

TCP/11/16(600) – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol

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TCP/11/16(600) – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100145062-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Montgomery Forgan Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Eden Park House
Last Name: *	Queripel	Building Number:	
Telephone Number: *	01334654936	Address 1 (Street): *	Eden Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4HS
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="The Clock Tower"/>
First Name: *	<input type="text" value="Mike"/>	Building Number: <input type="text" value="4"/>
Last Name: *	<input type="text" value="Stretch"/>	Address 1 (Street): * <input type="text" value="Dyers Close"/>
Company/Organisation	<input type="text" value="Munro Estates Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH1 3UB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="723598"/>	Easting	<input type="text" value="323680"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of Use of Land and Building from Agricultural Contractors Business to storage and distribution (Class 6) and erection of ancillary office building (in retrospect).

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See papers apart.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See papers apart

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/02264/FLL

What date was the application submitted to the planning authority? *

18/12/2018

What date was the decision issued by the planning authority? *

14/02/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

N/A

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Kerry Heggie

Declaration Date: 03/05/2019

Notice of Review

Refusal of Planning Permission for
a Change of Use of Land and Buildings from
Agricultural Contractors Business to
Storage and Distribution (Class 6) and Erection
of Ancillary Office Building (in Retrospect)
at The Steading, Inchcoonans, Errol

May 2019

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- 3.0 RELEVANT PLANNING HISTORY
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- 6.0 OTHER CONSIDERATIONS AND CONCLUSIONS

DOCUMENTS

Document 1	Plans, drawings and supporting statement associated with planning application
Document 2	Evidence of previous commercial use of the site
Document 3	Testimony letter from Paragon Protection Systems
Document 4	Letter from Inchcoonans Competition and Livery Yard
Document 5	Letter from Mackie's at Taypack Ltd
Document 6	Letter from septic tank installer (On Tap and Drainage Ltd)
Document 7	Performance results of septic tank
Document 8	Email to applicant from SEPA dated 5 March 2019
Document 9	Plan of rear grassed area

1.0 INTRODUCTION

- 1.1 On behalf of the applicant and site owner, Mike Stretch of Munro Estates Ltd, we submit a Notice of Review to Perth and Kinross Council's Local Review Body.
- 1.2 We request a review of the decision made by the appointed person relating to the planning application for planning permission Ref. 18/02264/FLL.
- 1.3 The planning application was refused on 14 February 2019 for 3 reasons as detailed below:
 1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site. The use should be directed to a zoned industrial estate.
 2. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.
 3. The proposal is contrary to Policy ER5 Prime Agricultural Land of the Perth and Kinross Local Development Plan 2014 which states that outside the identified settlements development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need. There is no such need in this instance. Furthermore the development is not linked to a rural business and it would be better located on a non-prime land/zoned business or industrial site within the development boundary.
- 1.4 A copy of the plans, drawings and supporting statement and other information which formed the planning application are attached as **Document 1**. Please also note that the existing use was erroneously described as "agricultural contractors business" within the planning application as opposed to "landscape contractors business". We wrote to Perth and Kinross Council on 19 February 2019 concerning this minor discrepancy, but the planning application had already been determined by that date.

2.0 THE SITE AND SURROUNDING AREA

- 2.1 The site measures some 0.46 hectares and comprises a storage shed, office buildings, a parking area, a loading/unloading area and an additional grassed area. Along the site frontage is an extended coniferous hedge which is around 3 to 4 metres high. The north, west and south boundaries of the site are demarcated by stob and wire fencing.
- 2.2 To the north of the site is a timber yard, to the east is Inchcoonans Competition & Livery Yard, to the south is Mackie's at Taypack Ltd and just beyond is Silverwood Lodges Holiday Park. This demonstrates that there is a fair degree of commercial activity in the immediate area already.
- 2.3 The site is currently leased by Paragon Protection Systems which is a small Perthshire starter company with 8 employees. Paragon Protection Systems started in 2016 and provides customers with rapidly erected shelter systems designed to provide cover for numerous rural/agricultural activities.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A previous planning application (Ref. 17/01958/FLL) was refused by the appointed person on 15 January 2018 for a change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect).

The 3 reasons for refusal were details below:

1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
2. There is a lack of environmental information to assess the impacts of the scheme with regards to noise. This has meant the application cannot be fully assessed against Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014.
3. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

- 3.2 A Notice of Review was submitted to Perth and Kinross Council's Local Review Body. After careful consideration, the Local Review Body upheld the decision to refuse planning permission and (importantly) agreed that the application lacked the necessary information to consider justifying granting it. The Local Review Body also agreed that, given the use classes sought, the application on the face of it, breached local development plan policies where there is a lack of information on those aspects.
- 3.3 We would contend that the current planning application now contains the necessary information which allows the Local Review Body to consider justifying granting the proposal.

4.0 BACKGROUND

- 4.1 On reviewing the previous proposal which was refused planning permission, with the decision upheld at the Local Review Body, it became apparent that the proposal did not accurately reflect the actual development within the site, nor did the description of the use of the shed in particular, accurately reflect its use over the last 15 years.
- 4.2 The site was purchased by the applicant some 15 years ago. Neither the site nor the shed has been used for farming purposes in the intervening period. The site had been used by 2 landscape contractors businesses (and it also lay vacant for a time) until Paragon Protection Systems leased the site in September 2017. To evidence this, sample copies of previous leases and receipts for rental payments are attached as **Document 2**. We would be pleased if this information is kept out of the public domain due to its financial and business sensitivity.
- 4.3 The site had lain vacant immediately prior to Paragon Protection Systems taking occupancy. The site had become badly over grown and was used for fly-tipping. We understand the site was used by drug users, with Paragon Protection Systems commenting that the site was littered with empty drug packets and needles when they first took on the tenancy. Paragon Protection Systems scraped the yard and put down new surfacing. The landscaping was cut back and tidied, open areas were seeded with wildflowers, fences were repaired and rebuilt and road verges were cleared of litter and debris. The shed was cleaned and repaired and pest control was called in to rid the shed of rats and mice which had caused an infestation. No outside lighting or signage has been erected, or anything else which might cause a visual disturbance.
- 4.4 Paragon Protection Systems erected a small sectional office which was painted to blend in with the surroundings, and constructed some timber decking around the office to further improve its appearance. A letter from Paragon Protection Systems testifying to this is attached as **Document 3**.
- 4.5 The result of the relocation is that Paragon Protection Systems now employs 8 local people from a base of zero in 2016. Prior to moving to Inchcoonans, Paragon Protection Systems had a small office in Perth but with no storage space at all.
- 4.6 Paragon Protection Systems simply cannot afford to pay the higher rents and rates within an industrial estate as it is a young company. Also Paragon Protection Systems only occasionally needs a larger amount of floor space to carry out quality control checks and minor adjustments as necessary and the grassed area to the rear of the site is not used for business purposes, but is kept well maintained.
- 4.7 The site and shed has been used for commercial purposes since it was bought by the applicant some 15 years ago. It was first occupied by Growing Concerns (Scotland) Ltd and then by Grass

Engineering Ltd, and for a period the site has lain empty. The site and shed has not been used for farming purposes throughout this time and there is no prospect of either the site or shed reverting back to farming use, as the site is now divorced from any farming activities.

5.0 REASONS FOR REFUSAL

5.1 The planning application has been refused for 3 reasons. Each reason will be addressed in turn.

Reason for Refusal 1

5.2 Policy ED3 of the Local Development Plan relates to rural business and diversification. It states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. Whilst the policy states that there will be a preference that this will generally be within or adjacent to existing settlements, the policy does not preclude new businesses outwith settlements, especially if they relate to a site specific resource or opportunity, (for example an existing vacant commercial site). This is all predicated on the new business contributing to the local economy through, amongst other matters, the **provision of local employment or involves the re-use of existing buildings**, which is the case here.

5.3 It is respectfully contended that;

- the proposal does relate to a site specific resource or opportunity. A vacant site and building has been brought back into productive use by a very low impact business. The site and building itself is a site specific resource and opportunity and would otherwise remain vacant and become increasingly derelict.
- the business contributes to the local economy. 8 local jobs have been created since 2016 of which 4 jobs are at the site itself. In addition, an Errol based satellite broadband supplier was used to install and connect the office broadband. Many office provisions are bought in Errol, and various local organisations use the office carpark for weekend events. Submitted with this statement is a letter from Inchcoonans Competition & Livery Yard testifying to this (**Document 4**).
- the re-use of the site and shed has been welcomed by nearby businesses. Attached as **Document 5** is a testament to this from Mackie's at Taypack Ltd, which itself reused a derelict building in the recent past rather than locating to an industrial estate.
- Policy ED3 specifically encourages the re-use of existing buildings in rural areas.

5.4 The proposal will meet the needs of Paragon Protection Systems due to the proximity of the site to good transportation links and the fact that the site has been used for many years for commercial landscape contractor businesses. There is no prospect of the site or shed returning to farming use. The majority of shelters are supplied by the manufacturer direct to the customer. Only a very small number of shelters require to be stored at the site in order to make quality checks, check measurements or to make minor adjustments.

