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Council Building
2 High Street
Perth
PH1 5PH

11 November 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 20 November 2019** at **10:00**

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

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)	Councillor Willie Wilson
Councillor Bob Brawn (Vice-Convener)	
Councillor Henry Anderson	
Councillor Bob Band	
Councillor Michael Barnacle	
Councillor Eric Drysdale	
Councillor Tom Gray	
Councillor David Illingworth	
Councillor Ian James	
Councillor Callum Purves	
Councillor Crawford Reid	
Councillor Richard Watters	

Planning and Development Management Committee

Wednesday, 20 November 2019

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 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 23 OCTOBER 2019 FOR APPROVAL (copy herewith) 5 - 12**
- 5 APPLICATIONS FOR CONSIDERATION**
- 5(1) LOCAL APPLICATIONS**
- 5(1)(i) 19/00511/FLL - COTTOWN - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO MODIFY CONDITION 5 (PRIVATE ACCESS ROADS TO ADOPTABLE STANDARD) OR PLANNING PERMISSION 15/00150/FLL (ERECTION OF 4 DWELLINGHOUSES), LAND NORTH OF COTTOWN HOUSE, COTTOWN, GLENCARSE 13 - 28**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 19/332)
- 5(1)(ii) 19/01387/FLL - BLAIRGOWRIE - CHANGE OF USE FROM VACANT LAND TO FORM A VEHICLE STORAGE AREA (IN RETROSPECT), PIOB MHOR WORKSHOP, 14 MITCHELL SQUARE, BLAIRGOWRIE 29 - 42**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 19/333)
- 5(2) PROPOSAL OF APPLICATION NOTICE (PAN)**

- 5(2)(i) 19/00006/PAN - KETTINS - ERECTION OF REPLACEMENT POLY TUNNELS, COLBEGGIE FARM, KETTINS** **43 - 52**
Pre-Application Report by Head of Planning and Development
(copy herewith 19/334)
- 5(2)(ii) 19/00007/PAN - PERTH - ERECTION OF A REPLACEMENT HIGH SCHOOL, WITH ASSOCIATED CAR PARKING, PLAYGROUNDS AND THE RELOCATION OF EXISTING SPORTS PITCHES, PERTH HIGH SCHOOL, OAKBANK ROAD, PERTH** **53 - 64**
Pre-Application Report by Head of Planning and Development
(copy herewith 19/335)

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PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
23 OCTOBER 2019

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 23 October 2019 at 10.00am.

Present: Councillors B Brawn, I James, H Anderson, B Band, E Drysdale, T Gray, D Illingworth, C Purves, C Reid, R Watters and W Wilson.

In Attendance: K Smith, A Condliffe, J Scott, A Bennie and D Salman (all Housing and Environment); G Fogg and D Williams (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle and R McCall.

Councillor B Brawn, Vice-Convenor, Presiding.

. WELCOME AND APOLOGIES

The Vice-Convenor welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

Councillor E Drysdale declared a non-financial interest in Art. *(2)(i).

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 24 September 2019 (Arts.) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
19/00961/FLL	*(2)(i)

APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/00907/AMM – AUCHTERARDER – Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B, land north east of Stewart Milne Homes, Hunter Street, Auchterarder – Report 19/290 – Stewart Milne Homes**

Mrs Donald, agent on behalf of the applicant, answered members questions then withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

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 detailed landscaping and planting scheme which is hereby approved (plan ref 19/00907/16 and 17) shall be completed within the first available planting season (October to March) after the completion or bringing into use of the Neighbourhood Equipped Area of Play, 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; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.
3. All trees identified for retention (19/00907/2) and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.
Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective

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functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

4. Notwithstanding the submitted play equipment specification as per plan 19/00907/10; prior to the installation of any play equipment final detailed fixing and feet details shall be submitted to, and approved in writing by, the Council as Planning Authority in consultation with the Council's Community Greenspace team. The fixing and feet detail as approved shall be installed in accordance with the agreed detailing prior to the equipment being brought into use.

Reason – In the interests of sustainability and longevity of the play equipment and to ensure the play area is signed off and adopted as a Council asset.

5. Prior to the commencement of development, details shall be provided to, and approved in writing by, the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team, confirming that the wider drainage network can accommodate the run off rates resulting from the proposed development hardstanding elements (19/00907/7).

Reason - In the interest of ensuring appropriate surface water drainage arrangements.

Justification

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

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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.

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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.
 - Printed on durable material.
5. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

(2) Local Applications

(i) 19/00961/FLL – PERTH – Formation of decking (in retrospect), 14 Willowgate Drive, Perth – Report 19/291 – Mr D Bald

Mr James and Mrs Carmichael, objectors, followed by Mr Bald, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

HAVING DECLARED A NON-FINANCIAL INTEREST, COUNCILLOR DRYSDALE TOOK NO PART IN THE FOLLOWING DECISION.

J Scott, Team Leader, advised members of the following updates:

- (i) Paragraph 18 should refer to 11 representations from 7 properties and not 12 representation from 7 properties; and
- (ii) Paragraph 24 should refer to Condition 1 and not Condition 2.

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Motion (Councillor T Gray and W Wilson)

Refuse, as the proposed development is contrary to Local Development Plan Policies RD1, PM1A and PM1B(c), on the basis that the design is inappropriate in part due to excessive height and subsequent impact upon the amenity of neighbouring properties.

Amendment (Councillor H Anderson and B Brawn)

Grant, subject to the following conditions and informatives contained in Report 19/291.

In terms of Standing Order 58 a roll call vote was taken.

7 members voted for the Motion as follows:

Councillors B Band, T Gray, I James, C Purves, C Reid, R Watters and W Wilson.

3 members voted for the Amendment as follows:

Councillors H Anderson, B Brawn and D Illingworth.

Resolved:

In accordance with the Motion.

- (ii) **19/01246/FLL – CRIEFF – Renewal of permission
15/01435/FLL (Erection of dwellinghouse, store, formation of parking and bin store area), land north west of Orwell Cottage, Academy Road, Crieff – Report 19/292 – J Brown**

Resolved:

Grant, subject to the following conditions and informatives:

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 east and west areas of the site shall be developed concurrently and the dwellinghouse hereby approved shall not be occupied until the parking, bin store and passing place have been completed in their entirety and are available for use to the satisfaction of the Council as Planning Authority.
Reason - To ensure that the positive benefits of the scheme are realised in order to improve the character and appearance of the Crieff Conservation Area.
3. The six parking spaces & bin store (identified on drwg 15/01435/15) shall be made available to residents of Academy Road and the properties which utilise the

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Academy Road access onto the A85 only. Prior to occupation of the dwellinghouse hereby approved, written details of the management of the parking and bin store area shall be submitted to and approved in writing by the Council as Planning Authority. The management plan, as approved in writing, shall be fully complied with to the satisfaction of the Council as Planning Authority.

Reason - To ensure that the parking spaces result in an overall benefit to the parking and access situation on Academy Road in the interests of pedestrian and traffic safety.

4. Prior to the commencement of any development full details of any proposed boundary treatments for the bin store area and surface materials for the hardstanding areas shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

5. Prior to the commencement of any development a sample of the proposed natural stone, timber cladding, and profiled metal sheet roofing shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development.

Reason - In order to protect the character and appearance of the Conservation Area.

6. The store building shown on the western part of the site is not approved.

Reason - In the interests of residential amenity in that the proposed store is considered to have a significant loss of residential amenity on the neighbouring property.

Justification

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

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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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.

Perth and Kinross Council
Planning & Development Management Committee – 20 November 2019
Report of Handling by Head of Planning and Development (Report No. 19/332)

PROPOSAL: Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 5 (private access roads to adoptable standard) of planning permission 15/00150/FLL (erection of 4 dwellinghouses)

LOCATION: Land north of Cottown House, Cottown, Glencarse

Ref. No: [19/00511/FLL](#)

Ward No: 1 – Carse of Gowrie

Summary

This report recommends approval of an application made under section 42 of the Planning Act for the variation of a road and access condition (condition 5) which was on a detailed planning permission for the erection of four dwellings at Cottown, Glencarse (15/00150/FLL).

