  - (b) a footway from the west of the vehicle access into the site round to the gas meter housing;
  - (c) the finalised position of the relocated bus stop and associated road markings; and
  - (d) the footway along the B9112 removing the slabbing to replace with for example hot rolled asphalt between Low Road and Aviva's most northerly vehicle access,

The scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. The submission will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossing, footway link from the west into the site, the relocation of the bus stop and footway at the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the opening of the retail unit.

Reason - In the interests of road, pedestrian safety and connectivity with the residential developments to the north and northwest of the development.

10. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to



provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

11. Prior to occupation of the development on site, a cycle parking facility (Sheffield Stand or equivalent) for a minimum of 10 cycles shall be provided at the location detailed on drawing ref 35.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

12. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management

13. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures 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 protecting environmental quality and of biodiversity.

14. Prior to the commencement of development a statement shall be submitted demonstrating compliance 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 measures as agreed shall be installed prior to operation/being into use of the development.

Reason - to comply with Policy 32 of the Local Development Plan 2

15. Noisy 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 or bank holidays (as identified by Scottish Government).

Reason - In order to safeguard the neighbouring residential amenity in the area.

16. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

There are material considerations that result in a recommendation to depart from the approved Development Plan

## **C PROCEDURAL NOTES**

Permission shall not to be issued until the Section 75 Agreement and revocation of the use of the existing store has been signed and registered to take account of this application. The legal agreement should be concluded and

completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work requiring of a building warrant shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
7. An inspection of the proposed development site did not raise any identified concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found

during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.

8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. Street lighting plant is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of plant and the position of the lighting columns at the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to landscaping, elevation finishes and supporting docs.
11. Prior to the installation of the Yellow Box Junction Markings on the B9112 Necessity Brae, approval must take place with Police Scotland and the Roads Authority. The Yellow Box Junction Markings must comply with *Section 8 of Traffic Signs Manual, Chapter 5 – Road markings (Department of Transport, 2018)*, including their suitability. The and Network Team should be contacted in this regard [traffic@pkc.gov.uk](mailto:traffic@pkc.gov.uk)

Background Papers: 27 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 19 May 2022

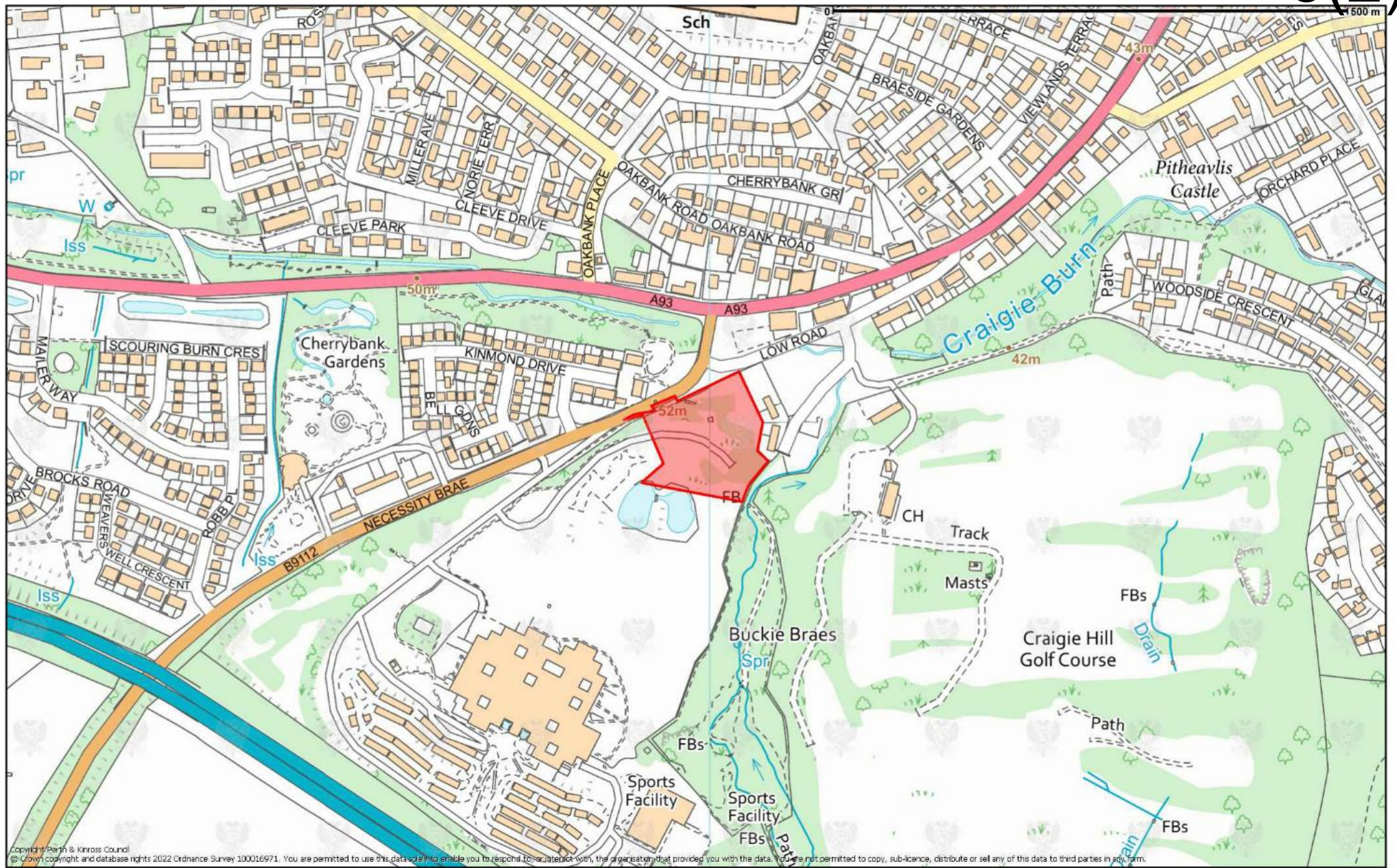
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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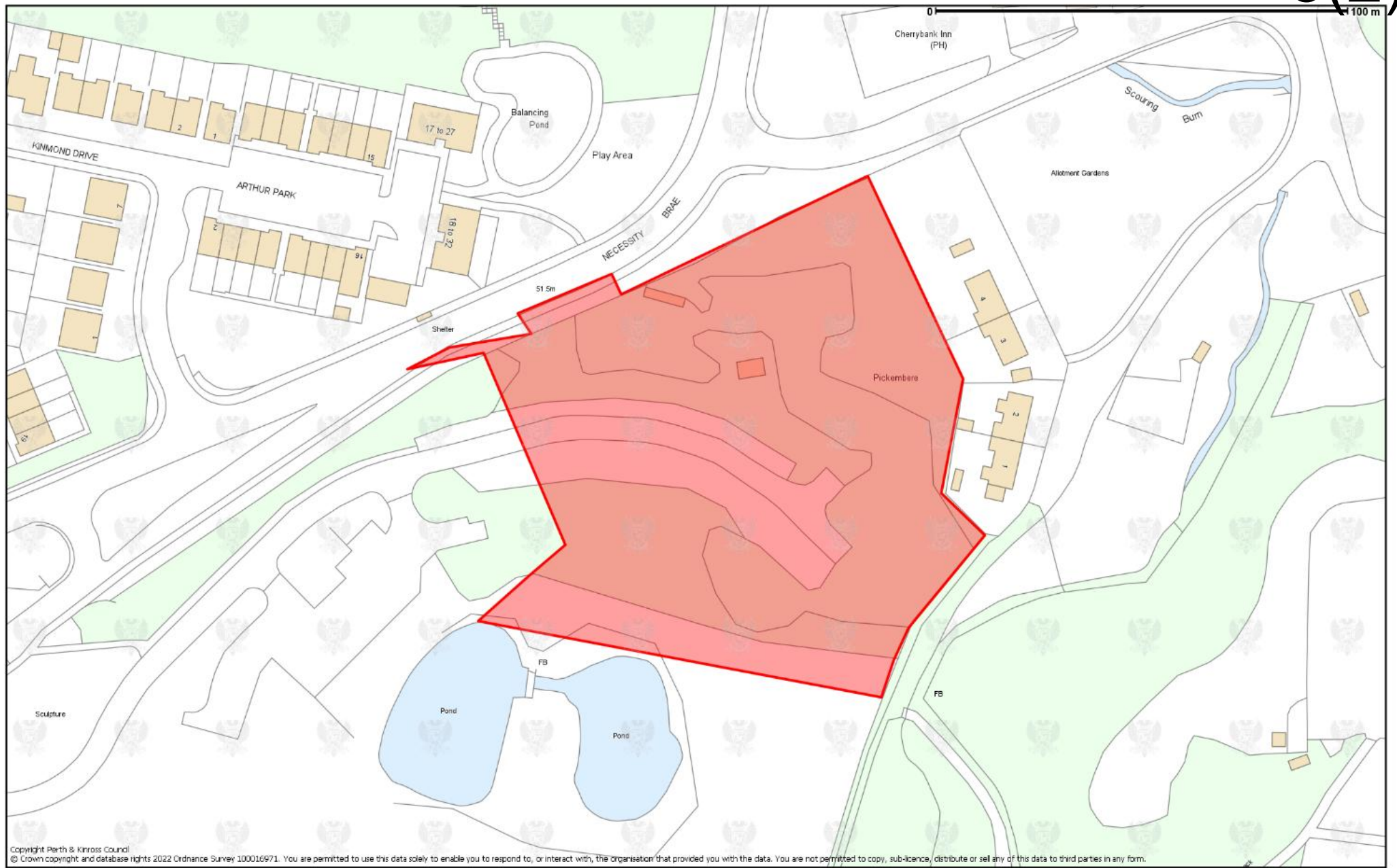
21/00248/FLL - Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works