- 5.5 It is further contended that the use of the site and shed is compatible with surrounding land uses. This site is over 100 metres from the dwellinghouse to the south. In addition, a Noise Monitoring Report was submitted in support of the proposal. The Council's Environmental Health Service has raised no objections to the proposal in terms of noise impact subject to a suitably worded condition limiting the hours of delivery/distribution, which the applicant is absolutely content with.
- 5.6 In addition, only about 1 lorry on average arrives/leaves the site each week, as most shelters are delivered to customers directly by the manufacturer.
- 5.7 The site is well screened from the public road and the office building has been painted to blend in with the surrounding landscape. The shed has been a feature of the landscape for many years.
- 5.8 The proposal meets a specific need of Paragon Protection Systems and also benefits existing businesses such as Inchcoonans Competition & Livery Yard as detailed earlier in this statement.
- 5.9 The small office building, whilst simple in design, is of a high quality and in keeping with the site and surrounding area. The applicant is also happy to plant native hedging around the site, and if this request for a review is upheld, this matter can be dealt with by a planning condition.
- 5.10 Lastly, the road network can accommodate the proposal, and the Council's Transportation Planning Service has raised no objections.
- 5.11 It is respectfully contended that the proposal complies with the terms of Policy ED3. In addition, it is contended that Policy ED3 does not entirely cover a situation such as this, where there is an opportunity to re-use a redundant commercial building in a rural area.

Reason for Refusal 2

- 5.12 Policy EP3B states that in settlements where there is little or no sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surroundings uses and amenity of the area.
- 5.13 Whilst the proposal site is not within a settlement (as identified in the Local Development Plan), a historical brick built septic has been replaced with a modern septic tank which links into the existing drainage infrastructure for the site. The installer, in a letter dated 22 August 2018, confirmed that the outfall was suitable (**Document 6**) and the performance results of the new septic tank are attached as **Document 7**. Lastly, attached as **Document 8** is an email from SEPA to the applicant dated 5 March 2019 which confirms that, *"As the system is an improvement from a historical septic tank and there is no increase in population equivalent in relation to the sizing of the new tank, we do not have an issue*

with the system. Given that there appears to be no watercourse within reasonable distance I presume it discharges to land via a soakaway.”

- 5.14 We can also confirm that the applicant is in the process of registering the new septic tank with SEPA.
- 5.15 We would respectfully contend that it has been demonstrated that the foul drainage system does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area, SEPA has no issue with the new septic tank and the proposal therefore complies with Policy EP3B.

Reason for Refusal 3

- 5.16 Policy ER5 states, amongst other matters, that development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need.
- 5.17 Material to this specific reason for refusal is the fact that the site has not been in any form of farming use for at least 15 years. Additionally, the agricultural classification for the general area is 3.1, which is the lowest classification of prime quality agricultural land.
- 5.18 There is no prospect that either the shed or site will be used for farming purposes, as the site is no longer associated with any form of farming activities. However, apart from the office, the applicant has no intention of using or developing any of the rear grassed area within the site (**Document 9**).
- 5.19 The Town and Country Planning (Scotland) Act 1997 states at Section 25 the determination of a planning application is to be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.20 It is respectfully contended that the fact that neither the shed nor the site has been used for farming purposes for at least 15 years is a material consideration which is sufficient to set aside Policy ER5 of the Local Development Plan in this instance.

6.0 OTHER CONSIDERATIONS AND CONCLUSIONS

- 6.1 It is evident that Paragon Protection Systems is a small Perth and Kinross based starter business that has grown from no employees to 8 employees in the space of a few years.
- 6.2 The business has brought back in to use a shed and site that would have otherwise continued to lie empty with all the resulting anti-social issues that were beginning to arise in the past. The applicant had marketed the site for sale for about 2 years with no interest being received.
- 6.3 It is respectfully submitted that re-using a vacant shed and site is a sustainable option which should outweigh any purely policy arguments for the business to be located within an industrial estate. In any event, Paragon Protection Systems is aware that there is a dearth of affordable business unit space in Perth and Kinross for starter businesses.
- 6.4 It has also been demonstrated that the foul drainage solution for the site is acceptable to SEPA and that the technical non-compliance with Policy ER5 (prime agricultural land) does not mean that land has been taken out of farming use to facilitate this proposal.
- 6.5 The applicant is also aware that a similar, but much larger proposal, for a change of use of agricultural buildings to industrial/storage and distribution use in a rural location was allowed at the Local Review Body in October last year (Ref. 18/00243/FLL). Whilst it is accepted that each planning application should be considered on its own particular planning merits, it is contended that the proposal subject to this review is of an extremely small scale compared to the above planning application which the Local Review Body concluded was in compliance with key Local Development Plan Policy ED3.
- 6.6 The applicant is also content to accept a temporary planning permission for say, 3 years, in order that Perth and Kinross Council can monitor the situation over a given period. This would mean that the Council could revisit the proposal in 3 years time, should a further planning application be submitted for a permanent use of the site.
- 6.7 We would respectfully ask the Local Review Body to consider the foregoing and grant planning permission subject to any necessary conditions as it sees fit.

Document 1

Plans, drawings and supporting statement
associated with planning application



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100145062-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Retrospective change of use of land and building from agricultural contractors business (sui generis) to storage and distribution (class 6) and erection of ancillary office building (class 4)

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Has the work already been started and/or completed? *

☐ No ☒ Yes – Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/10/2017

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Applicant did not appreciate that planning permission was required

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Montgomery Forgan Associates		
Ref. Number:	5769	You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Eden Park House
Last Name: *	Queripel	Building Number:	
Telephone Number: *	01334654936	Address 1 (Street): *	Eden Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4HS
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Mike	Building Number:	4
Last Name: *	Stretch	Address 1 (Street): *	The Clocktower
Company/Organisation	Munro Estates Ltd	Address 2:	Dyers Close
Telephone Number: *		Town/City: *	Perth
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH1 3UB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

723598

Easting

323680

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.46

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

See supporting statement

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">10</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">10</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;"> Existing brick built septic tank on site replaced with new fibreglass septic tank. Existing connection arrangements maintained. </div>	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>Not applicable</p> </div>	
<p>Residential Units Including Conversion</p> <p>Does your proposal include new or additional houses and/or flats? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>All Types of Non Housing Development – Proposed New Floorspace</p> <p>Does your proposal alter or create non-residential floorspace? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office/Light Industry)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

103

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Change of use, only, of the existing shed which has a floor area of 450 sqm. Ancillary office building has a floor area of 103 sqm.

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: David Queripel

On behalf of: Munro Estates Ltd

Date: 14/12/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Noise Monitoring Report, Foul drainage confirmation letter, Supporting Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Ms Kerry Heggie

Declaration Date: 14/12/2018

Date: 13 December 2018
Our Ref: 5769/DQ/KAH
Your Ref: 100145062-001



Planning Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Dear Sirs

Retrospective Change of Use of Land and Building from Agricultural Contractor's Business (sui generis) to Storage and Distribution (Class 6) and Erection of Ancillary Office Building (Class 4) at Inchcoonans, Errol

We enclose a planning application on behalf of Mr Mike Stretch of Munro Estates Ltd for the above proposal. A planning application of the same general character was refused on 15 January 2018 (Ref. 17/01958/FLL) with a review of the decision being dismissed by the Perth and Kinross Council Local Review Body on 6 August 2018. We understand, therefore, that there is no planning application fee for this current proposal.

The Site

The site measures some 0.46 hectares and comprises of a large storage shed, office buildings, a parking area, a loading/unloading area and an additional grassed area. Along the site frontage is an extended coniferous hedge which is around 3 to 4 metres high. The north, west and south boundaries are demarcated by stob and wire fencing.

The site is level in nature and is located within a countryside area to the north west of Errol.

Immediately to the north of the site is the Perth to Dundee railway line, and beyond is the A90 dual carriageway.

The Proposal

Retrospective planning permission is sought for a change of use of the site from an agricultural contractors business (sui generis) to storage and distribution (class 6) and the erection of an ancillary office building (class 4).

The site is currently occupied by a business (Paragon Protection Systems Ltd) which imports temporary and moveable shelters from abroad and then re-distributes them to customers throughout the UK. The product name is Zappshelter and the shelters are very commonly used in rural areas to store agricultural equipment and machinery, hay, straw and other livestock feed stuffs, and for the housing of animals.

Paragon Protection Services Ltd have been tenants at the site for just over a year, and to facilitate the storage and distribution business a small ancillary office block has been erected to the rear of the site.

Montgomery Forgan Associates | Eden Park House, Cupar, Fife, KY15 4HS

Web: www.montgomery-forgan.co.uk | Email: admin@montgomery-forgan.co.uk | Tel: 01334 654936

Partners: Alan Aitken BSc BArch (Hons) RIAS, David Queripel MA (Hons) DipTP MRTPI, Joe Narsapur BSc BArch (Hons) RIAS, Darren O'Hare BA (Hons) MRTPI
Associate: Michael Manzie ACIAT



The shelters are stored only within the storage shed and the external area is used only for car parking and for the loading/unloading of the shelters.

When the shelters arrive at the site some very minor adjustments may be made to them, but this is all undertaken within the confines of the storage shed.

On average, approximately 1 delivery lorry will arrive at the site each week, and 1 will leave the site each week.

The office block has a small male and female toilet facility and kitchenette. Foul drainage from the toilet facility and kitchenette discharges to a septic tank which was installed as a replacement for a sub-standard septic tank when the office building was erected (**Document 1**). The office block is located within an area that previously had storage containers on it.

The applicant has also commissioned a Noise Monitoring report to determine noise levels associated with the proposal compared to ambient noise levels in the surrounding area (**Document 2**).