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to amend a road and access related planning condition attached to an extant detailed planning permission for four dwellings within the small hamlet of Cottown, Glencarse. This current planning application has been made under section 42 of the Planning Act.
- 2 Condition 5 of planning permission 15/00150/FLL reads:

Prior to any works commencing on any dwellinghouse, the existing private access for the entire length to the public road shall be upgraded to an adoptable standard with adequate turning facilities for HGV, to the satisfaction of the Council as Roads & Planning Authority.
- 3 It is proposed to amend the condition to remove the reference to 'adoptable standard' as it is now unlikely that the private access will be adopted by the Council due to concerns about off-site flooding which could affect the road. The applicant does however still propose to improve the surface of the existing access and to ensure that it does not increase flood risk off site and that surface water drainage from the access is suitably managed. The applicant has also indicated that the surface of the access during the construction phase will be maintained to an acceptable standard.

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

- 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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

- 6 The Scottish Planning Policy (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. 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

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 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 9 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

- 10 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.

Circular 4/1998 - The use of conditions in planning permission

- 11 The guidance establishes that conditions should meet the following six tests, requiring that they be: necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.

Circular 3/2013 – Development Management Procedures

- 12 This circular provides advice on dealing with Section 42 applications in ‘Annex I: Applications for Planning Permission under Section 42 of the Act’. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission will therefore exist for the development proposed with different (or no) conditions attached.

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 14 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.

- 15 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.”

- 16 There are no specific policies within the TAYPlan which are specifically relevant to this proposal.

Perth and Kinross Local Development Plan 2014

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.

Within the LDP the site lies within the settlement boundary of Cottown/Chapelhill, where the following policies are applicable,

- Policy PM1A - Placemaking
- Policy PM1B - Placemaking
- Policy EP2 – New Development and Flooding
- Policy EP3 – Water Environment and Drainage
- Policy EP13 - Contaminated Land
- Policy PM3 - Infrastructure Contributions
- Policy CF2 – Public Access
- Policy RD1 - Residential Areas

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 18 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. In relation to this proposal, there are no policies or proposals contained within the LDP2 which are materially different from those contained in the current LDP.

OTHER COUNCIL POLICIES

- 19 None which are directly applicable to matters arising from this specific s42 application.

SITE HISTORY

- 20 [15/00150/FLL](#) Detailed permission for the erection of four dwellings. Decision issued 1 March 2017.

CONSULTATIONS

- 21 The following parties have been consulted:

EXTERNAL

- 22 **Scottish Water** - No objection to the proposal.

INTERNAL

- 23 **Transport Planning** - No objection to the proposed removal of the adoption standard requirement. Confirmed that the existing access is private and will remain private.

- 24 **Structures & Flooding** - No objection to the proposal. Clarification of the final details concerning the surface water drainage associated with the access improvements should be agreed before any works to the access takes place.

REPRESENTATIONS

- 25 Six letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are:
- Condition of the existing access
 - Condition of the access during construction
 - Surface water drainage associated with the access
 - Flooding concerns
 - Impact on Right of Way
- 26 These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL STATEMENTS

27	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Supporting statement

APPRAISAL

- 28 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions 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 should 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.
- 29 Taking the above into account, the assessment of this planning application is limited to an assessment of the terms of condition 5 of the extant planning permission, and whether the variation proposed is acceptable.
- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development

Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

- 31 In terms of other material considerations, consideration of the site planning history and the current position in terms of the likelihood of the Council adopting any improved access are material considerations.

Adoption Requirements

- 32 Planning permission was granted in 2015 for the erection of 4 dwellings. During the consideration of the 2015 permission, there was an ongoing request, led by the applicant, to bring the existing private access up to a standard which would allow the Council to consider it for adoption. At that time, there was also public funding available to assist in financing the improvements – both of which influenced the previous imposition of the condition.
- 33 Since then, the Council's concerns regarding off-site flooding within the area have increased, as has the potential for the access to be adversely affected by flood waters. The current position of the Council is therefore that regardless of any geometric, surfacing and drainage improvements that are undertaken to the access itself, it will remain vulnerable to flood waters and it would not be an acceptable asset for the Council to consider for potential adoption under the terms of the Roads (Scotland) Act 1984. For this reason, the public funding for this project has been withdrawn and is no longer available.
- 34 The imposition of a planning condition that requires the applicant to bring the existing access up to an 'adoptable standard' does suggest that the Council will eventually adopt the new road. Due to the information now available, it is no longer considered appropriate to impose such a condition as it would fail to meet the tests of a reasonable condition. It is also questionable as to whether a four dwelling development in itself would justify such a financial investment, particularly bearing in mind the number of existing users of the existing private access.
- 35 It is therefore recommended that condition 5 of 15/00150/FLL is reworded so that satisfactory improvements to the existing access are undertaken but not to the standard that would be required by the Council for potential adoption. There will be a requirement for the final details of the work to be submitted to the Council for the further approval in writing. Such details must include the arrangements for surface water drainage to ensure that any works to the access do not result in an increase in flood risk off site. It should be made clear that it is not the intention of the amended condition to require the applicant to resolve all the ongoing flooding / surface water drainage issues in the area, but to simply ensure that the existing position is not made worse by improvements to the access. Condition 5 is therefore proposed to be reworded to reflect this.
- 36 It is clear from the letters of representations that there remains local concern over the state of the existing access and the impact that construction traffic may have on it. Whilst the existing access is private, considering its current condition and the number of properties which use the route, it is considered reasonable for the

Council to seek control over its condition during the construction phase (Condition 6).

Remaining conditions

- 37 As indicated previously, the Act stipulates that when considering an application made under section 42 of the Act, the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other conditions / advisory notes on the decision notice remains. Consequently, the other conditions and informatives which were attached to the previous permission in relation to finishes, drainage/SUDS, right of way, noise and contaminated land and landscaping / boundary treatments are proposed to be re-attached to this permission to ensure the development accords with the relevant LDP policies. In light of the existing access remaining private, an additional condition has been added to this permission in relation to clarification of details regarding the waste/recycling provision for the new units (condition 11).
- 38 It is noted that Scottish Water have indicated in their consultation response that there is no public drainage within the area. Condition 2 has therefore been amended from 15/00150/FLL to take into account the need for a private foul system to be introduced.

Developer Contributions

- 39 Developer Contributions for both Primary Education and Transport Infrastructure are secured through an extant legal agreement. The terms and conditions of this agreement will remain enforceable against this new permission.

Economic Impact

- 40 The proposal will have little impact on the local economy except during the period of construction.

LEGAL AGREEMENTS

- 41 The existing Section 75 legal agreement remains in place.

DIRECTION BY SCOTTISH MINISTERS

- 42 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 43 To conclude, the planning application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Local Development Plan and other material considerations

have been fully considered and it is recommended that subject to amended conditions, the application should be approved.

RECOMMENDATION

A Approve the planning application, subject to the following conditions,

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

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

2. Prior to the commencement of the development, precise details of the proposed foul drainage arrangement shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full, and prior to the occupation of each dwelling.

Reason - In order to ensure that the site is adequately drained.

3. Prior to the commencement of any development on site, precise details of the proposed SUDS system shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full prior to the first house occupation.

Reason - In order to ensure that the site is adequately drained.

4. Prior to the commencement of any development on site, a detailed landscaping and boundary treatment plan (including timescales for implementation) shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full as the development progresses.

Reason - In the interest of proper site management and to ensure that the visual amenity of the area is protected.

5. Prior to the commencement of the development, precise details of the proposed design and specification of the proposed surfacing works (including surface water drainage) to the existing private access and details of the turning areas shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall be implemented in full prior to the occupation of the last dwelling.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow, and to ensure that works to the road do not adversely affect any existing property via flood risk.