Land 80 Metres West Of 4 Pickembere, Pitheavlis, Perth









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21/00248/FLL - Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works

Land 80 Metres West Of 4 Pickembere, Pitheavlis, Perth







Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/114)

<b>PROPOSAL:</b>	Change of use from retail unit (Class 1) to hot food takeaway (Class 3) and installation of flue
<b>LOCATION:</b>	96 Glengarry Road, Perth, PH2 0AB

Ref. No: [21/01488/FLL](#)

Ward No: P10 - Perth City South

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to ground floor retail unit at 96 Glengarry Road, within the Moncreiffe area of Perth. The retail unit is presently vacant and is part of terraced row of four ground floor units that form a small local shopping area for the immediate residential area. The existing row of units presently hosts a convenience store and two existing hot-food takeaways. Above the units there is an upper floor that contains private flatted dwellings.
- 2 Planning permission is being sought for the change of use the existing shop unit (class 1) to form a hot food takeaway and the installation of an extraction flue. The proposals seek to use the existing window and door openings with little change to the building asides from the replacement of the existing glass panes on the front elevation and the erection of an extraction flue on the rear. The proposed flue will be a galvanised steel structure, similar to the existing neighbouring flue, that will extend from the existing rear flat roofed extension, terminating above eaves level. The proposed operating hours of the takeaway will be Monday to Thursday 1600 – 2200, Friday and Saturday 1600 – 2300, and Sunday 1600 – 2200.

## NATIONAL POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **National Planning Framework 2014**

- 4 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

## **Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: 24 – 35
  - Placemaking: 36 – 57
  - Supporting Business and Employment: paragraphs 32 – 108

## **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 75 Planning for Transport
  - PAN 1/2011: Planning and Noise

## **Creating Places 2013**

- 8 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

## **National Roads Development Guide 2014**

- 9 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.

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYplan Strategic Development Plan 2016-2036**

- 11 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 12 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application;
- Policy 2: Shaping Better Quality Places
  - Policy 3: A First Choice for Investment

### **Perth and Kinross Local Development Plan 2**

- 13 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.
- 14 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 17: Residential Areas
  - Policy 54: Health and Safety Consultation Zones
  - Policy 56: Noise Pollution
  - Policy 60B: Transport Standards and Accessibility Requirements

## **OTHER POLICIES**

- 15 None

## **RELEVANT SITE HISTORY**

- 16 No recent planning history

## **CONSULTATIONS**

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

## External

- 18 **Scottish Water** – No objection.
- 19 **Health and Safety Executive** – No objection.

## Internal

- 20 **Transport Planning** – No objection
- 21 **Environmental Health** – No objection subject to conditions
- 22 **Contributions Officer** – No contributions required.
- 23 **Structures And Flooding** – No objection.