Photographs of the site and site frontage are attached as **Document 3**.

Background

The applicant bought the site some 15 years ago, and it has been used by 2 landscape contractors businesses until the current tenant occupied the site just over a year ago.

A landscape contractors business called Growing Concerns (Scotland) Ltd occupied the site for about 6 years, and the site was then occupied by another landscape contractors business (Grass Engineering Ltd) for a further 6 years. Thereafter, the site was put on the market for rent or sale, with Paragon Protection Systems Ltd becoming tenants just over a year ago.

Therefore, the site and storage shed have not been used for agricultural purposes for around 15 years, and instead have been used for the purposes of commercial landscape contracting businesses.

The current proposal seeks to overcome the 3 reasons for refusing the previous planning application (Ref. 17/01958/FLL) which related to the principle of development within the site, noise impact and drainage impact.

Previous Refusal of Planning Permission

Reason for Refusal 1

The previous planning application (Ref. 17/01958/ELL) wrongly described the existing use as an agricultural store, yard and former grain store, and that the proposal was to change the use of the shed and site to a business, general industrial and storage and distribution uses, as well as the erection of a temporary office building.

In fact the building and site have been used for the last 15 years or so as a site for commercial landscape contractors businesses.

Policy ED3 of the Local Development Plan relates to rural business and diversification. It states that the Council will give favourable consideration to businesses and the creation of new ones in rural areas, but that there is a preference that this will generally be within or adjacent to existing settlements. Importantly, Policy ED3 goes on to state that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity.

The site and building have been used for commercial landscape contractors businesses for the last 15 years or so. The current proposal is offering a much less intensive use of the site, all to the benefit of neighbouring households (which will be detailed late in this supporting letter). Whilst not strictly diversification of the existing land use, the proposal is also commercial in nature, and therefore there is no question of an agricultural building or land being taken out of agricultural use.

In addition, the site had been marketed for sale or rent prior to Paragon Protection Systems Ltd becoming tenants. Therefore, it is contended that the commercial nature of the site and the existing storage shed represent a site specific resource and opportunity for the proposal which is the subject of this planning application. In addition, Paragon Protection Systems Ltd employs 4 members of staff at the site.

It is considered that the storage and distribution (and ancillary office) use of the site will be compatible with the amenity of the surrounding area compared to the long standing use of the site for landscape contractors businesses.

The proposal will meet the needs of the occupier of the site due to the location of the site in relation to good transportation links and the fact that the site has been used for many years for commercial landscape contractors businesses. There is no prospect of the site returning to agricultural use.

The site is well screened from the public road and sits comfortably within the landscape, and the office block is very low key, is towards the rear of the site and is simply but well designed.

The local road network can easily accommodate the small number of vehicles entering and leaving the site.

It is therefore contended that the proposal complies with Policy ED3 of the Local Development Plan for the foregoing reasons.

Reason for Refusal 2

Submitted with this planning application is a Noise Monitoring report which has monitored general noise in Inchcoonans during a typical week day morning, to establish if the noise levels at the proposal site were atypical of baseline noise throughout the village.

The Noise Monitoring report found that at the proposal site, the dB LAeq (1 hour) was recorded at an average 47.40, whilst the average for all sites was 48.47. Likewise the maximum sound pressure level (dB LpA (Max)) at the proposal site was recorded at 79.00, whilst site 1 had a maximum sound pressure level at 119.80, with Site 3 at 88.80. The Noise Monitoring report concluded that the usage of the proposal site by Paragon Protection Systems Ltd has no significant affect on the ambient noise levels in Inchcoonans.

It is therefore contended that the proposal complies with Policy EP8 (Noise Pollution) of the Local Development Plan as the proposal will not generate high levels of noise in the locality of existing noise sensitive land uses compared to the pre-existing ambient noise levels.

Reason for Refusal 3

Submitted with this planning application is a statement from On Tap Water and Drainage Ltd confirming that an existing (and collapsing brick built) septic tank was replaced with a new (fibreglass) septic tank. The company also confirms that the outfall was suitable for the new septic tank.

There is no public Scottish Water waste water infrastructure within the vicinity of the proposed development. Therefore, Policy EP3B states that in such circumstances, a private system may be permitted provided it does not have an adverse effect on the natural or built environment, surrounding uses and amenity of the area.

It is therefore contended that the proposal complies with Policy EP3B (Foul Drainage) of the Local Development Plan for the foregoing reasons.

Conclusions

We would contend that the proposal at this location is both compliant within the Local Development Plan in principle and with respect to noise impact and foul drainage impact.

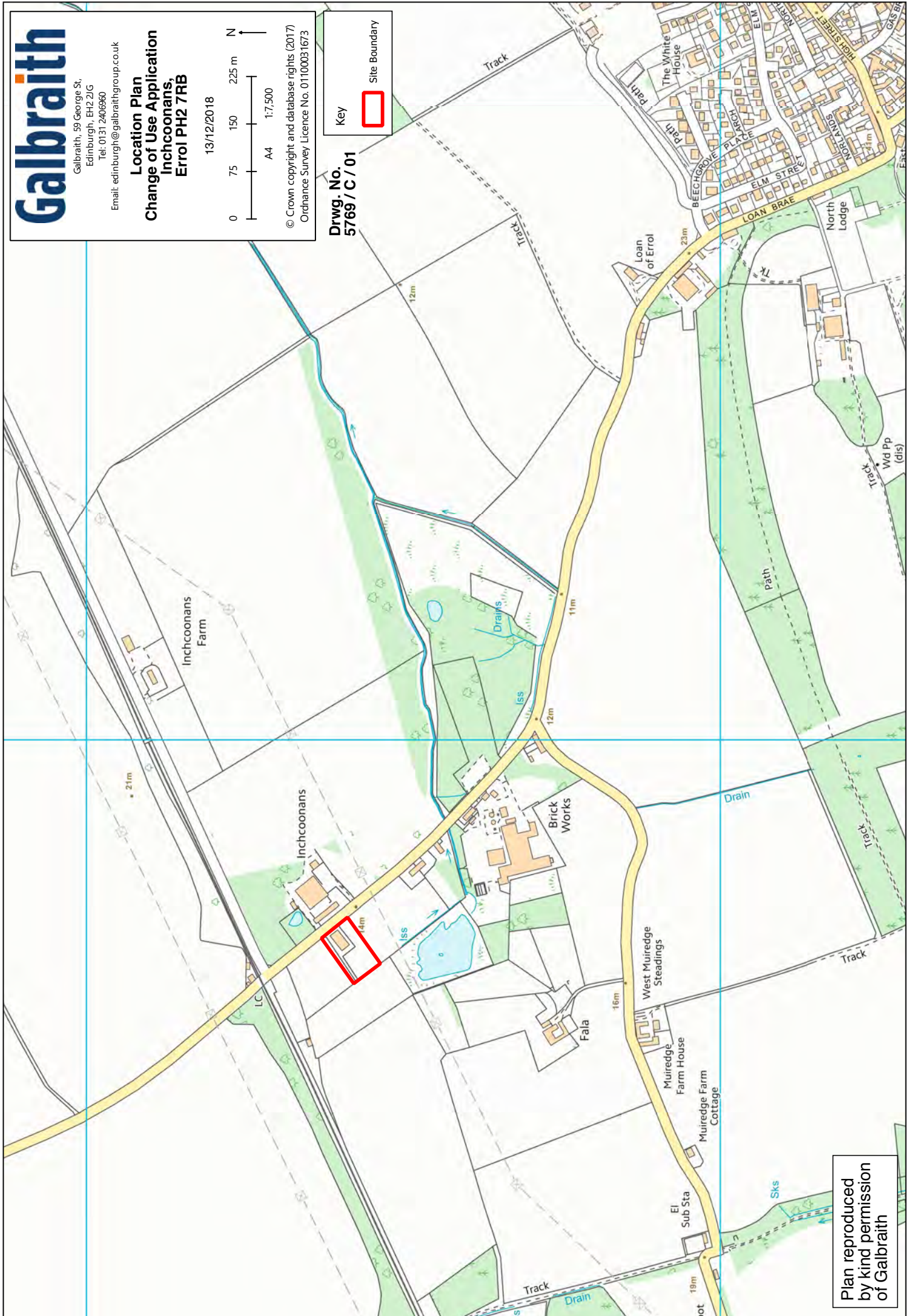
The proposal utilises what is a long standing commercial site within a rural area, that had become vacant until Paragon Protection Systems Ltd took on the tenancy, with the benefit of 4 jobs being maintained.

The proposal continues a business use within the site, with the site and building being considered as a site specific resource and opportunity, and with the addition of employment being maintained. There will be no additional adverse noise impacts on the surrounding area as a consequence of the proposal, and the existing foul drainage arrangements have been improved within the site.

We hope that Perth and Kinross Council can be supportive of the proposal and if any further information is required, please do not hesitate to contact us.