6. For the duration of the construction phase, the existing private access shall be maintained to a standard which is comparable to the condition prior to construction works commencing. Prior to the commencement of the development, a photographic record of the condition of the existing access shall

be submitted to the Council as Planning Authority. If any damage occurs during the construction phase, the developer shall remedy the damage within 14 days, all to the satisfaction of the Council as Planning Authority.

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

7. Prior to the commencement of any development on site, full details of the colour of the wet dash render shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented in full prior to the occupation of each of the dwellings.

Reason - In order to protect existing residential amenity.

8. All plant or equipment associated with any air source heat pump shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect existing residential amenity.

9. Prior to the commencement of any development on site, an evaluation for the potential of the site to be affected by contamination by a previous use shall be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) shall be submitted to and agreed in writing by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;

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

Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented shall be submitted to and agreed in writing by the Council as Planning Authority prior to the occupation of any dwelling.

Reason - In order to ensure that any land contaminates are adequately dealt.

10. Prior to the commencement of any development on site, detailed plans of the proposed works to the existing Right of Way shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed plans must detail the route of the right of way between Dalreach (cottage) and the track south of Cottown House, the surfacing and any furniture thereon (e.g. gates), how the path links into other parts of the route to the north and south, and must show a path a minimum of 2.5m wide and of similar distance and of a similar or

improved surface to that of the original path. The agreed details must be completed and made available for the public to use prior to the commencement of any other development on site.

Reason - In order to protect the existing Right of Way.

11. Prior to the commencement of the development, precise details of the proposed bin/recycling collections facilities shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full, prior to the occupation of the first dwelling.

Reason – In order to clarify the terms of this permission.

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. An application for Building Warrant will 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. With regard to the terms of Condition 10 of this decision notice, the applicant

is advised to make early contact with the Council's Access Officers regarding the Right of Way to ensure it is not adversely affected by the development proposed. For the avoidance of doubt, any changes to the alignment of the path should not be onto another owner's land. The applicant should also be aware that any temporary restrictions to public access required during the construction of the dwellinghouses must be agreed in writing (and in advance of the restriction) with the Council as Planning Authority.

- 7 There is a Section 75 legal obligation associated with this planning permission, which relates to Primary Education and Transport Infrastructure contributions. A copy is available to view on the Council's Public Access portal.

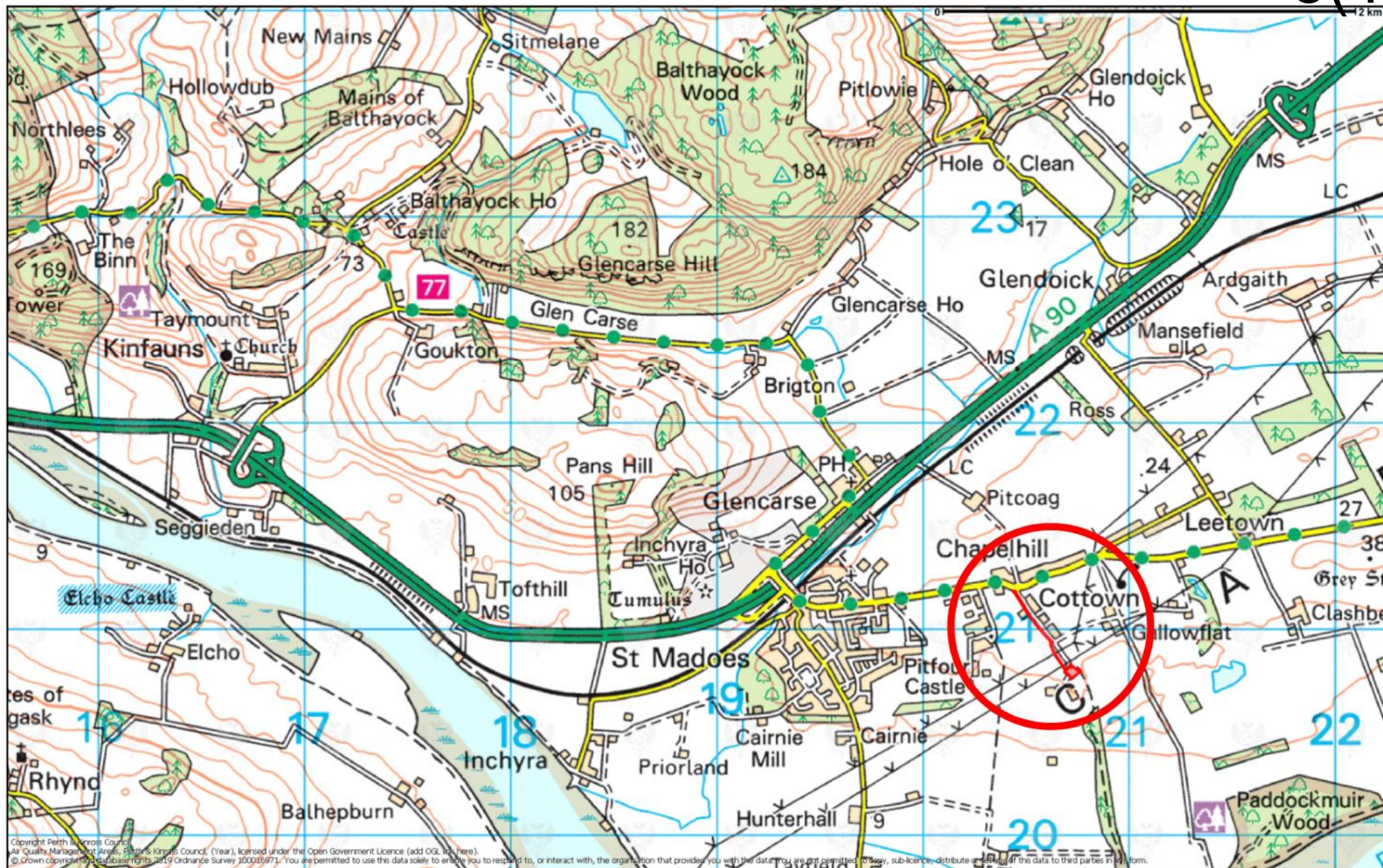
Background Papers: 6 letters of representations
Contact Officer: Andy Baxter
Date: 7 November 2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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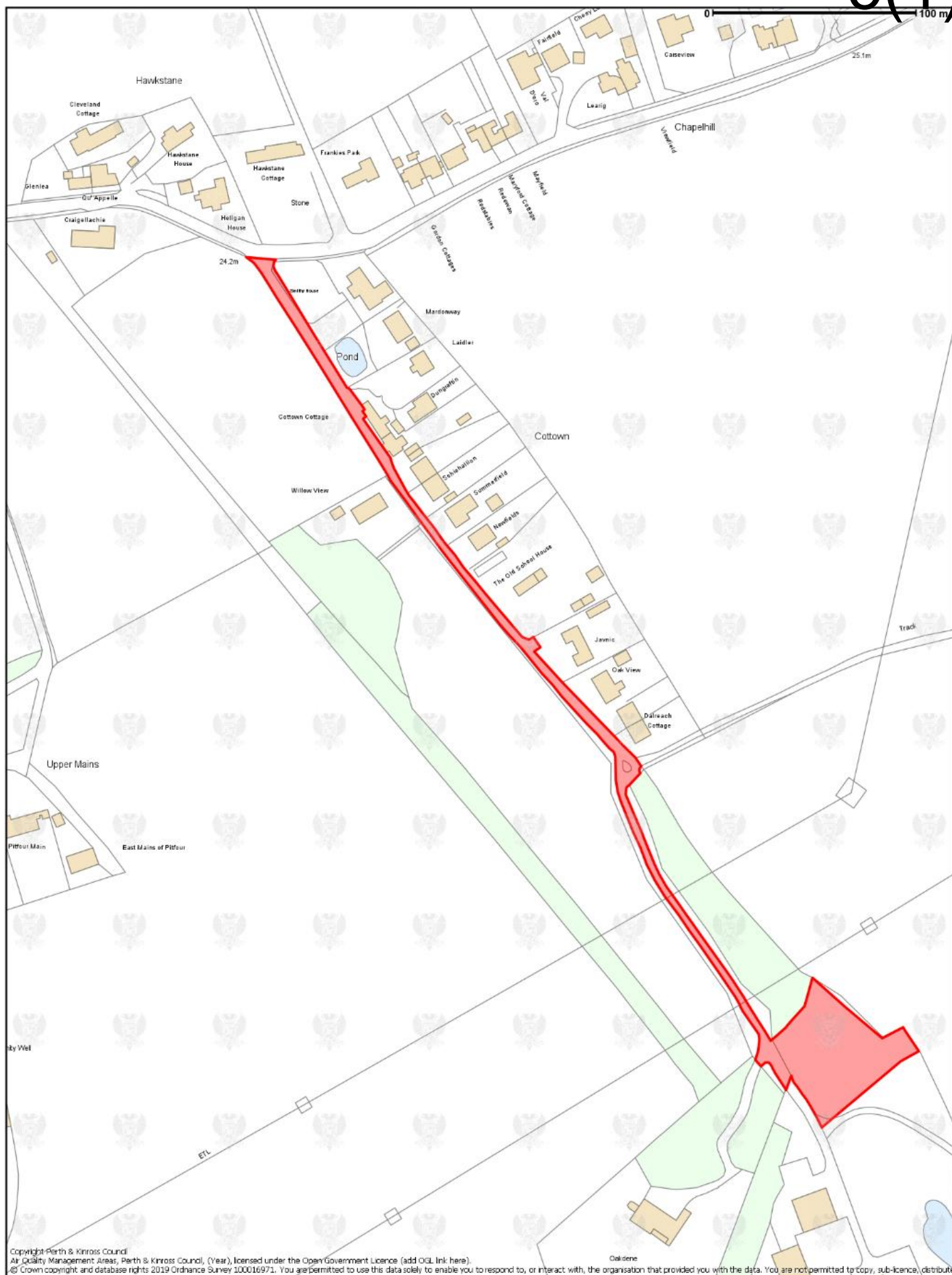
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19/00511/FLL