## REPRESENTATIONS

- 24 Thirteen letters of representations have been received. The objections can be summarised as follows:
- Lack of need for additional hot food takeaway in local area
  - Impact on residential amenity – noise/odour
  - Anti-social behaviour / littering
  - Increase in traffic and impact on existing parking facilities

## ADDITIONAL STATEMENTS

25	Screening Opinion	EIA not required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not applicable
	Design Statement or Design and Access Statement	Supporting Statement provided
	Report on Impact or Potential Impact	None required

## APPRAISAL

- 26 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).
- 27 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

## **Policy Appraisal**

- 28 The principal policy of relevance is Policy 17 '*Residential Areas*'. This policy seeks, amongst other things, to ensure that all new developments do not compromise residential amenity. This policy will be applied in addition to the Placemaking Policies 1A and 1B, which seek to ensure that all new developments contribute positively to the quality of place.
- 29 As there is the potential for noise disturbance from the proposed development, Policy 56 '*Noise Pollution*' will also be applied. This policy will ensure that there is no adverse noise pollution from the proposed change of use.
- 30 For reasons discussed throughout this report, the proposed development is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan. The use is considered to be compatible with neighbouring uses without compromising the amenity of the area, subject to conditional control.

## **Design and Layout**

- 31 The proposals will not result in any significant alterations to the existing public facing elements of the building. The external appearance of the building will remain largely unchanged with the only changes to the shop front being the replacement of the existing glass panes on the front elevation and the introduction of a small air vent.
- 32 In addition to the above, the proposals also propose to install a single extraction flue on the rear of the building, projecting up from the flat roof extension and terminated 1 metre above eaves level. This flue will be of a similar scale and design to that of the existing extraction flues on the adjacent hot food takeaways. The flue is also located on the rear of the building and will not be visible from Glengarry Road.
- 33 As such, it is considered that the scale and design is acceptable and meets with the requirements of Policy 1A and 1B of LDP2.

## **Residential Amenity**

- 34 The site is located within a residential area and there are flatted properties directly above the proposed takeaway. As such, it is important that the amenity of the area is not compromised from the proposed development, with particular regard to both noise and odours which are normally associated with this type of use.
- 35 In this regard, the applicant has submitted details of the proposed extraction equipment that will comprise of a single external flue on the east (rear) elevation that will terminate 1 metre above eaves level. The extraction system will feature an acoustic attenuator and carbon pre-filters and filters to ensure that odour and noise are adequately controlled. Environmental Health have reviewed the proposals for the ventilation/extraction equipment and are

satisfied that the development should not impact on the neighbouring residential properties subject to conditional control in relation to hours of operation, noise and odours (Conditions 2, 3 & 4).

- 36 It is also noted that concerns have been expressed regarding anti-social behaviour resulting from the proposed use. Anti-social behaviour from patrons of the takeaway is a matter controlled via other legislation, a matter for the police and is not considered to be a material consideration in the assessment of this planning application. Likewise, members of the public littering falls into the same category, of seeing other legislative controls which should not be considered or replicated by the planning system.

### **Roads and Access**

- 37 Transport Planning have reviewed the proposal and have no objection to the proposed development. Whilst it is noted that concerns have been expressed regarding parking and traffic, it is considered that there is adequate parking outside the proposed unit and there is also a bus stop for members of public travelling by bus. It is also considered that the level of traffic generated by the proposed use will not unacceptably impact on the local transport network.
- 38 As such, it is considered that the proposed development will not have any adverse impact on road safety and the requirements of policy 60B are met.

### **Lack of demand**

- 39 Whilst there may be a number of other existing nearby hot food takeaways, the perceived lack of need for additional hot food takeaways within immediate area is not a material consideration in the assessment of this planning application. It is not uncommon for hot food takeaways to be located within small local shopping area, as demonstrated by the two existing takeaways within the neighbouring units. There are also no policy restrictions within LDP2 that seek to limit the number of such uses in any given area.

### **Drainage and Flooding**

- 40 The proposed site is not at risk to flooding and there are no known issues or concerns in relation to drainage.

### **Hazardous Pipeline**

- 41 The site is located within the HSE consultation zone for the Morris Young (Perth) Ltd, that lies within the harbour area. The proposed site lies on the edge of the outer zone and HSE's online consultation service has concluded that they do not advise against the development.
- 42 On that basis, the proposals comply with the requirements of Policy 54 of LDP2.

### **Developer Contributions**

- 43 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

- 44 The proposal will bring a vacant unit back into use which will have a positive economic impact on the local economy. There will also be some economic gain from the conversion stage of the development.

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

- 45 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the internal layout and proposed ventilation system.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 46 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 47 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**

- 48 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 49 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

### **A RECOMMENDATION**

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

1. 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.

2. 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 order to safeguard the neighbouring residential amenity in the area.

3. 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 safeguard the neighbouring residential amenity in the area.

4. 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.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

## **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 required.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.



3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be mindful of the need for regular cleaning and maintenance of the extract system to ensure that odour and/or noise is adequately controlled. DEFRA guidance advises that cleaning is undertaken every 2-6 months, dependant on daily usages and carbon filters are changed every 4-6 months. The applicant should ensure that the manufacturers/DEFRA guidance is followed at all times.