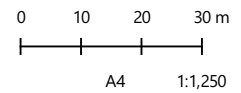
Yours faithfully

MONTGOMERY FORGAN ASSOCIATES



**Proposed Site Plan
Change of Use Application
Inchcoonans,
Errol PH2 7RB**

13/12/2018



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Key

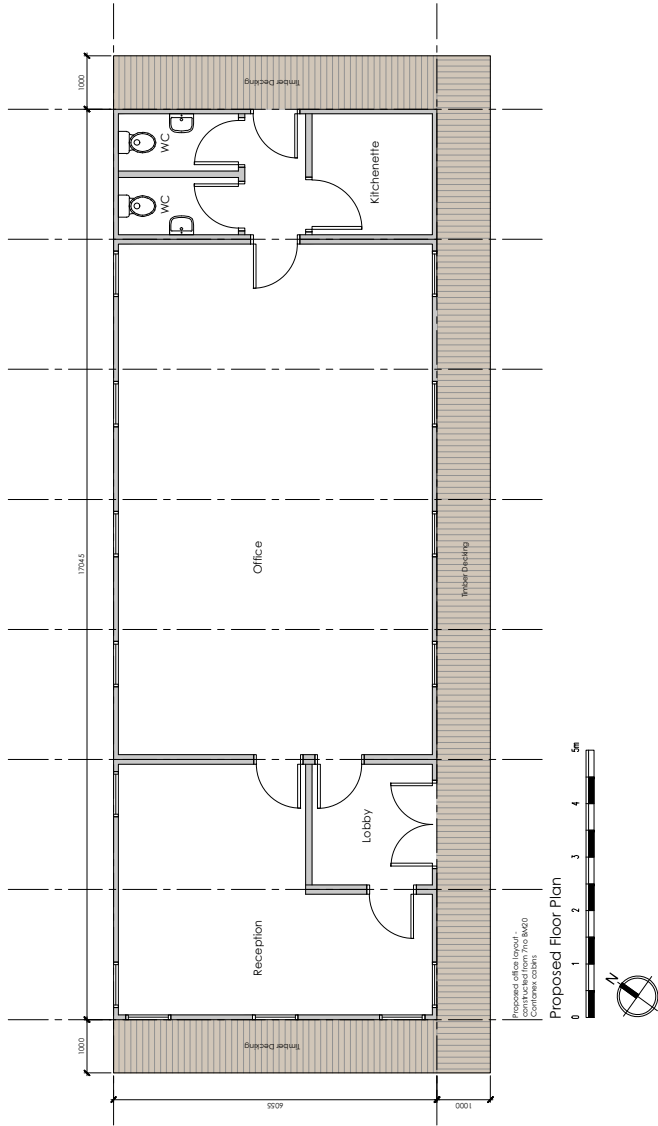
 Site Boundary

 Office Building

**Drwg. No.
5769 / C / 03**



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by kind permission
of Galbraith



Plan reproduced
with permission
of Galbraith

Change of Use Planning Permission Application

- General: all materials, components, design, construction and detailing shall be in accordance with the recommendations of a British Standard code of practice.
- All works to comply with the Building Standards (Scotland) Regulations 2017, including all current amendments.
- All parties to this contract must comply with the provisions of the Building Standards (Scotland) Regulations 2017, including all current amendments.
- The works to be in strict accordance with the drawings produced by the Consultant Structural Engineer.
- All dimensions to be decided on site.

DO NOT SCALE FOR CONSTRUCTION

Galbraith

Stirling Agricultural Centre

Stirling FK9 4BN

T: 01786 434600 E: 01786 430014

www.galbraith.co.uk

www.galbraith.co.uk

Architect: Ayr • Civil Engineer: C. C. C.

Edinburgh • Glasgow • Aberdeen • Dundee

Perth • Dundee • Aberdeen • Dundee

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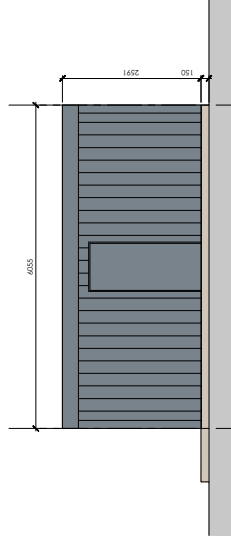
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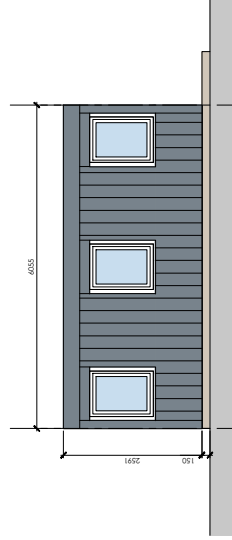
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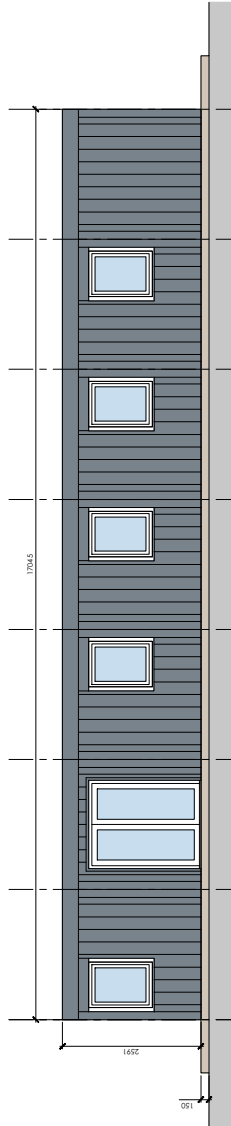
Proposed North East Elevation



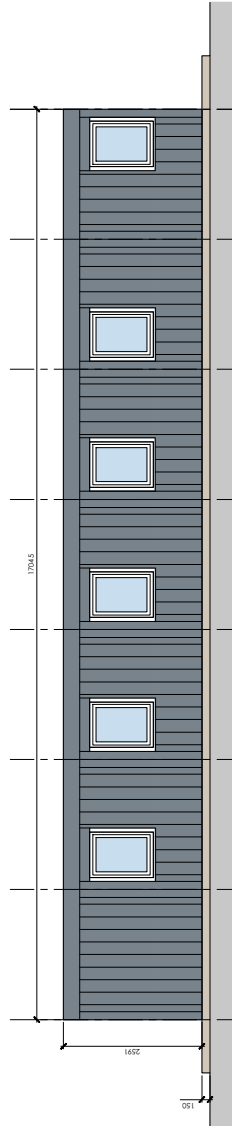
Proposed South West Elevation



Proposed South East Elevation



Proposed North West Elevation

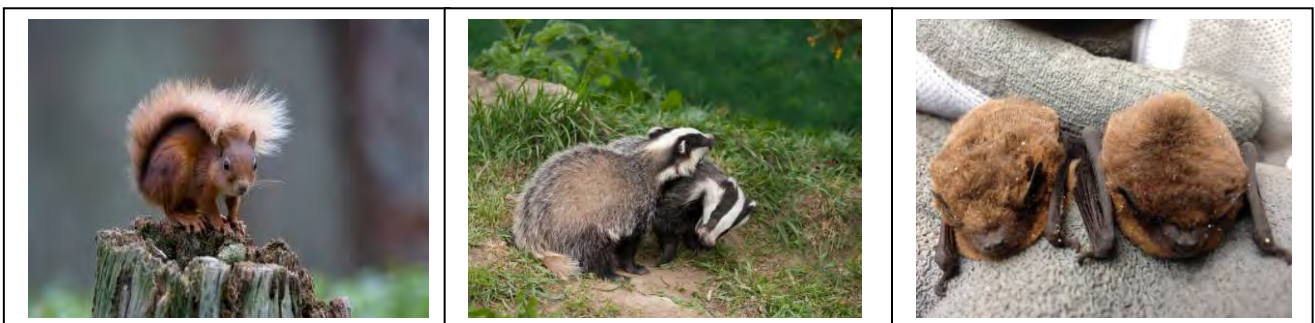


Proposed Plan and Elevations	
Project Number	8788
Project Name	PLANNING
Client	Munro Estates Ltd
Drawn By	8788 / C / M
Check By	SK
Date	05-2017

This drawing is for information only and is not to be used for construction without prior consent.

Inchcoonans: Noise Monitoring

*August 2018
Document Prepared for Michael Stretch*



Highland Ecology and Development Henrietta Park Balblair Dingwall Ross-shire IV7 8LJ
Tel 01381 610313, Web www.hedltd.com

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Document Revision History

<i>Issue</i>	<i>Issue date</i>	<i>Remarks</i>
1	10/08/2018	

<i>Circulation</i>	<i>No. Copies</i>
	1

Document prepared for

Michael Stretch

Document prepared by

AJ Whitelee

.....
Andrew Whitelee BSc MEnvSc
Senior Ecologist

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Introduction

Michael Stretch commissioned HED Ltd to undertake a baseline noise assessment in the village of Inchcoonans, Perthshire. The task was to monitor general noise in the village during a typical week day morning, to establish if the noise levels at Site 2 (an industrial shed used by Paragon Protection Systems Limited for storing and distribution of their products) were atypical of baseline noise throughout the village.

The report outlines the legal and environmental responsibilities in relation to noise and disruption to local receptors and confirms the recorded baseline noise levels at the key receptor sites.

Equipment

The ambient noise was recorded using the Extech SDL600 Sound Level Meter. The SDI600 meets ANSI and IEC 61672 Class 2 standards and includes 'A' and 'C' frequency weighting and FAST and Slow response times. The meter is calibrated (Certificate March 2018) and has a separate calibration meter for regular calibration. Readings were taken throughout the time slots at approx 2 second intervals, with a 0.125 second time constraint.