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 5 (private access roads at adoptable standard) of planning permission 15/00150/FLL (erection of 4 dwellinghouses) land north of Cottown House, Cottown





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Scale 1:2500

19/00511/FLL

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 5 (private access roads at adoptable standard) of planning permission 15/00150/FLL (erection of 4 dwellinghouses) land north of Cottown House, Cottown,



Perth and Kinross Council
Planning & Development Management Committee – 20 November 2019
Report of Handling by Head of Planning & Development (Report No. 19/333)

PROPOSAL: Change of use from vacant land to form a vehicle storage area (in retrospect)

LOCATION: Piob Mhor Workshop, 14 Mitchell Square, Blairgowrie, PH10 6HR

Ref. No: [19/01387/FLL](#)

Ward No: P3 - Blairgowrie and Glens

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 Planning permission is sought for a change of use from vacant land to form a vehicle storage area on land at Mitchell Square, Blairgowrie. The application is in retrospect although it is believed that there has been limited activity at the site since this planning application was submitted.
- 2 The site is located on the south side of Mitchell Square and comprises of an area of vacant land set between existing buildings. The site is part of an area of vacant ground associated with a former factory. The site is bounded by a high wall to the north and south with existing buildings bounding the east and west boundaries. The site is accessed via timber gates from an existing access onto Mitchell Square; which is a one way street accessed from Perth Street. The site is within a mixed area of uses with residential and commercial premises close by and is also located within Blairgowrie Conservation Area. There are residential properties immediately opposite the site entrance.
- 3 The application has been submitted following reports of an unauthorised change of use relating to the use of the site for vehicle storage. There were also reports that works were being undertaken to the cars stored on the site. The vehicle storage is linked to a garage premises at 17 Perth Street, around 50 metres from the site that received planning permission in January 2019 for a change of use from butchery store (Class 1) to vehicle repair garage (Class 5) (18/01957/FLL refers).

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

- 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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

- 6 The Scottish Planning Policy (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. 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
 - Historic Environment : paragraphs 135-137

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 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 71 Conservation Area Management
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 9 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.

Designing Streets 2010

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 11 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

- 12 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

- 13 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 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.
- 15 The principal relevant policies are:
- Policy PM1A - Placemaking
 - Policy PM1B - Placemaking
 - Policy PM2 - Design Statements

- Policy PM3 - Infrastructure Contributions
- Policy HE3A - Conservation Areas
- Policy TA1B - Transport Standards and Accessibility Requirements
- Policy RD1 - Residential Areas
- Policy EP8 – Noise Pollution.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 16 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER COUNCIL POLICY/GUIDANCE

Blairgowrie Conservation Area Appraisal

- 17 This appraisal is a management tool which helps to identify the special interest and changing needs of the Blairgowrie Conservation Area. It serves as supplementary planning guidance to the Local Development Plan.

Developer Contributions and Affordable Housing 2016

- 18 This document sets out the Council's policy on Developer Contributions and Affordable Housing provision.

SITE HISTORY

- 19 06/01654/OUT Residential development (in outline) Decision Issued 9 January 2007 Application Approved.

CONSULTATIONS

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

INTERNAL

- 21 **Development Negotiations Officer** – no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.
- 22 **Transport Planning** - no objection.
- 23 **Environmental Health (Noise Odour)** – no objection subject to conditions.

REPRESENTATIONS

24 The following points were raised in the six representations received:

- Traffic and road safety
- Noise
- Visual impact

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

ADDITIONAL STATEMENTS

26	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

28 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Blairgowrie Conservation Area Appraisal and the Developer Contributions and Affordable Housing Supplementary Guidance. The specific legislative requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant. Section 64(1) of the Act places a duty on planning authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which effect Conservation Areas.

Principle

29 The application is located within the settlement of Blairgowrie where Policy RD1 Residential Areas applies. This identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Changes away from ancillary uses including change of use from employment land will be resisted. Proposals also have to be compatible with the amenity and character of the area. In this case the site is part of a piece of ground associated with a former factory. The use is related to a vehicle repair

business sited close by and as such, would retain an employment use on the site which satisfies the principle of the policy.

- 30 The site is also within the Blairgowrie Conservation Area where Policy HE3A Conservation Areas applies. This seeks to preserve or enhance the character or appearance of the conservation area. In this case minimal change is proposed to the site, it is simply the use that is changing. As such, the proposal is considered to maintain the character and appearance of the Conservation Area. The detail of the proposal, including compliance with other LDP policies, will be assessed in more detail below.

Design and Layout

- 31 The proposal involves a change of use to a vehicle storage facility. The applicant has indicated that up to 12 vehicles will be stored on the site. The vehicles will be stored on the existing ground. A high wall and timber gates comprise the Mitchell Square frontage. No details of the layout of the storage area have been submitted.

Landscape

- 32 There is no existing landscaping on the site and nothing is proposed as part of this application. The proposal would not have any adverse landscape impact.