Background Papers: None  
Contact Officer: David Niven  
Date: 19 May 2022

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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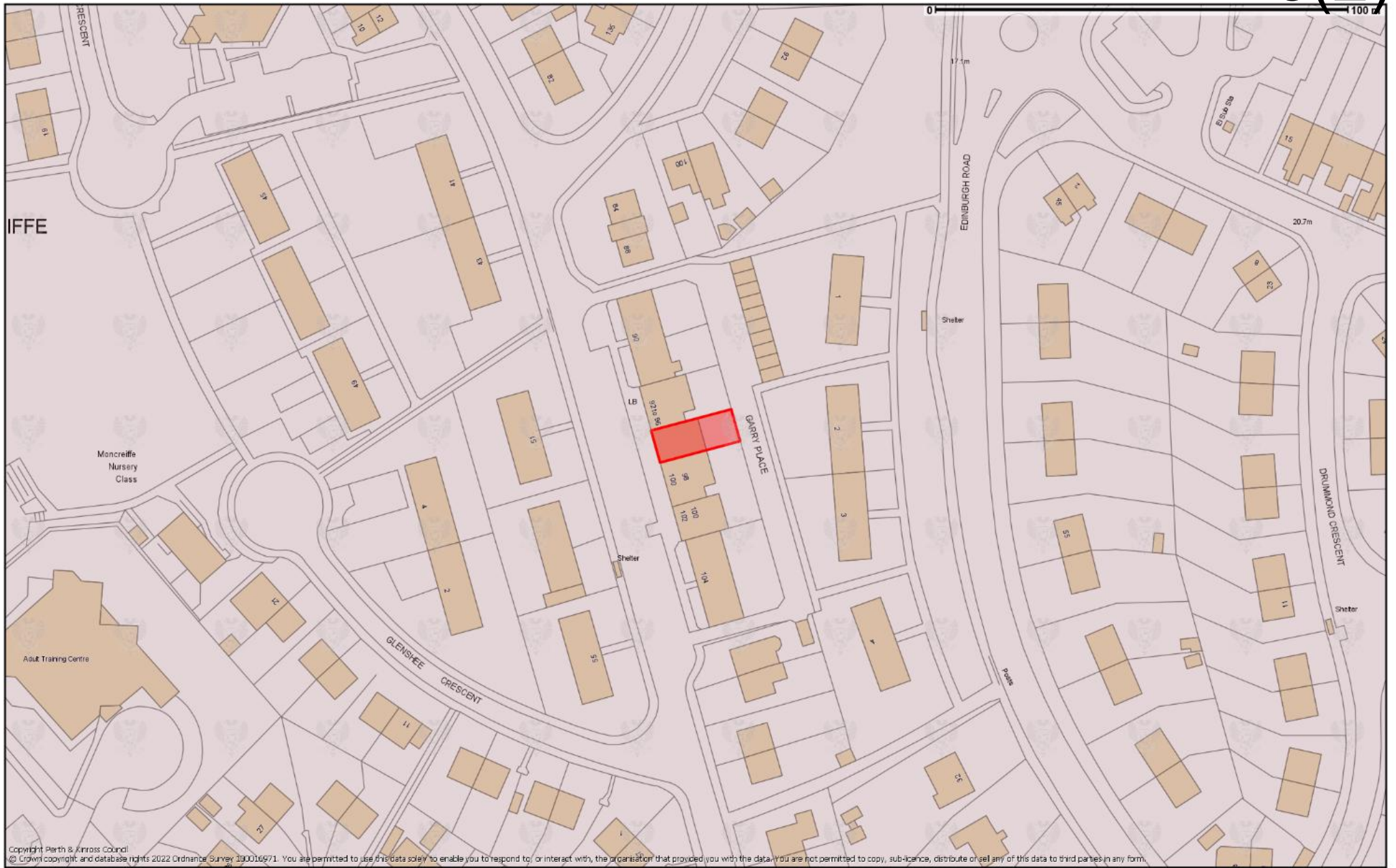




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Scale 1:1250



**21/01488/FLL - Change of use from retail unit (Class 1) to hot food takeaway (Class 3) and installation of flue**  
 96 Glengarry Road, Perth





Perth and Kinross Council  
Planning and Plaemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/115)

<b>PROPOSAL:</b>	Installation of 2 CCTV cameras (in retrospect)
<b>LOCATION:</b>	Logiealmond Estate, Logiealmond

Ref. No: [22/00228/FLL](#)  
Ward No: P5- Strathtay

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site forms part of the southern policies of Logiealmond Estate, which is a sporting estate set in an upland location to the west of Harrietfield. The proposals are retrospective and relate to the installation of 2 CCTV camera units on a 5-metre-high timber post within an area of land which is situated close to the Core Path network and the main access into the estate from the minor, B8063 public road.

### Pre-Application Consultation

- 2 None undertaken.
- 3 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 any formal pre-application consultation with the local community.

### National Policy and Guidance

- 4 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **National Planning Framework 2014**

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

## **The Scottish Planning Policy 2014 (SSP)**

- 6 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans.
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Supporting Business and Employment: paragraph 92

## **Planning Advice Notes**

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 77 Designing Safer Places
- 9 Pan 77 identifies that where the risk of crime is high, natural surveillance many need to be complemented by a more formal surveillance mechanism such as CCTV. The siting and design of CCTV cameras should be carefully considered to ensure their presence is known, without being over dominant.

## **Development Plan**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYplan Strategic Development Plan 2016-2036**

- 11 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:



*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2**

- 12 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.
- 13 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 39: Landscape

## **Other Policies**

- 14 Placemaking Guide 2020

## **SITE HISTORY**

- 15 Several applications have been submitted for consideration at the estate, following major investment and ongoing upgrade works. Recent applications in the vicinity have obtained permission for work to the private access road, the formation of a new section of core path and associated landscaping, installation of lamp posts, creation of a bin storage area and a gated entrance feature.
- 16 [20/00483/FLL](#) Full Planning Permission application was Withdrawn 5 May 2020 for Erection of entrance gates, bin store and associated works
- 17 [20/00790/FLL](#) Full Planning Permission was Approved 25 September 2020 for Erection of entrance gates, bin store and associated works
- 18 [20/01318/FLL](#) Full Planning Permission was Approved 11 November 2020 for Alterations to track and formation of turning circle (in retrospect)
- 19 [20/01365/FLL](#) Full Planning Permission 24 December 2020 for Installation of lamp posts
- 20 [21/00373/FLL](#) Full Planning Permission was Approved 26 May 2021 for Land engineering works associated with ground source heat pump system
- 21 [21/01614/FLL](#) Full Planning Permission was Approved 5 November 2021 for Installation of lamp posts

## CONSULTATIONS

- 22 No consultations have been undertaken.

## Representations

- 23 A total of 25 representations were received in respect of the current application. The comments are split between those supporting (13) and objecting (12) to the proposal.
- 24 The letters in support cite similar safety, security/crime deterrent concerns raised on behalf of the applicants such as need to protect working dogs, theft of tools or equipment, vandalism, fly tipping and other crime prevalent in remote locations.
- 25 The main issues raised within the representations are:
- Inappropriate location
  - Visual impact
  - Out of character with rural location
  - Overlooking and loss of privacy
  - Intimidation with intent to deter public access
- 26 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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 involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020.