Methodology

The LpA was recorded on the minute and LpA (Max) being recorded as the loudest noise during that minute. The equivalent A-weighted sound pressure level (LAeq) was calculated over an hour period by averaging the minute LpA readings across the site. Noise monitoring was conducted during the morning at 4 sites around the village. Weather conditions during the survey were dry, with temperatures between 21°C and 24°C. Wind speeds were a constant Beaufort 2 throughout the monitoring period. The methodology was based on guidelines within the *BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites Part 1; Noise*.

Figures 1 and 2 show the position of the four noise monitoring sample locations. The sampling times for each location are shown in table 1.



Figure 1: Noise Monitoring Sample Locations



Site 1



Site 2



Site 3



Site 4

Figure 2: Noise Monitoring Locations

Table 1: Noise Monitoring Sample Locations and Times

Location	Location Description	Recording Times
Site 1	Next to the level crossing for the Perth to Dundee railway line, 1m from the roadside and 1m from the boundary fence of the railway line.	0930 - 1030
Site 2	Outside the shed, 1m from roadside	1141 - 1241
Site 3	100m east of shed at 1m from roadside	1138 - 1238
Site 4	Opposite Mackie's Crisp Factory entrance, 1m from roadside	1035 - 1135

Constraints and limitations

The survey was carried out during a typical week day morning.

- All recordings were taken within 1m of the roadside on public property (other than Site 2 where permission to monitor on the property was obtained).
- Noise levels were generated from the traffic on the roads which included lorries, vans and cars, trains on the Perth to Dundee railway line and unloading operations at the shed at Site 2.
- The weather remained dry during the survey period with wind speeds of Beaufort 2 throughout the monitoring period. Although light, the wind would have changed the nature of the noise and distance travelled by the sound.
- Site 2 has a 4m conifer hedge which runs along the roadside either side of the entrance way (figure 3a). The property opposite Site 2 also has a hedge of approximately 2.5m – 3m (figure 3b). These will act to modify the sound locally when blocking key receptors.



Figure 3a – High hedges at Site 2 facing North West



Figure 3b – View South East from Site 2 Entrance

Legal context

There are a number of regulations which legislate the control and levels of exposure to noise in the public environment:

- In Scotland the definition of statutory nuisances as a result of noise are outlined in Control of Pollution Act 1974 (Section 58). Of this act Section 60 and 61 gave local authorities powers to control noise from construction works
- European Commission (EC) Directives – legislation sets noise emissions for new items of construction equipment
- Health and Safety at Work Act 1974 – Sections 2, 3 and 6 are relevant and refer to obligations of employers to design and undertake construction works so as to be safe and not impact on employees or public's health.
- Control of Noise at work regulation 2005 – this defines personal and daily peak exposure limits but does not define exposure levels for the public. Although people have a right under common law against the impacts of public noise and vibration at their property
- See also guidelines within the *BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites Part 1; Noise*.

Baseline Results

A summary of the main noise level findings at each site are provided in Table 2. The highest reading (119.8dB) was associated with trains on the Perth to Dundee line (Site 1), the next highest noise was a sports car accelerating through the village (88.8dB), recorded at Site 3.

Table 2: The equivalent continuous A-weighted sound pressure level (LAeq) over an hour period and the maximum sound pressure level (LpA) recorded during the survey period.

Location	Date	dB LAeq (1 hour) - recorded	dB LpA (Max) - recorded
Inchcoonans	1 st August 2018	Site 1 51.07 (A) Site 2 47.40 (A) Site 3 48.12 (A) Site 4 47.27 (A) Average 48.47	Site 1 119.8 (A) Site 2 79.00 (A) Site 3 88.8 (A) Site 4 76.4 (A)

Discussion

Trains travelling past on the Perth to Dundee line were the loudest noise recorded at Site 1 with a maximum value of 119.8 dB. The next loudest noise was traffic travelling across the level crossing which recorded up to 75.7dB.

The loudest noise recorded at Site 2 was the warning beep from the telehandler unloading materials from a curtain-sided lorry into the shed, with a maximum of 79dB at 1200hrs. The next loudest noise was passing traffic which was up to 76.3dB.

The loudest noise recorded at Site 3 was traffic travelling past the location, a sports car accelerating through the village recorded a maximum value of 88.8dB, other traffic recorded a maximum value of 78.1dB.

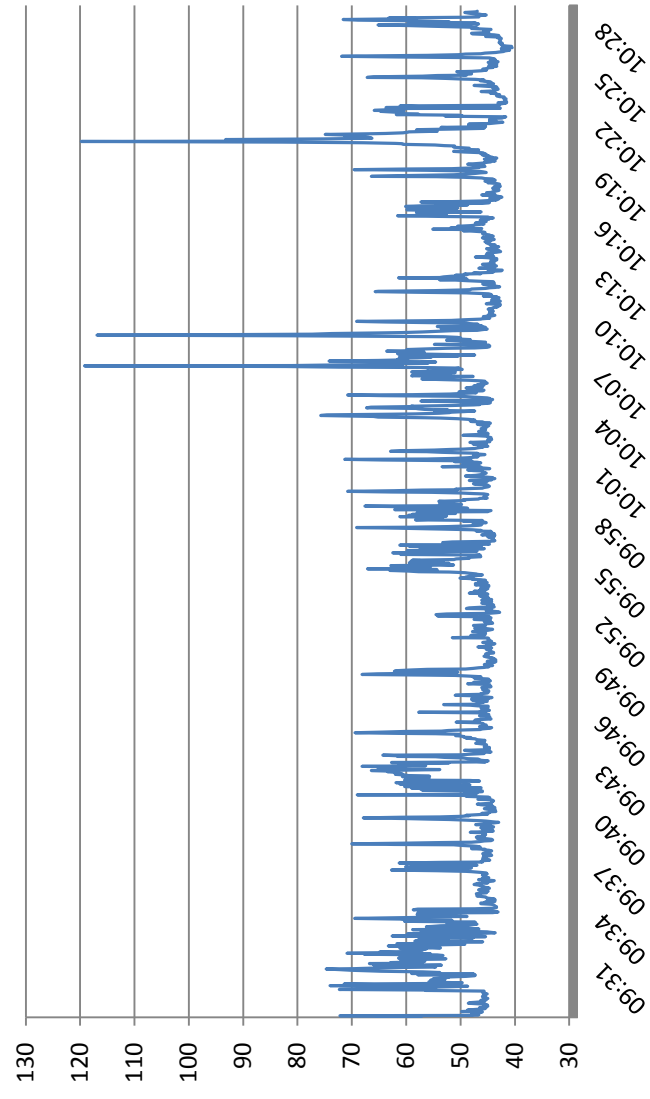
At Site 4, the loudest noise recorded was lorries turning out of the Mackie Crisp Factory entrance and accelerating down the road. The maximum value recorded was 76.4 dB.

There was a delivery at Site 2 during the monitoring period. A curtain-sided lorry arrived on site and was unloaded using a telehandler. Typically the site gets one or two deliveries a month (Pers Comm, Craig Michel), so monitoring during this period would probably represent the maximum noise levels created on site during working hours.

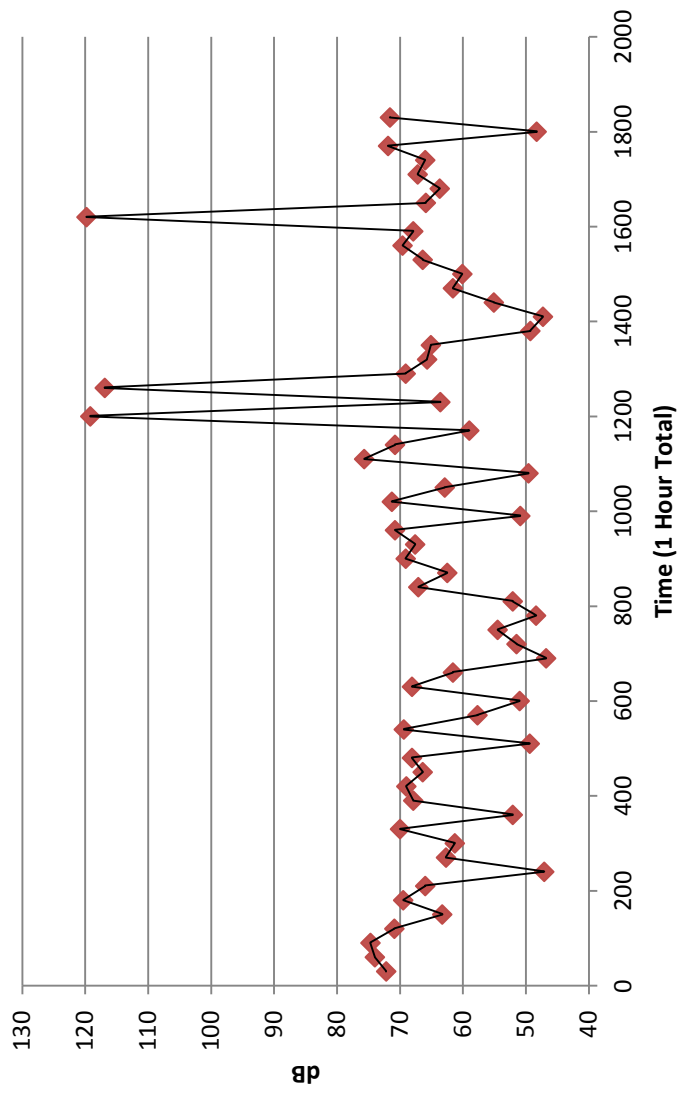
The average LAeq (1 hour) values for Site 2 show no significant difference from the average noise levels across the sites monitored during the survey and the average LAeq (1 hour) figure of 47.40dB is less than the average for the four sites combined (48.47dB). In conclusion, the current usage of Site 2 has no significant affect on the ambient noise levels in the village.