Residential Amenity

- 33 Within the letters of representation claims have been made of noise from the premises when vehicles are being worked on, including engine noise and vehicle noise from speeding vehicles when they are being tested on residential streets. There is also concern from residents that vehicles that cannot fit onto the site are being stored on local roads.
- 34 It should be noted that the majority of these concerns stem from activities that were being undertaken before this planning application was submitted. Since the application was submitted the gates have been closed on the site and work appears to have ceased at this site.
- 35 As previously stated, the application is for the storage of vehicles only. The applicant has stated that repairs will not be undertaken at the site. Broken down cars will occasionally be stored whilst awaiting repair at the applicant's garage and may need to be transported to the site by another vehicle.
- 36 The applicant has also stated that hours of work proposed will be Monday to Friday 0900 hours to 1800 hours and Saturday 0900 hours to 1300 hours. There will be no operations at the site on a Sunday.
- 37 Environmental Health commented that, whilst there are residential properties close to the site, the main concern will be if operations at the site are undertaken at antisocial hours. As such it is recommended that the hours of operations are controlled by condition. The hours suggested by Environmental

Health propose that operations and deliveries be restricted to between 0700 hours and 1900 hours daily (Conditions 3 & 4).

- 38 With conditions imposed on hours of operation and servicing of, and deliveries to, the site it is considered that the proposal will not impact adversely on residential amenity and as such is considered to accord with LDP Policy RD1 Residential Areas and Policy EP8 Noise Pollution.

Impact on Character of Conservation Area and Visual Amenity

- 39 The proposal does not involve any physical alterations at the site which is contained by buildings to the sides and high walls to the front and rear. Vehicles parked on the site are therefore screened from most views at street level, particularly when the front gate is closed. The proposal will not therefore have an adverse impact on either visual amenity or the character of the Conservation Area. It is therefore considered to comply with LDP policy PM1A and B Placemaking and Policy HE3A Conservation Areas.

Roads and Access

- 40 The site is accessed from a one way street. There are a number of parking restrictions on this street. There have been objections to the proposal due to concerns with road safety in particular speeding cars and vehicles reversing out of the site onto Mitchell Square. There have also been concerns that lorries will use the site.
- 41 It is understood that the site will primarily be used to store light vehicles, mainly cars. Use by larger vehicles however cannot be ruled out if a vehicle needs to be moved to be repaired although Transport Planning have indicated that use of HGV transport vehicles in this area would not be appropriate. Whilst there are no traffic orders to prevent HGVs accessing Mitchell Square loading and unloading outside of the premises is likely to cause an obstruction which would block the narrow street.
- 42 Transport Planning does not object to the proposal. Most of the concerns raised by residents such as driving the wrong direction on a one way street, speeding or blocking the street are matters that are enforceable by Police Scotland not through planning restrictions.
- 43 Concerns have also been raised by residents that vehicles are reversing out of the site on to the public road. As such, Transport Planning has commented that there must be enough space available within the storage area to enable all vehicles to turn and exit onto the public road in a forward gear. A condition requiring further details of how this layout will be achieved is recommended to be attached to any permission (Condition 2).
- 44 Subject to conditional control it is considered that the proposal is in accordance with Policy TA1B Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 45 The proposal will not have any impact on existing drainage arrangements. The site is not within an area at risk of flooding.

Natural Heritage and Biodiversity

- 46 There will be no impact on any natural heritage or biodiversity interest.

Developer Contributions

Transport Infrastructure

- 47 The site is located outwith the catchment area for Transport Infrastructure contributions. There is no requirement for any developer contributions with regard to this proposal. .

Economic Impact

- 48 The proposal is linked to an existing garage business and as such there would be some positive economic impact from it.

LEGAL AGREEMENTS

- 49 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 50 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 52 In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 53 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 operations re-commencing at the site, a plan detailing the proposed layout of the vehicle storage area that enables all vehicles to turn and exit onto the public road in a forward gear, shall be submitted to and approved in writing by the Council as Planning Authority. The approved shall be implemented prior to the re-commencement of the use and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site and to enable a vehicle to enter and leave the site in forward gear.

3. The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

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

4. Servicing of and deliveries to the site shall only be carried out between 0700 and 1900 hours daily.

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

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. 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.

Background Papers: 6 letters of representation

Contact Officer: Persephone Beer 01738 475354

Date: 7 November 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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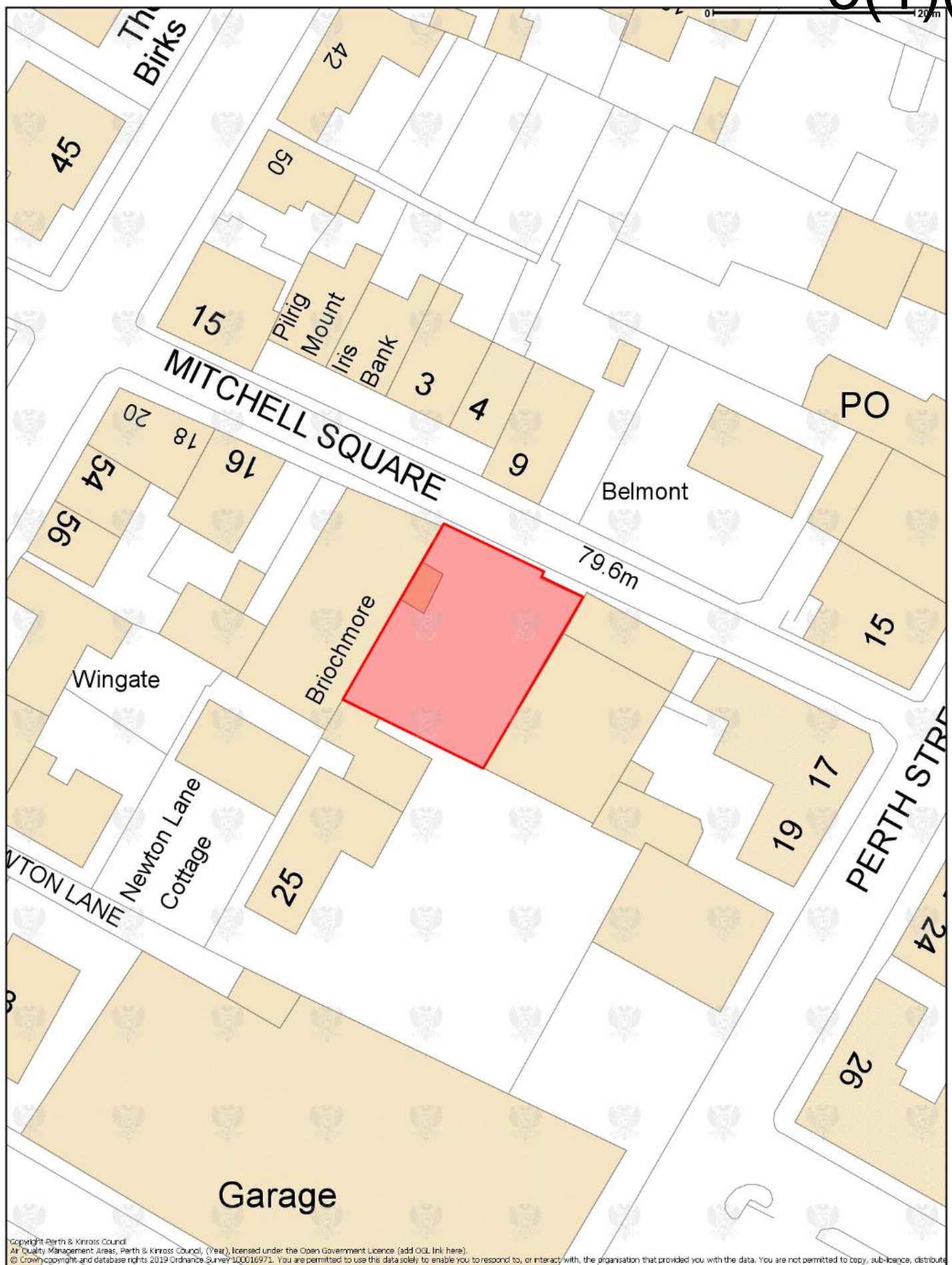
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19/01387/FLL

Change of use from vacant land to form a vehicle storage area (in retrospect) Piob Mhor Workshop, 14 Mitchell Square, Blairgowrie





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19/01387/FLL

Change of use from vacant land to form a vehicle storage area (in retrospect) Piob Mhor Workshop, 14 Mitchell Square, Blairgowrie



Perth and Kinross Council
Planning and Development Management Committee – 20 November 2019
Pre-Application Report by Head of Planning and Development (Report No. 19/334)

Erection of Replacement Poly Tunnels, Colbeggie Farm, Kettins, Perthshire

Ref. No: [19/00006/PAN](#)
Ward No: P2 - Strathmore

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the replacement of existing temporary poly tunnels with more permanent insulated poly tunnel structures at Colbeggie Farm, near Kettins. The report aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 26 July 2019. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan 2014 and is on an area of open farmland to the east of Coupar Angus. This PoAN seeks to formally establish a major development comprising proposed development as set out above. The exact scale, design and layout of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 The proposed development does not fall within any of the accepted categories of development outlined in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A screening request is therefore not considered necessary in this instance.