## **Principle**

- 28 The site is located outwith any defined settlement boundary and, as such, background policy considerations and supplementary guidance form the determining factor in the assessment of this application. In general terms, the principle of developments which are deemed acceptable in land use terms will be supported, subject to securing minimal impact and a good fit within the wider landscape setting.
- 29 In this instance Policies 1A & B: Placemaking and 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) (LDP2) are directly applicable.
- 30 Policy 1A and B seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 31 Policy 39 outlines that development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross

## **Design and Layout**

- 32 The application site is located approximately 60 metres back from the public road in a narrow section of rough ground which borders the main private access road to the east and a track leading down to agricultural land, to the west.
- 33 Within the site, a redundant, 5-metre-high, timber telegraph pole exists. Two round “Starlight” CCTV cameras have been fixed at a height of 4.5 metres from ground level. The cameras are identical in size and form. The round viewing dome is fixed to the post by a white hanging bracket. The specification included indicates that the camera units are capable of auto tracking movement and operation in low light levels.
- 34 Confirmation has however been received from the installer that the units have been programmed with a mask facility, so that the area of coverage extends to the roadway only, in order to monitor vehicles entering and leaving the estate.
- 35 The location of the cameras is logical given that the aim is to focus on the main access route for vehicular traffic into and out of the estate, rather than the extensive hinterland. The camera units are modest in size at 190mm by 332mm, featuring an inoffensive, contemporary “bubble” type design that is routinely used in commercial, retail and domestic environments. The overall impact of the supporting timber post and CCTV equipment is acceptable and compatible with the placemaking policy considerations that seek to ensure development contributes positively to its surroundings, is respectful of the surrounding landscape character, is of an appropriate height and appearance and will enable safe and accessible access, which in this case is to the adjacent core path network. The proposal is therefore considered to comply with these aspects of Policy 1A.

## **Landscape and Visual Impact**

- 36 The visual impact of the retrospective proposals is minimal in terms of the site context within the wider landscape setting. The site is therefore acceptable in terms of Policy 39 Landscape requirements as the distinctive local landscape characteristics are unaffected. No landscape features of merit have been affected by the proposals and nearby tree and shrub cover will screen the proposals from the public road network.
- 37 A more recessive green or black coloured camera housing unit would have been less obtrusive, rather than the stark white bracket and framing which exists. However, it is acknowledged as noted in PAN 77, that in terms of security, the visibility itself of the CCTV equipment can act as a deterrent to unwelcome individuals. The timber post on which the cameras are installed is acceptable in terms of providing a natural material which will weather and become less noticeable through time. No significant on- or off-site visual impact concerns are raised by the development. The proposal is therefore considered to comply with the relevant aspects of Policies 1B and 39.

## **Residential Amenity**

- 38 There are no nearby residential properties or third-party land that would be affected by the cameras. Comment has been made about the cameras being able to look inside an objector's house and people working the land. The residential property concerned is however not in the direct line of sight of the access road or camera range, being set over 800 metres away and the masking facility is such that no nearby fields will be actively monitored. The proposals as a result, raise no residential amenity concerns.

## **Core Path Amenity**

- 39 A number of concerns have been raised by path users who have questioned the need for CCTV in this location, claiming that it is being utilised more as a means of intimidation to walkers and should be moved to the areas of value which need security coverage. Whilst the perception of being monitored is understandably not encouraging to core path users, the cameras in themselves are not restricting access and the landowner is fully aware of the need to continue to allow unhindered access. Supporting information provided on behalf of the estate confirms that the units are not and will not be monitored, nor do they contain face or number plate recognition capabilities. They are being used as a deterrent and to assist Police when there is a need to report any criminal activity.

## **Roads and Access**

- 40 As there are no changes to the existing road or access provision, there are no concerns associated with this proposed development.

### **Waste Collection**

- 41 The waste collection area is unaffected by the proposals.

### **Natural Heritage and Biodiversity**

- 42 No issues or concerns are raised with the proposals.

### **Developer Contributions**

- 43 No developer contributions are required.

### **Economic Impact**

- 44 The economic impact of the proposals is minimal. The security provided by the cameras will however help to safeguard the financial investments and operations at the estate.

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

- 45 This application has not been varied. Confirmation has been obtained in respect of the extent of camera coverage.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 46 None.

### **DIRECTION BY SCOTTISH MINISTERS**

- 47 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**

- 48 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 49 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

**Approve the application**

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

- 1 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.

## **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**

There are no relevant Informatives.

Background Papers: 25 letters of representation

Contact Officer: Alma Bendall

Date: 19 May 2022

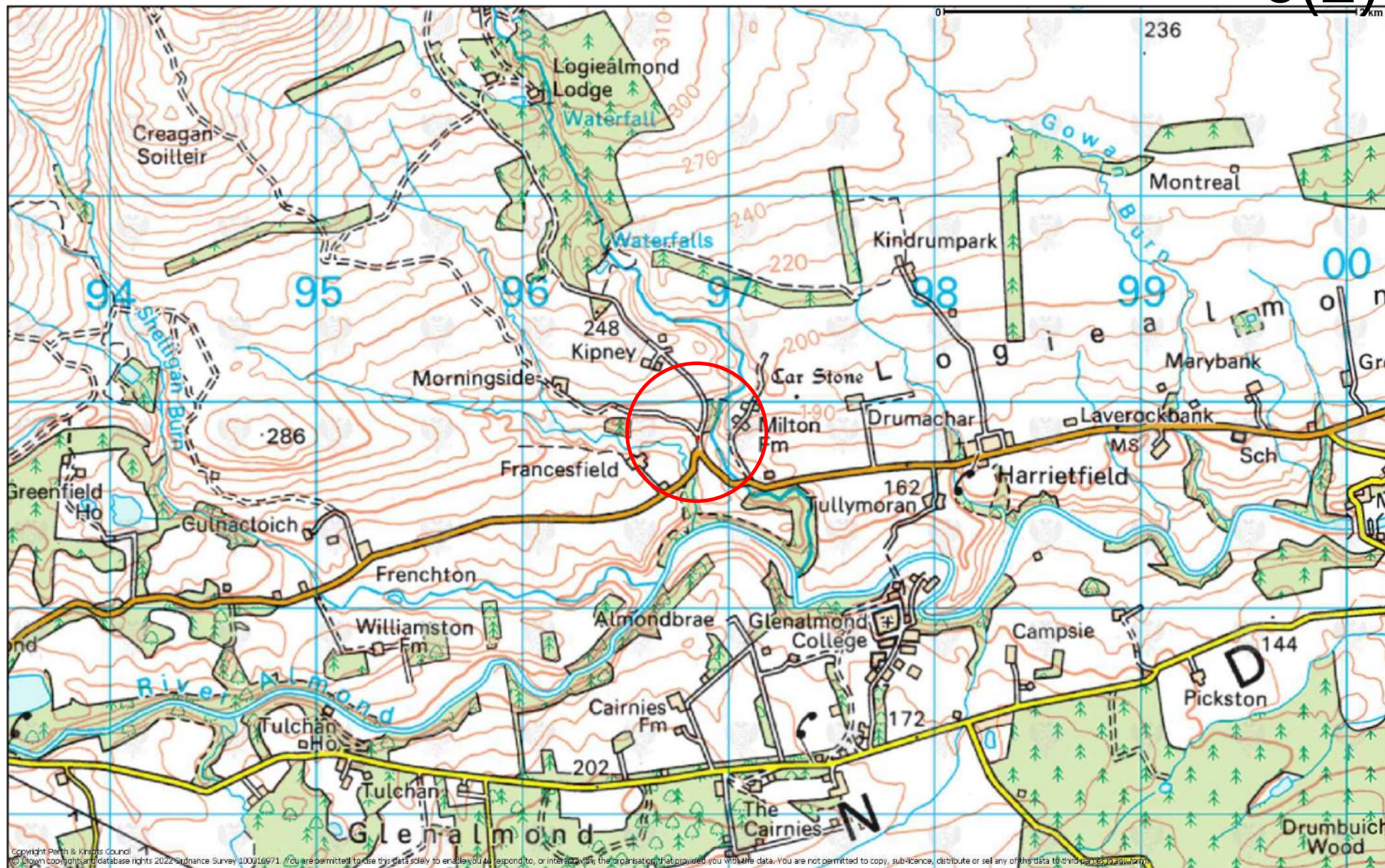
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**HEAD OF PLANNING & DEVELOPMENT**