Appendix 1: Noise Monitoring Results

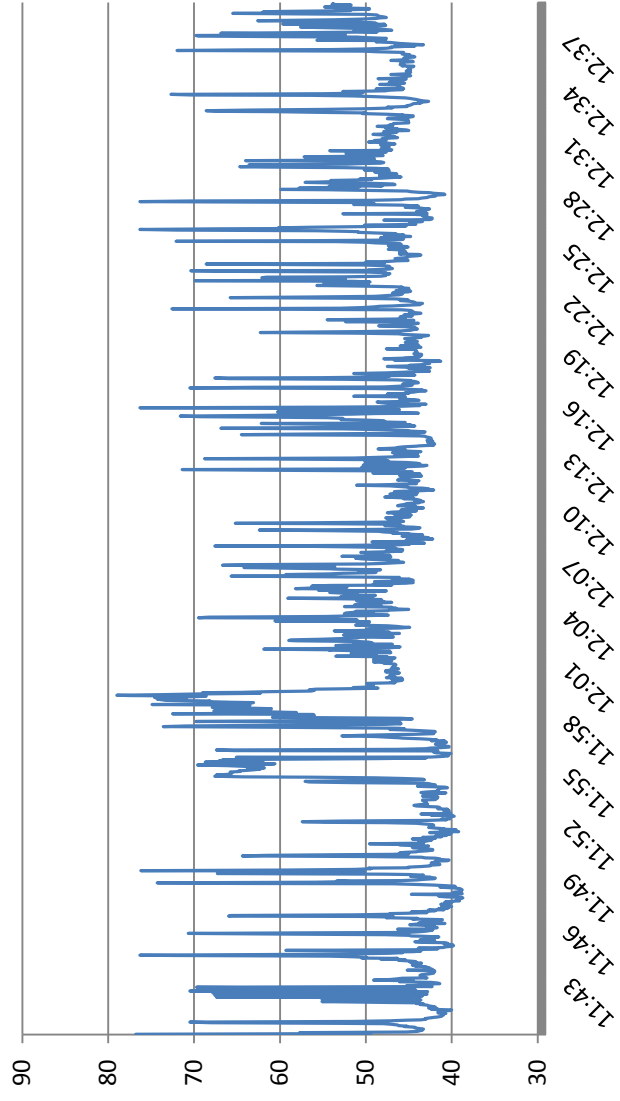
Site 1



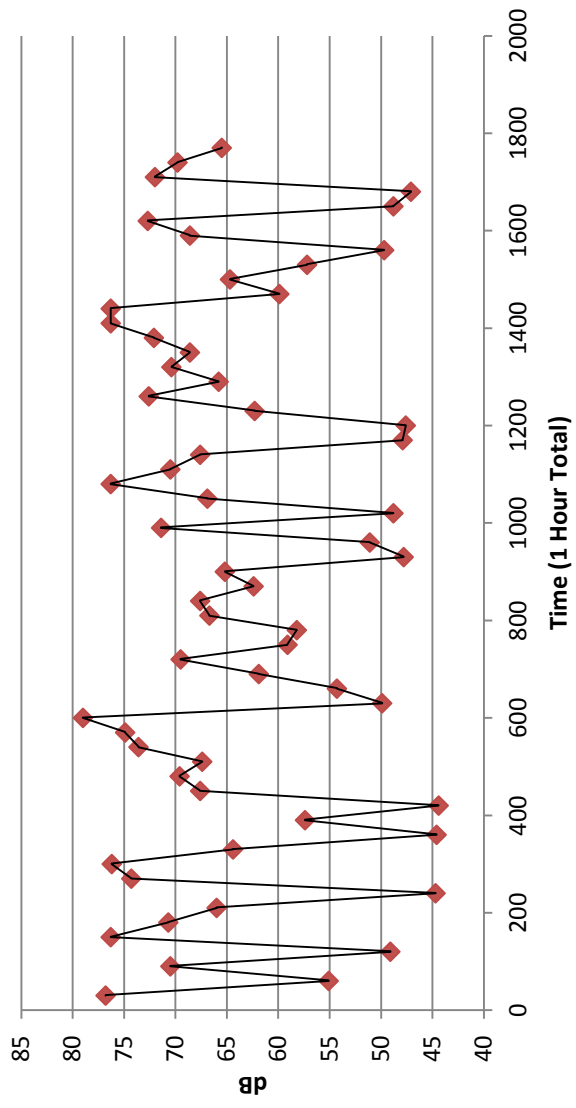
Site 1 - Max dB



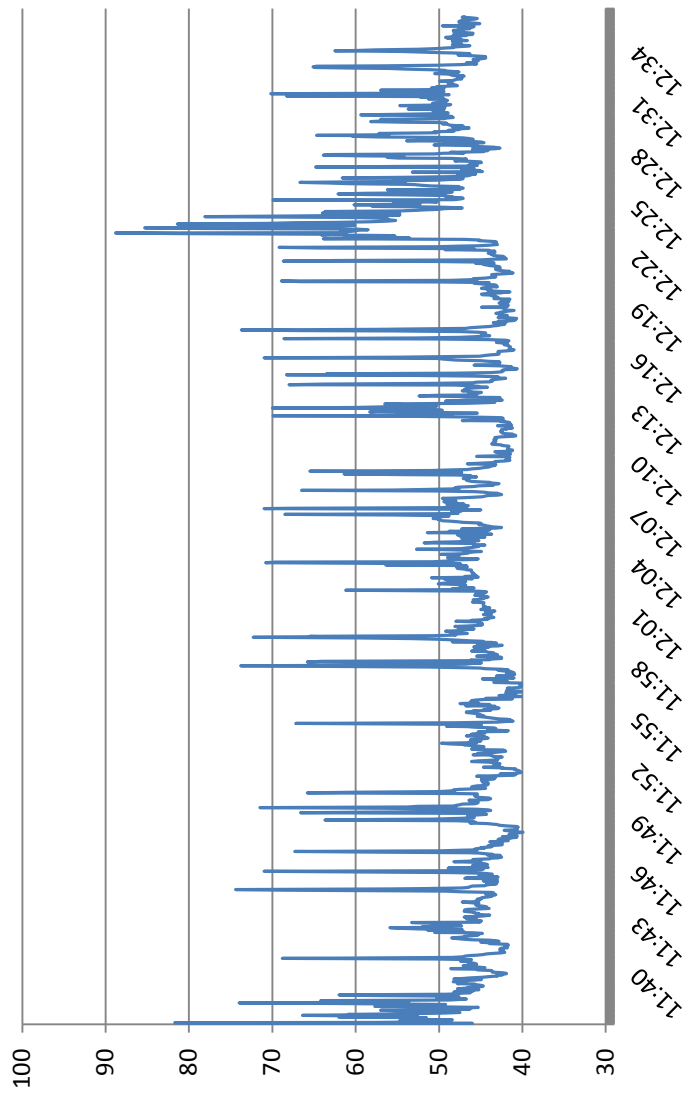
Site 2



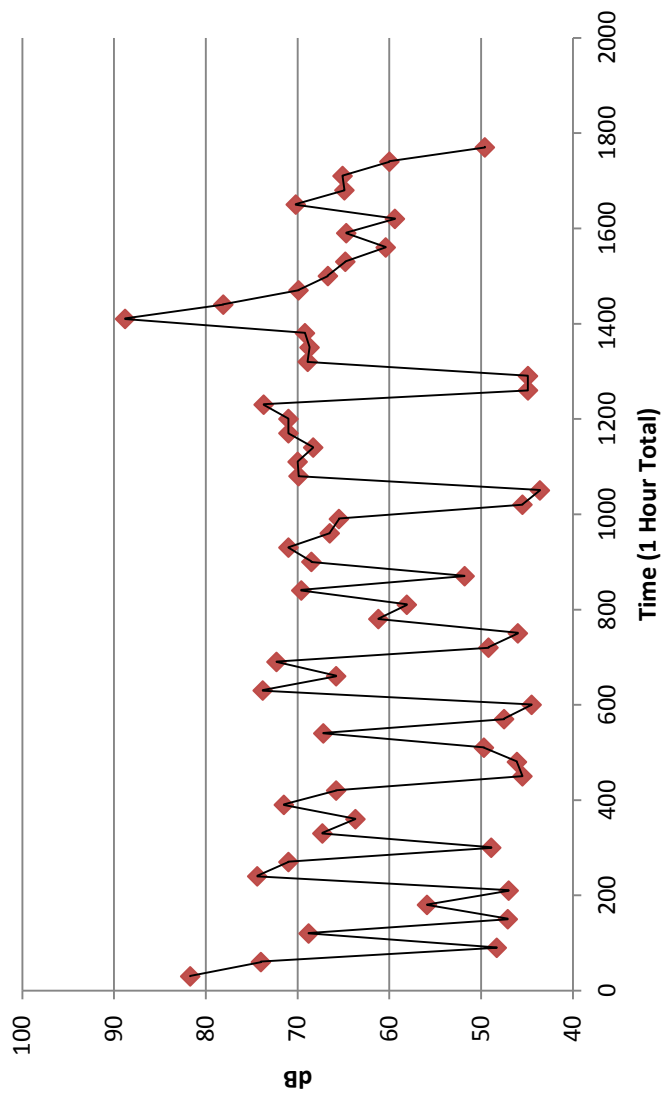
Site 2 - Max dB



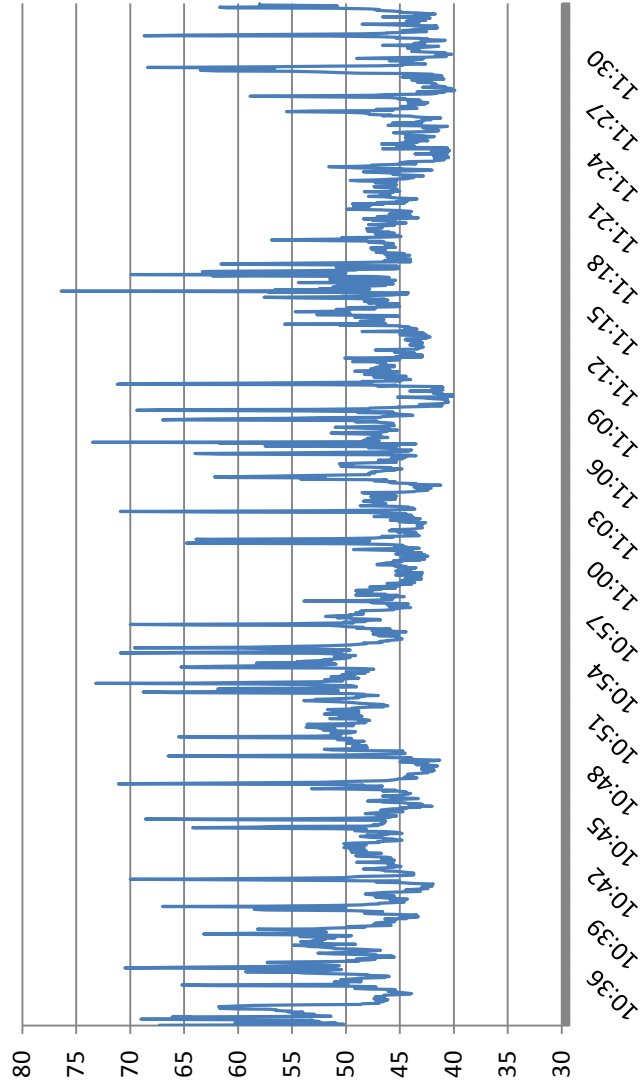
Site 3



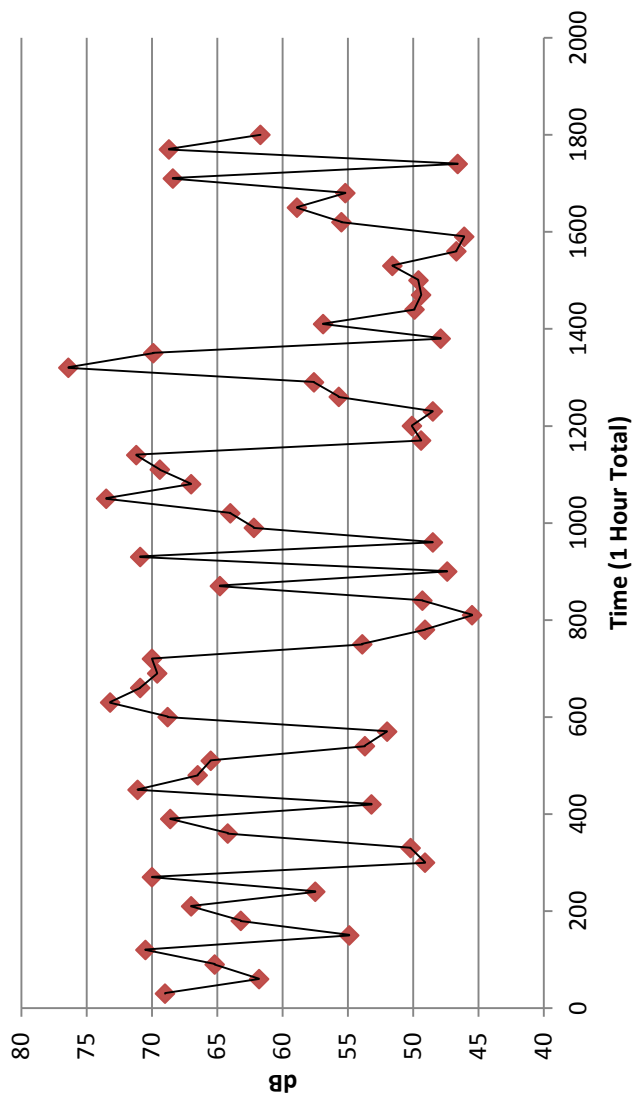
Site 3 - Max dB



Site 4



Site 4 - Max dB



References

Code of Practice for noise and vibration control on construction and open sites (Noise) BS 5228-1:2009

Craig Michel (Pers Comm), Managing Director, Paragon Protection Systems Ltd.

Notes

- The LAeq (1 hour) is the equivalent continuous A-weighted sound pressure level arising from work operations measured (on Fast Weighting) or calculated over any period of 60 minutes.
- The LpA (max) is the maximum A-weighted sound pressure level (on Fast weighting) arising from work operations during the time period.
- The LAeq (1 hour) and LpA (max) are measured or calculated at one metre from the roadside at each of the four monitoring locations.

On Tap Water and Drainage Ltd

13 Goshen Terrace

Scone

PH2 6LU

07736595239 01738 552971

ontapwateranddrainage@outlook.com

UTR NO: 2135100764

VAT NO: 228077502

CRN NO: 482940

To whom it may concern

Regarding: The Steadings, Inchoonans, PH2 7RB

Wednesday, 22 August 2018

In our experience, Scottish Water have no interest in drainage unless it is connected to the main sewer. In this instance, all we have done is replaced an existing septic tank that was collapsing with a new tank which is tied into the existing pipe work, after ascertaining that the outflow was suitable.

If you have any further questions please don't hesitate to contact me through email or phone on the above details

Tom Pryde









CHX Planning Local Review Body - Generic Email Account

From: David Queripel [REDACTED]
Sent: 08 May 2019 17:32
To: CHX Planning Local Review Body - Generic Email Account
Cc: Michael Stretch
Subject: Appeal to LRB- Inchcoonans Errol (Planning app ref 18/02264/FLL)

Dear Audrey

Having spoken with the applicant, I would request that the papers marked 'sensitive' at Document 2 to be removed from the appeal.

However, I would request that this email is noted by the LRB that the withdrawn papers demonstrated that the site has been leased on a commercial basis for approximately 10 years.

Kind regards, David.

David Queripel

MA (Hons) Dip TP MRTPI

Partner - Planner



Montgomery Forgan Associates | Eden Park House, Cupar, Fife, KY15 4HS

Web: www.montgomery-forgan.co.uk | Email: admin@montgomery-forgan.co.uk | Tel: 01334 654936