PRE-APPLICATION PROCESS

- 4 A public exhibition was held on Friday 4 October at the Red House Hotel, Coupar Angus. The Ward Councillors, Coupar Angus Community Council, Kettins Community Council and Meigle and Ardler Community Council were all notified. The applicant was also advised to notify the local MP and MSP of the

proposal and conduct a leaflet drop of all residents with a 1.5km radius of the site. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 6 The 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. The document 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

- 7 The SPP is a statement of Scottish Government policy on land use planning. 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
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 9 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 10 The following policies of TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2014

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 12 The LDP 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.”

- 13 Under the LDP, the following policies are of particular importance in the assessment of this application:-

- PM1 – Placemaking
- PM2 – Design Statements
- ED3 – Rural Business and Diversification
- NE3 – Biodiversity
- ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial Light and Light Pollution

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 14 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

- Policy 1 – Placemaking
- Policy 2 – Design Statements
- Policy 8 – Rural Business and Diversification
- Policy 37 – Landscape
- Policy 39 – Biodiversity
- Policy 50 – New Development and Flooding
- Policy 51 – Water Environment and Drainage
- Policy 53 – Nuisance from Artificial light and Light Pollution

OTHER POLICIES

- 15 The following supplementary guidance is of particular importance in the assessment of this application:-

- Flood Risk and Flood Risk Assessments – June 2014

PLANNING SITE HISTORY

- 16 There is no known planning history for the proposed site.

CONSULTATIONS

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

External

- Coupar Angus Community Council
- Kettins Community Council
- Meikle and Ardler Community Council

Internal

- Environmental Health
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 18 The key considerations against which the eventual application will be assessed include:-

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to Nearby Land Uses
- d. Natural Heritage and Ecology
- e. Landscape
- f. Water Resources and Soils including private water supplies

- h. Transport Implications
- i. Flooding and Drainage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 19 In the absence of an EIA, the following supporting documents will need to be submitted with any planning application;
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report

CONCLUSION AND RECOMMENDATION

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

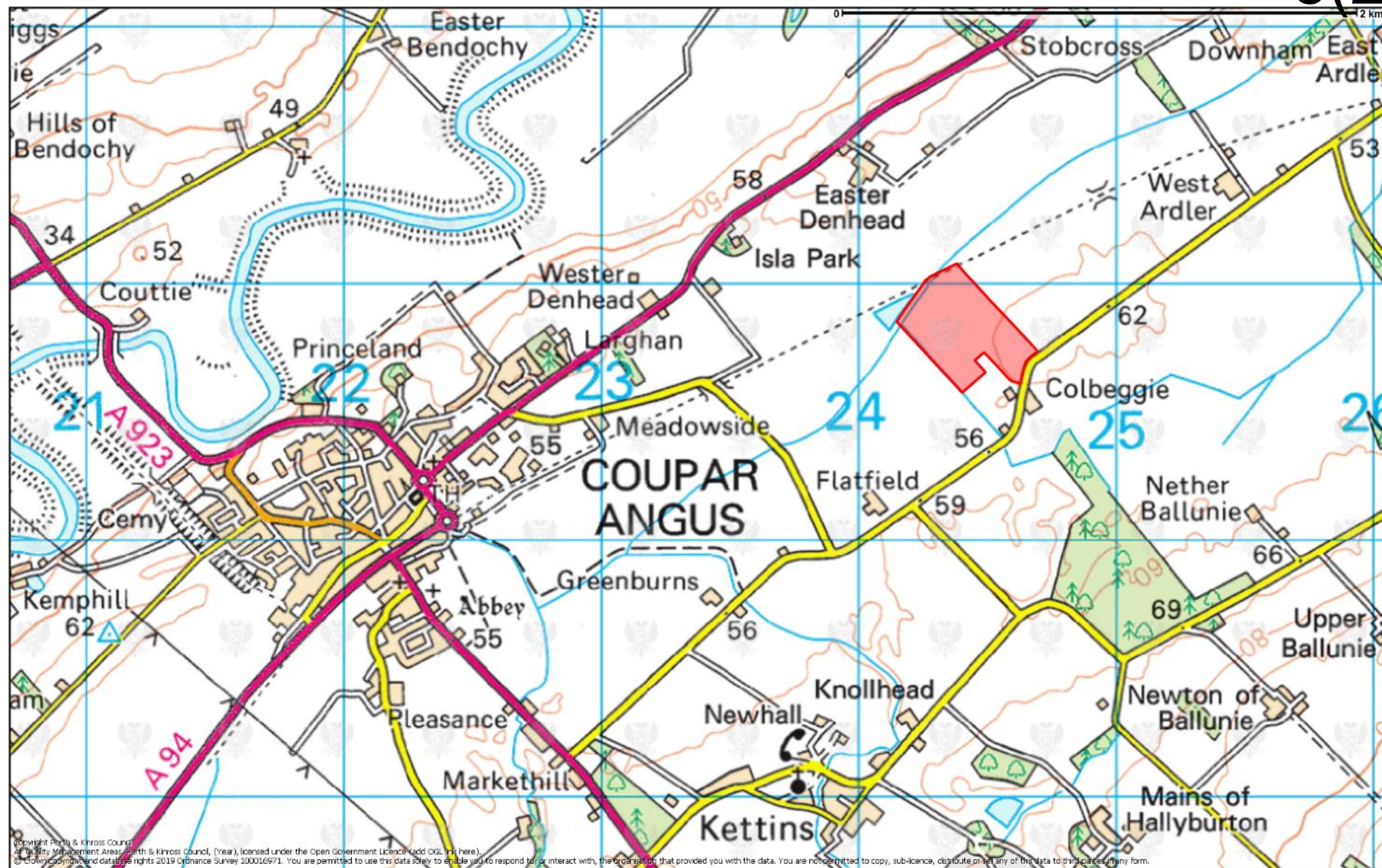
Background Papers: None
Contact Officer: David Niven
Date: 7 November 2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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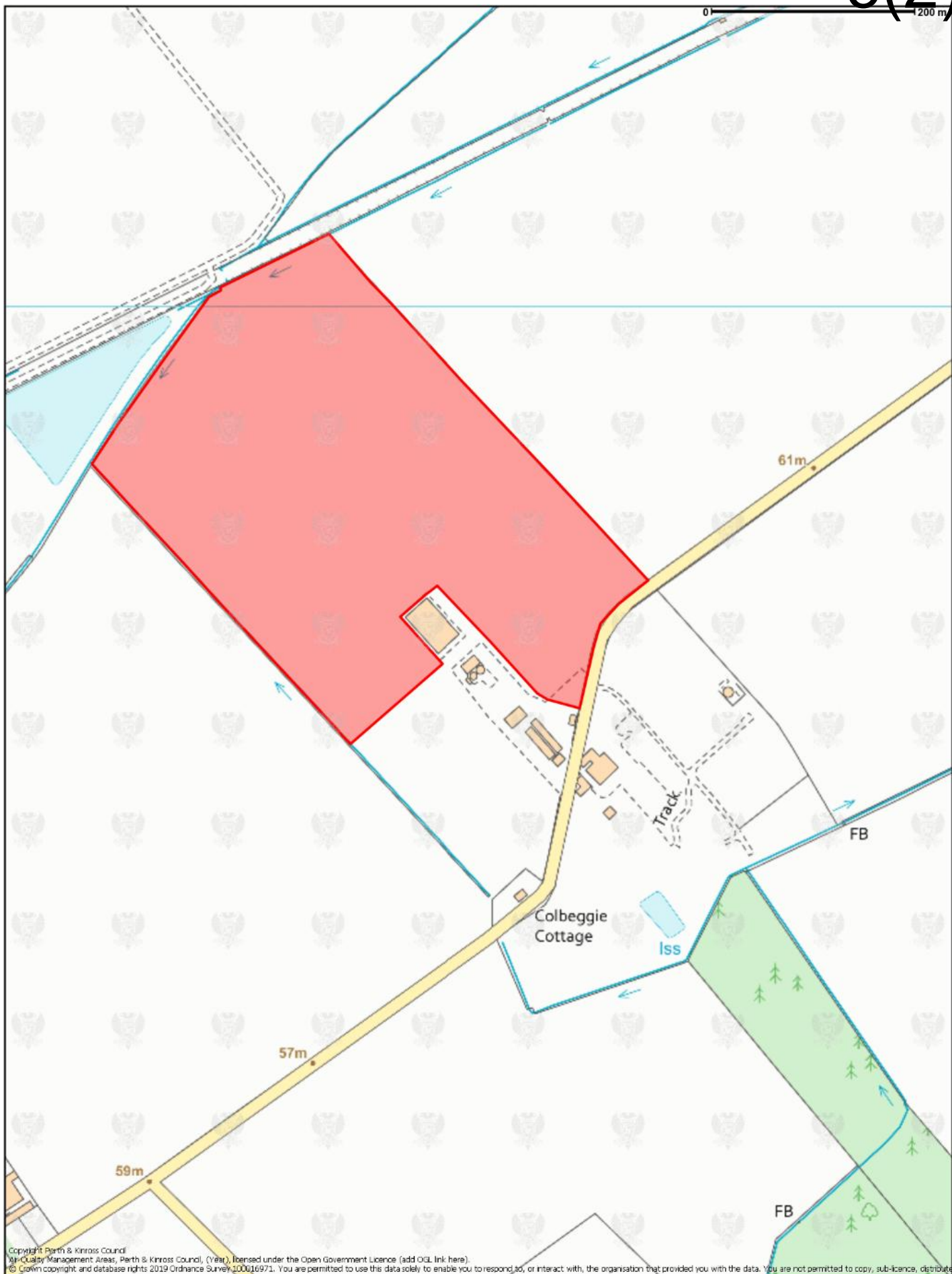
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19/00006/PAN