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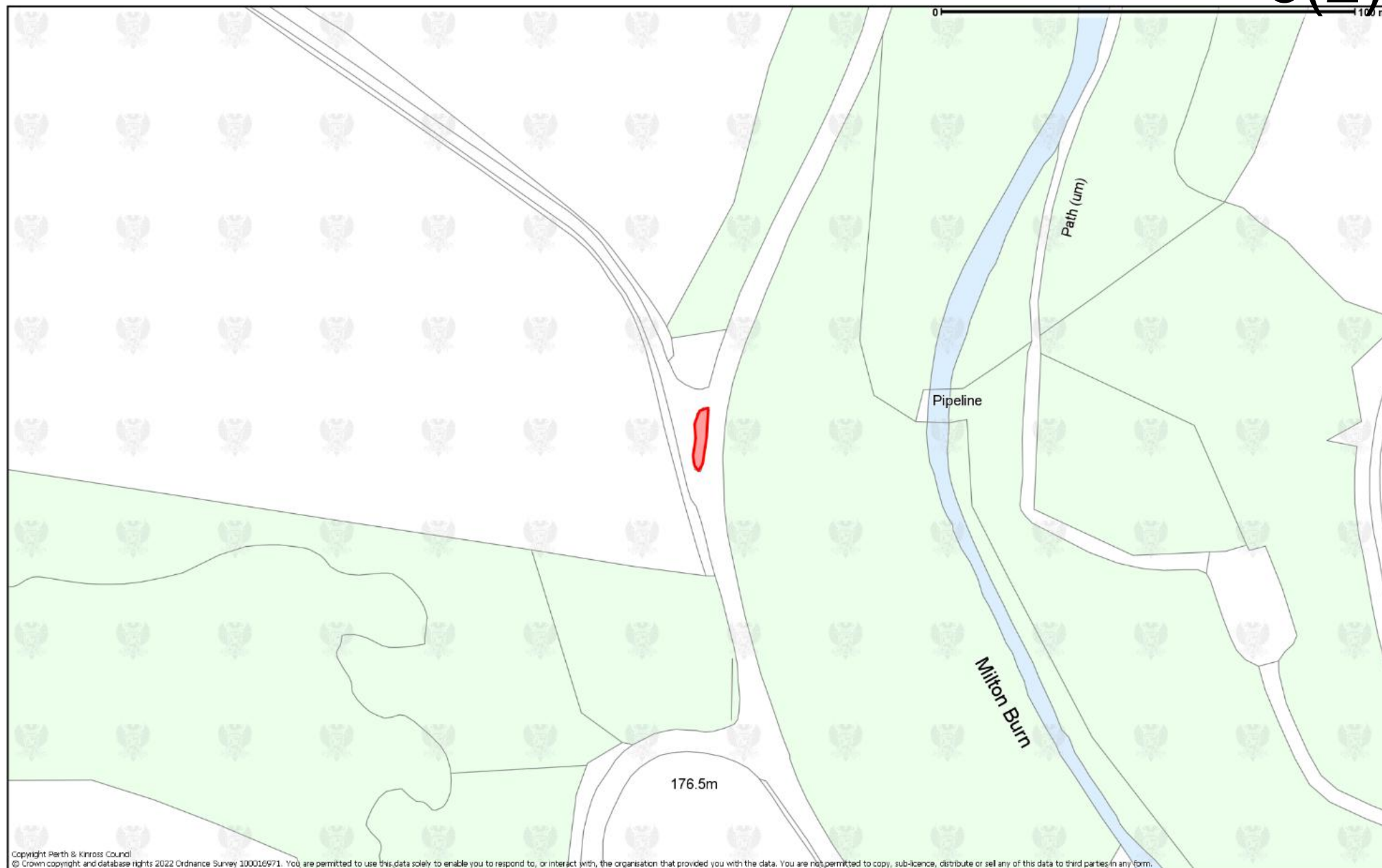
22/00228/FLL - Installation of 2 CCTV cameras (in retrospect)

Logiealmond Estate, Logiealmond









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Scale 1:1250



**22/00228/FLL - Installation of 2 CCTV cameras (in retrospect)**

Logiealmond Estate, Logiealmond





Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/116)

<b>PROPOSAL:</b>	Erection of an agricultural building
<b>LOCATION:</b>	Land east of Moivaird House, Ochertyre, Crieff PH7 4JR

Ref. No: [22/00529/FLL](#)  
Ward No: P6- Strathearn

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site comprises agricultural land, extending to approximately 2 hectares to the east of Moivaird House, which is in the same ownership as the residential dwellinghouse.
- 2 The proposal seeks detailed planning permission for the erection of an L-shaped timber agricultural shed, which has a modest footprint of 45sqm. The shed would have benefitted from permitted development rights, and the simplified prior notification process, had it not been for ground works being carried out in preparation for the shed.

### Pre-Application Consultation

- 3 Not Applicable.
- 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 any formal pre-application consultation with the local community.

## NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

- 6 The Scottish Planning Policy 2014 (SSP)
- 7 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Gardens and Designed Landscapes: paragraph 148

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

### **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 2019.

### **TAYplan Strategic Development Plan 2016-2036**

- 11 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2**

- 12 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 29: Gardens and Designed Landscapes
- Policy 39: Landscape

## **Other Policies**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 13 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

## **SITE HISTORY**

- 14 [09/01975/FLL](#) Full Planning Permission was Approved On 20 January 2010 for Alterations and extension to house
- 15 [12/01917/FLL](#) Full Planning Permission was Approved On 7 January 2013 for Alterations and extension to dwellinghouse
- 16 [15/00048/FLL](#) Full Planning Permission was Approved On 23 April 2015 for Alterations and extension to existing dwellinghouse to form a larger modified dwellinghouse.
- 17 [21/02301/FLL](#) Full Planning Permission application was Withdrawn On 14 March 2022 for Erection of an agricultural building

## **CONSULTATIONS**

- 18 As part of the planning application process the following bodies were consulted:

### **External**

- 19 **Scottish Water** - No objection received.
- 20 **Historic Environment Scotland** - No adverse comments on the impact of the proposals on the Ochertyre Garden and Designed Landscape.

### **Internal**

- 21 **Transport Planning** - The proposal would utilise an existing vehicular access from the adjacent private access track – No objections.

## **Representations**

- 22 A total of 7 letters of representation have been received in respect of the current application. The main issues raised within the representations are:

- The proposal is contrary to the development plan
- Large proportions of the shed would be at odds with the area
- Impact of proposal on the designed landscape and surrounding area
- Potential of the timber shed to turn into a steading conversion for domestic use
- Inadequate access and increase in volume of traffic

- 23 These issues are addressed in the Appraisal section of the report. Speculative concerns regarding potential future developments are not a material planning consideration.

## **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	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**

- 24 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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.

### **Principle**

- 25 The provision of storage facilities on agricultural land, for the storage of equipment to maintain the land, is generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact on visual or residential amenity, the character and appearance of the place or the designed landscape.

### **Design and Layout**

- 26 The proposed timber agricultural shed has an L-shaped footprint with a shallow pitched roof. It would measure 2.7 metres in height, with a maximum width of 7.4 metres and a maximum depth of 9.6 metres. It would be located within agricultural land between Moivaird House and the ancillary outbuilding at the neighbouring property, Gamefield. The position of the corner shed has been

selected by the applicant to sensitively integrate the proposal into the surrounding built and natural environment as the location benefits from mature beech hedging which exceeds the height of the proposed shed.

### **Landscape**

- 27 Policies 29 (Ochertyre Garden and Designed Landscape) and 39 (Upper Strathearn Local Landscape Area) of LDP2 seek to safeguard the sensitive nature of the protected landscape. The proposal consists of a low-rise, small scale, implement and storage shed which would be sited within a well-screened corner of the agricultural land. The proposal meets the requirements of policies 29 and 39. Therefore, concerns raised regarding the proposal having an adverse impact on the landscape character of the area cannot be substantiated.

### **Residential Amenity**

- 28 Given the position and nature of the proposed agricultural building, the residential amenity of neighbouring properties would not be adversely affected. In the interests of establishing a clear distinction between the domestic curtilage of Moivaird and its adjacent agricultural land, the applicant has offered to build a separation fence with associated field access gate between the two areas of land, along the blue dotted line on the site plan (drawing 04). This can be secured by condition (Condition 2).

### **Visual Amenity**

- 29 The agricultural storage shed is of small proportions, with a footprint of 45sqm, and its L-shaped footprint would fit well within the corner of the agricultural land. Therefore, it does not raise any concerns with regards to having an adverse impact upon visual amenity. Therefore, policies 1A and 1B of LDP2 are satisfied.

### **Roads and Access**

- 30 The proposal would utilise an existing vehicular access from the adjacent private access track. Vehicular activity along the private access track is unlikely to substantially increase as a result of the proposed storage shed. Accordingly, there are no road or access concerns associated with this proposed development.

### **Drainage and Flooding**

- 31 There are no drainage or flooding implications associated with this proposed development.

### **Developer Contributions**

- 32 No developer contributions are required for the scale of agricultural development proposed.

## **Economic Impact**

- 33 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 34 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 35 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**

- 36 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

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

1. 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.

2. Prior to the use of the development hereby approved, a one-metre-tall post and rail timber fence shall be erected along the dashed blue line on drawing 04, with a field gate on the access link between the domestic curtilage and the agricultural land.

Reason - In the interests of amenity; to create distinction between the residential curtilage and the agricultural land, to ensure a satisfactory standard of local environmental quality.



## **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 Required.

## **D INFORMATIVE NOTES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.

Background Papers: 7 letters of representation  
Contact Officer: Keith Stirton  
Date: 19 May 2022