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Document 3

Testimony Letter from Paragon Protection Systems

23rd April 2019

Paragon Protection Systems Ltd
The Steading
Inchcoonans
Perthshire
PH2 7RB

To Whom it May Concern
Perth and Kinross Council
Planning Department

My wife and I started Paragon Protection Systems in early 2016, selling a rapidly-erected shelter system designed to provide cover for numerous rural/agricultural activities, including lambing pens, beef-fattening bays, hay/straw/silage storage, grain covers, and horse and pony exercise areas.

Initially it was just the two of us and we had a small office in Perth and no storage space at all. We needed space and, after looking for suitable, affordable premises for about 18 months, we reached an agreement with the owner of the site we now occupy. It was for sale but he agreed to rent it to us because we couldn't afford to buy it. The previous occupier had run a landscaping business from here for many years, and the site is surrounded by businesses – a timber merchant to the north, an equestrian centre and horse tackle supplier to the east, and Mackies Crisps to the south, so it seemed a perfect location.

When we arrived, it was badly overgrown and was used for fly-tipping. Being close to the A90, it was also a perfect spot for drug-dealers from Dundee to meet their Perth counterparts at night; consequently it was littered with empty packets and needles. We scraped the yard and resurfaced it, cut back and tidied the landscaping, seeded areas with wildflower, repaired and rebuilt fences and cleared the road verges of litter and debris. We cleaned out and repaired the shed which had lain unused, and employed pest control to get rid of rats and mice that infested the shed. We haven't put up outdoor lighting, signage or anything else that might cause a visual disturbance.

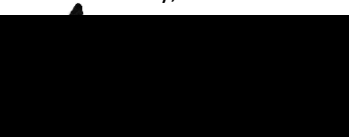
We brought in a small sectional office building which we painted to blend in with the surroundings, put some timber decking around it to improve the appearance, and had a new Klargestar septic tank installed. We brought in mains water and electricity, and connected to broadband using an Errol-based satellite broadband supplier. We began trading from here in September 2017. Before long, we were able to employ our eldest son who had just left school and, as the business grew, we took on another 3 local people and a part time bookkeeper who works from home. At the end of 2018 we also took on my second son, taking the team to 8, 2 of whom are mostly out on the road and another 2 work from home.