Erection of replacement polytunnels at Colbeggie Farm,
Kettins, Blairgowrie





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Scale 1:5000

19/00006/PAN

Erection of replacement polytunnels at Colbeggie Farm, Kettins, Blairgowrie



Perth and Kinross Council
Planning and Development Management Committee – 20 November 2019
Pre-Application Report by Head of Planning and Development (Report No. 19/335)

Erection of a replacement high school, with associated car parking, playgrounds and the relocation of existing sports pitches, Perth High School, Oakbank Road, Perth

Ref. No: [19/00007/PAN](#)

Ward No: 10 – Perth City South

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the proposed replacement of Perth High School. The report aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 1 October 2019. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site is located within the settlement boundary of Perth with the existing school in a residential and compatible uses zoning and the current playing fields zoned as open space within the adopted Perth and Kinross Local Development Plan 2014. The new school is proposed to be built within the open space zoning to the west to allow the continued operation of the existing high school. This PoAN seeks to formally establish a major development comprising uses as set out above. The exact scale, design and layout of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request has yet to be submitted.

PRE-APPLICATION PROCESS

- 4 A public exhibition was held in the assembly at Perth High School, Oakbank Road, Perth PH1 1HB on Monday 28 October 2019 between 4pm - 8pm. The Perth City South Ward Councillors and Ward Councillors of the pupil catchment

area were notified of the event. South Perth Community Partnership in the absence of an established Community Council in Perth City South was also notified. The applicant has also notified the MP for Perth and North Perthshire and the MSP for Perthshire North and Perthshire South.

- 5 A leaflet drop was carried out to near neighbours and Perth City Community Council Facebook page also advertised the event on social media. The following groups were notified of the event by email; Perth High School parents/ carers and staff, Parents/ carers of pupils at the feeder primary schools (Abernethy, Abernyte, Craigie, Dunbarney, Errol, Forgandenny, Inchtute, Invergowrie, Inch View, Kinnoull, Longforgan, Moncrieffe, Oakbank and St Madoes Primary Schools) and Clubs and groups who currently let space within Perth High School.
- 6 In addition, a presentation was prepared on display boards and/ or electronic display to be cascaded to each of the feeder primary schools during the pre-application period. It is considered that all of this publication of the proposal will enable future pupils of the High School to engage with the project and have been invited to feedback their thoughts.
- 7 The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 9 The 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. The document 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

- 10 The SPP is a statement of Scottish Government policy on land use planning. 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: paragraphs 92 - 108
 - 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

- 11 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- Planning and Waste Management Advice (July 2015)

Designing Streets 2010

- 12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013– A policy statement on architecture and place for Scotland 2013

- 13 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

- 14 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.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 15 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 16 The following policies of TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: Managing TAYplans Assets
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2014

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 18 The LDP 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.”

- 19 Under the LDP, the following policies are of particular importance in the assessment of this application:-

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- RD1 – Residential Areas
- TA1 – Transport Standards and Accessibility Requirements
- CF1 - Open Space Retention and Provision
- CF2 – Public Access
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial Light and Light Pollution
- EP8 – Noise Pollution

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 20 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP)

2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 28 November 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision. The following policies are of particular importance and will be material to the assessment.

- Policy 1 – Placemaking
- Policy 2 – Design Statements
- Policy 5 – Infrastructure Contributions
- Policy 8 – Rural Business and Diversification
- Policy 9 – Caravan Site, Chalets and Timeshare Developments
- Policy 14 – Open Space Retention and Provision
- Policy 15 – Public Access
- Policy 17 – Residential Areas
- Policy 32 – Sustainable Heating and Cooling
- Policy 38 – Forestry, Woodland and Trees
- Policy 39 – Biodiversity
- Policy 40 – Green Infrastructure
- Policy 51 – Water Environment and Drainage
- Policy 53 – Nuisance from Artificial light and Light Pollution
- Policy 54 – Noise Pollution
- Policy 58 – Transport Standards and Accessibility Requirements

OTHER POLICIES

- 21 The following supplementary guidance are of particular importance in the assessment of this application:-

- Developer Contributions including Affordable Housing September 2016

PLANNING SITE HISTORY

- 22 There is no known planning history for the proposed site.