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

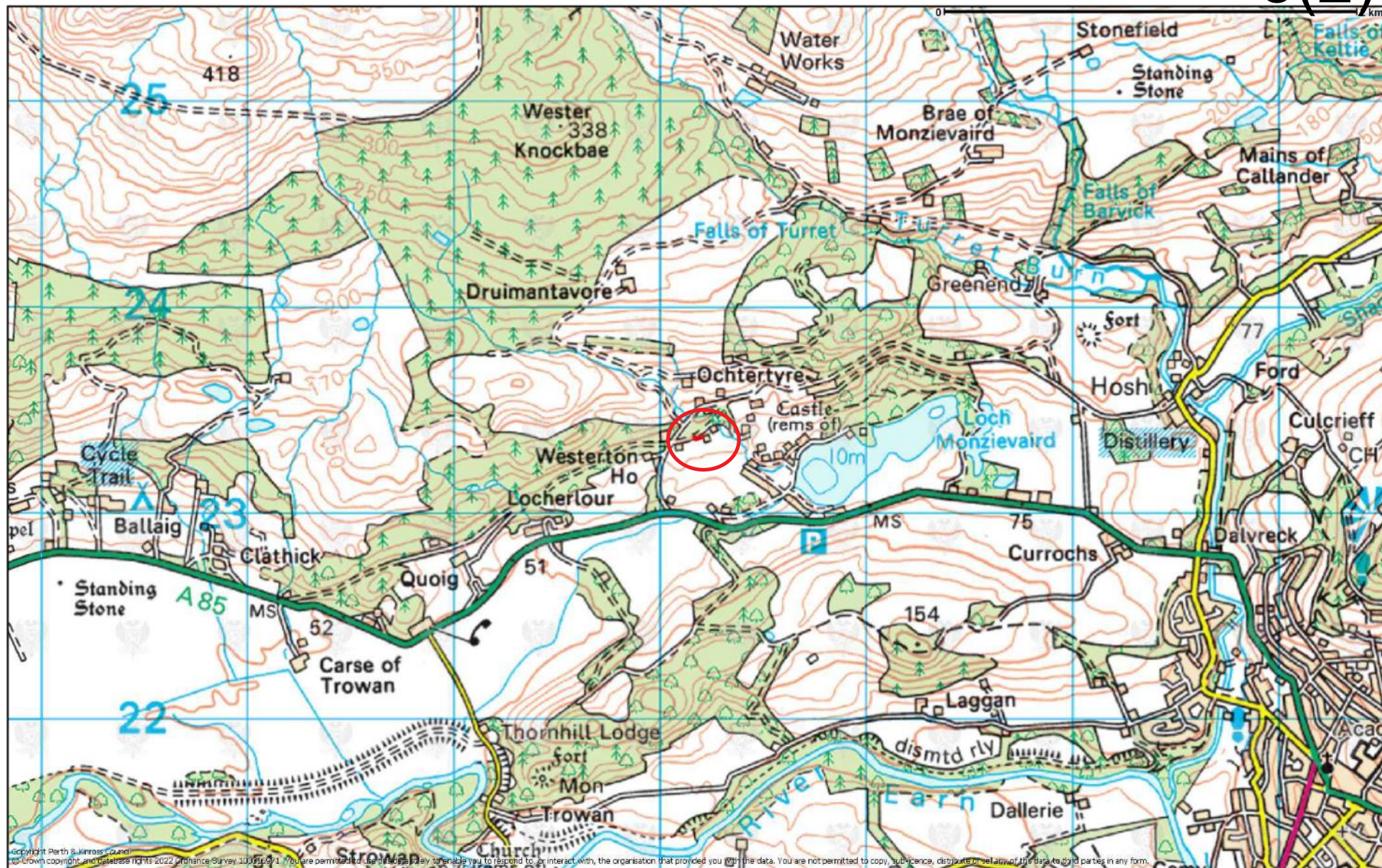
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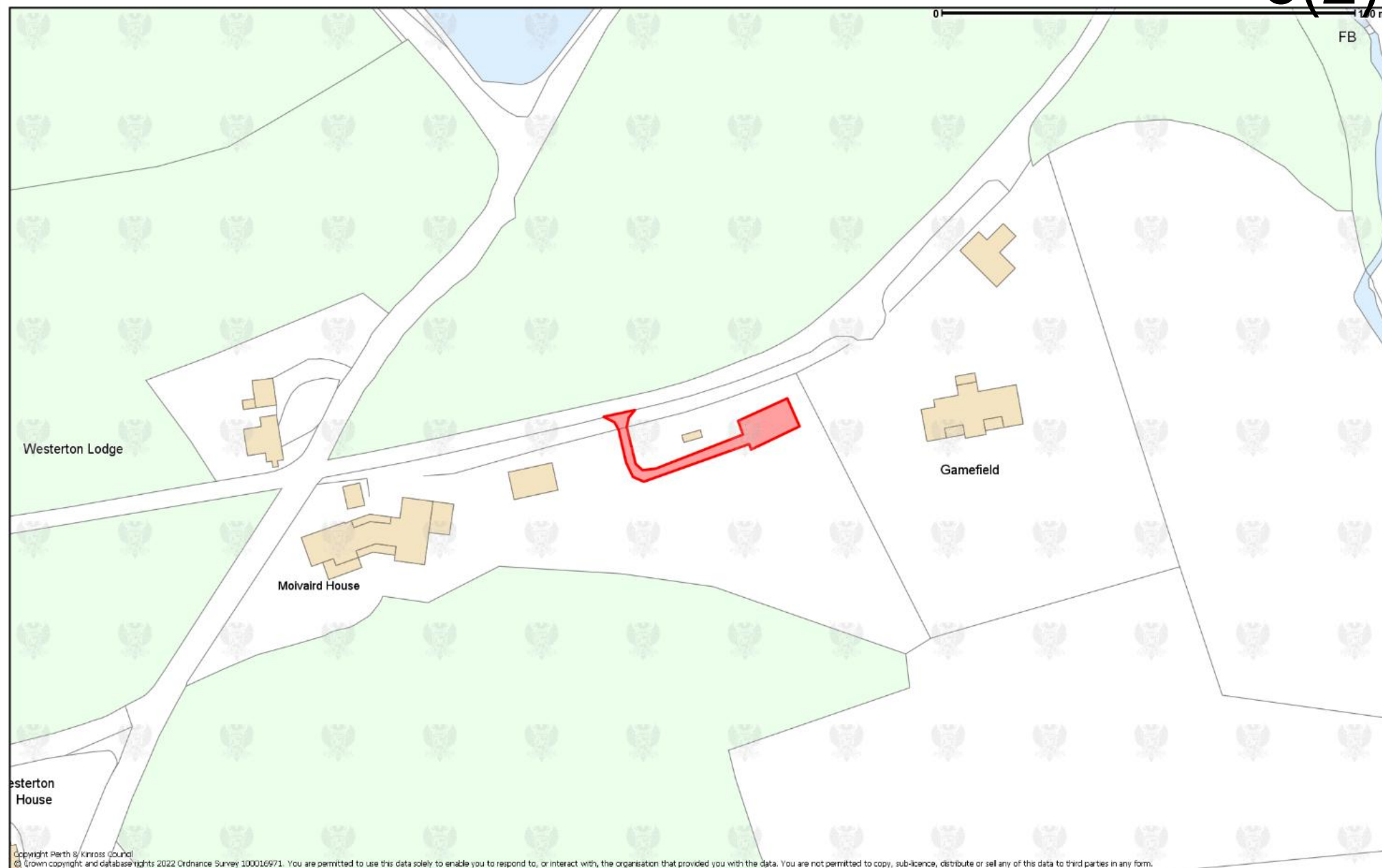
22/00529/FLL - Erection of an agricultural building

Land East Of Moivaird House, Ochertyre, Crieff









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**22/00529/FLL - Erection of an agricultural building**

**Land East Of Moivaird House, Ochertyre, Crieff**