CONSULTATIONS

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

External

- Scottish Water
- Perth and Kinross Heritage Trust (PKHT)

Internal

- Environmental Health
- Strategic Planning and Policy

- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

24 The key considerations against which the eventual application will be assessed include:-

1. Landscape and Visual Impact
2. Scale, Design and Layout
3. Natural Heritage and Ecology
4. Trees and landscaping
5. Impact of Noise
6. Transport Implications
7. Open Space Provision
8. Waste
9. Drainage
10. Air Quality

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

25 If an EIA is not required, the following supporting documents will need to be submitted with any planning application;

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Air Quality Assessment
- Drainage Assessment
- Tree Survey
- Phase 1 Habitat Survey including protected species and breeding birds
- Landscape and Visual Impact Assessment
- Archaeological Assessment
- Sustainability Assessment
- Noise Assessment

CONCLUSION AND RECOMMENDATION

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

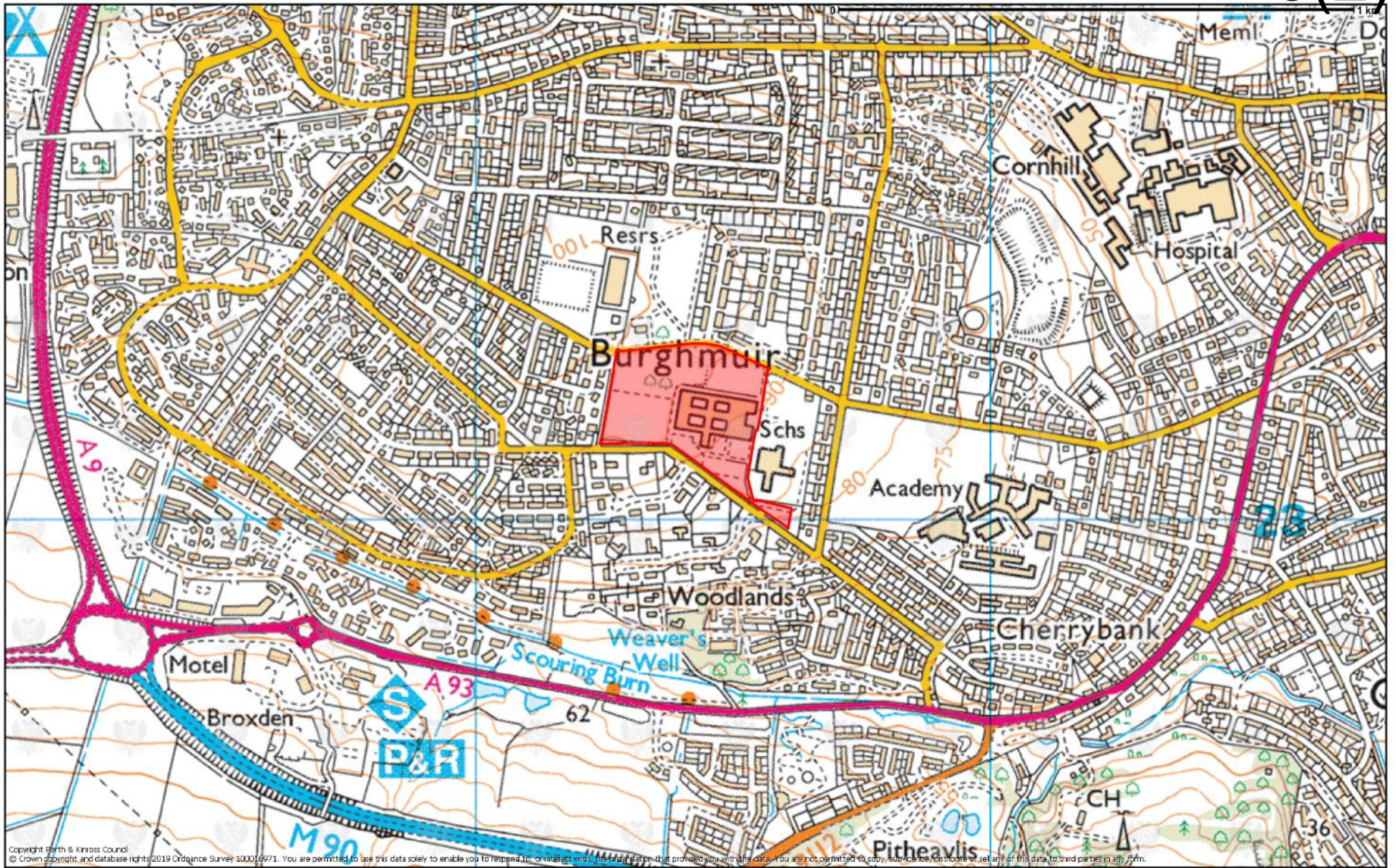
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DAVID LITTLEJOHN
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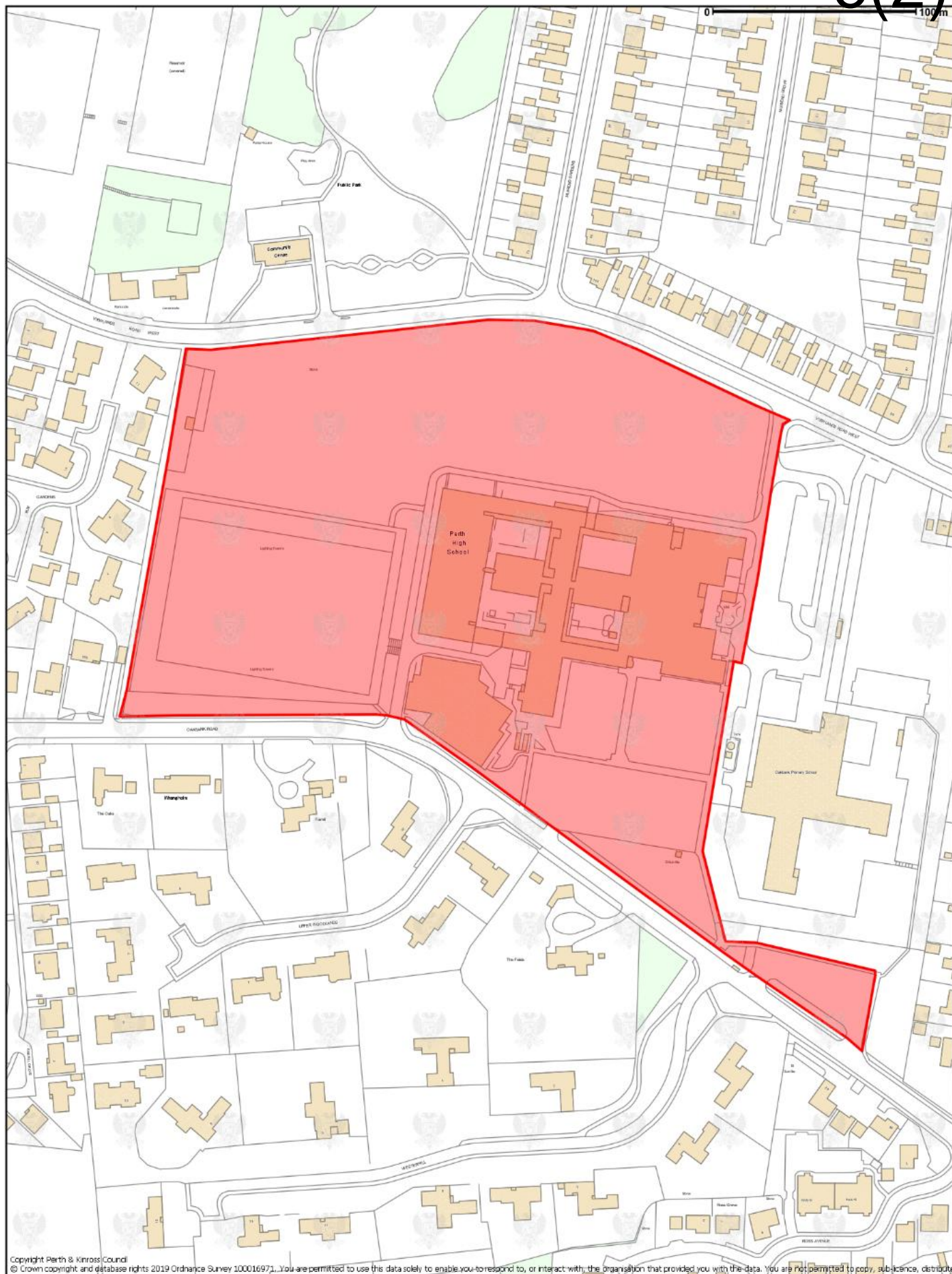
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19/00007/PAN

Erection of a replacement school and formation of playground areas, sports pitches, parking areas, landscaping and associated works Perth High School, Oakbank Road, Perth





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