So we have gone from zero in 2016 to employing 8 people locally in 2019, bringing employment and spend to the local area, and with no support from anyone. We have a respectable little business that generates no noise, no smell, no visible disturbance, nor is it ever likely to. We buy all our provisions in Errol (fuel, lunches, postal/parcel services, etc), and various local organisations use our car park for weekend events, such as Inchcoonans Equestrian Centre who are delighted to have a pleasant parking area for their customers. We also welcome local dog-owners to exercise their pets on our grass.

Because we manufacture elsewhere, 90% of our products go straight to the customer from the factory, so there is very little stock movement here at all. We keep a small amount of backup stock and parts for emergencies. The reason why we need the barn and yard is to allow us to carry out quality control checks. Our product consists of huge fabric sheets, so we need a big area to lay them out for checking. To be able to do this in an industrial estate would mean significantly higher rent and rates which we simply could not afford. If we are forced to move it will put us out of business and 8 people out of work. Furthermore, the place would fall into disrepair again as the owner does not live locally and cannot be expected to watch it every day.

I do hope that common sense can be applied to this application when considering it because we are a small local business bringing improvement, employment and revenue to the area.

Yours faithfully,



Craig Michel
Paragon Protection Systems

Document 4

Letter from Inchcoonans Competition and Livery Yard



Friday 8th March 2020

PERTH & KINROSS COUNCIL

To Whom it may concern,

SUBJECT planning application for Temporary Office Building The Steading, Inchcoonans PH2 7RB

I am written to you regarding our neighbours, Paragon, Mr C Michel, who are renting the land and buildings opposite our property.

Paragon have been here for several months and before they opened, they did significant work in tidying up the land and the large agricultural building, and have continued to maintain the land and hedges around their business.

They have put on new hard standing around the agricultural building and a small office which has been a great improvement to the site. This is beneficial to my business by having another business so close as it is reassuring. We are a small team of young females, and we would feel comfortable and happy to ask for help as I feel they would be willing to help if they were able to. This is a comfort as we are so rural.. Mr Michel and his staff are polite and helpful neighbours who are willing to assist us, and have never caused us any issues. They have allowed us to use their hard standing car park as an over flow from our own events which has been very helpful to us.

It would be a loss to our business and to the surrounding area should Paragon not be allowed to continue to use the facility as this would very quickly result in the building becoming disused and the land becoming overgrown and derelict.

Yours sincerely

Carol Wivell

Owner

Inchcoonans House

Errol, Perthshire

PH2 7RB

Telephone: 01821 641185

Mobile: 07986 687710

Email: carol@inchcoonansequestrian.co.uk

www.inchcoonansequestrian.co.uk

Facilities include:
Full livery | 60x40m all weather floodlight menage | 50x30m second all weather arena, 35x25m indoor school | 100x100m post & rail grass arena |
|Members Club | Regular clinic's, demonstrations & shows all year round
Post & rail fenced paddocks | 25 acres of own land with grass gallop and woods | Mobile cross country jumps | BSJA style show jumps | Hickstead style
derby bank. Horse walker | Internal stables with rubber matting and horse automated water system | Hot & cold water horse
washdown/clipping/shoeing bays

Document 5

Letter from Mackie's at Taypack Ltd



*The Old Brickworks,
Inchcoonans Road, Errol,
Perthshire PH2 7RB*

*Tel: 01821 641250
www.mackiescrisps.co.uk*

Mr John Russell,
Perth & Kinross Planning Department,
Pullar House,
35 Kinnoull Street,
Perth,
PH1 5GD.

Paragon Protection Systems – The Steadings, Inchcoonans, Errol, Perthshire.

Dear Mr Russell,

I am the Managing Director of Mackie's at Taypack Ltd and we are based at The Old Brickworks, Inchcoonans, Errol. I took a 25-year lease on this site and we started manufacturing Mackie's crisps in the summer of 2013. As the brickworks had closed some years before we moved in, we basically took on a derelict shell which was not only a terrible eyesore, but it was also a health and safety hazard. We invested a very large sum of money to totally refurbish the entire site into a respectable and aesthetically pleasing productive factory unit.

Mackie's crisps will have sales of close to £7m this financial year and we employ over 60 people. This summer we will invest another £1m in equipment to allow us to increase sales further.

Mackie's is just one of several businesses in this immediate area that are generating employment and economic benefit within our rural community. Other examples include Rod Sim who is investing in holiday chalets and is about to open a bistro which is much needed in the area. We have the Inchcoonans livery and riding school which has also been a success story. To the north of us our neighbours are Paragon Protection Systems who took a lease on The Steadings, Inchcoonans in 2016. Paragon which is owned by Craig Michel has been another example of a success story in the area which now employs around 8 people including Craig's two sons Jake and Freddie.

Craig and I are in regular contact with each other and the other business owners in the area and we all exchange ideas and best practice as well as assisting each other wherever we can. We are a very good example of a small community working together to develop sustainable businesses and improve the economy in the area.

The main reason for me writing to you is because Craig Michel has brought it to my attention that he has recently been declined change of use from landscape contractor's business to storage use at The Steadings, Inchcoonans. I write in support of his application and I find it very hard to understand why there would be any good reason not to change the use to storage for these premises. In the time I have been in the area and before Craig took the premises on it looked to me like they were being used for commercial purposes

rather than agricultural in any Case. Craig is a good neighbour running a good business and I would be very concerned if he had to move out of The Steadings because of this situation. When we first moved here in 2013 The Steadings were in a terrible state of repair and it was a well-known fact that the site was used as a meeting point for some very undesirable people from both Perth and Dundee who met on a regular basis to buy and sell drugs. The site used to be littered with needles etc before Craig took it on and cleaned it up. No one in the area wants to see this site go back into the disrepair it was once in.

I would ask that you give serious consideration to the application for change of use to an industrial unit.

Yours Sincerely,

A solid black rectangular box used to redact the signature of George C Taylor.

George C Taylor.

Document 6

Letter from Septic Tank Installer
(On Tap and Drainage Ltd)

On Tap Water and Drainage Ltd

13 Goshen Terrace

Scone

PH2 6LU

07736595239 01738 552971

ontapwateranddrainage@outlook.com

UTR NO: 2135100764

VAT NO: 228077502

CRN NO: 482940

To whom it may concern

Regarding: The Steadings, Inchoonans, PH2 7RB

Wednesday, 22 August 2018

In our experience, Scottish Water have no interest in drainage unless it is connected to the main sewer. In this instance, all we have done is replaced an existing septic tank that was collapsing with a new tank which is tied into the existing pipe work, after ascertaining that the outflow was suitable.

If you have any farther questions please don't hesitate to contact me through email or phone on the above details

Tom Pryde

Document 7

Performance Results of Septic Tank

PERFORMANCE RESULTS

Kingspan Environmental
College Road North, Aston Clinton
Aylesbury, Buckinghamshire, HP22
5EW, Great Britain

part of
which is

Envirocare Pollution Control
Dundalk Road, Carrickmacross
Co Monaghan Ireland

EN 12566-1

Part 1: Prefabricated septic tanks

Results corresponding to the Irish National Annex for IS EN 12566-1

Alpha Septic Tank

Material	glass reinforced plastic
Durability	pass
Crushing resistance (pit test)	pass
Watertightness (water test)	pass
Nominal capacity (usable volume) (water test)	2 m ³ (2,799 l), 3 m ³ (3,809 l), 4 m ³ (4,597 l)
Hydraulic efficiency (Annex B)	99.50 %

Performance tested by:

PIA – Prüfinstitut für Abwassertechnik GmbH
(PIA GmbH)
Hergenrather Weg 30
D-52074 Aachen

Certified according to
ISO 9001:2008



Notified Body number: 1739



This document replaces neither the declaration
of conformity nor the CE marking.

Prüfinstitut für Abwassertechnik GmbH
[Signature]
Geprüft - tested - teste

Elmar Lancé

March 2012

PERFORMANCE RESULTS

Kingspan Environmental

College Road North, Aston Clinton
Aylesbury, Buckinghamshire,
HP22 5EW, UK

part of
which is

Klargester Ireland

Unit 1, Derryboy Road, Carnbane
Industrial Estate, Newry,
Co. Down, BT35 6QH, UK

EN 12566-1

Part 1: Prefabricated septic tanks

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Notified Body number: 1739



This document replaces neither the declaration
of conformity nor the CE marking.

Prüfinstitut für Abwassertechnik GmbH
[Signature]
geprüft - tested - teste

Elmar Lancé

March 2012

Document 8

Email to Applicant from SEPA
dated 5 March 2019

From: "Craig, Brendan" <[REDACTED]>
Subject: RE: The Steading Inchcoonans Errol Perth PH2 7RB
Date: 5 March 2019 at 16:51:03 GMT
To: 'Michael Stretch' <munroestates@gmail.com>
Cc: Montgomery Forgan <[REDACTED]>

Hi Mike,

As the system is an improvement from a historical septic tank and there is no increase in population equivalent in relation to the sizing of the new tank, we do not have an issue with this system. Given there appears to be no watercourse within reasonable distance I presume it discharges to land via a soakaway.

95

Please note however that it is not currently registered with SEPA which is a requirement under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. You therefore require to register this discharge with SEPA. You can find all information relating to this at:

· <https://www.sepa.org.uk/regulations/water/small-scale-sewage-discharges/>

The current fee for registering a discharge from a septic tank is £137.

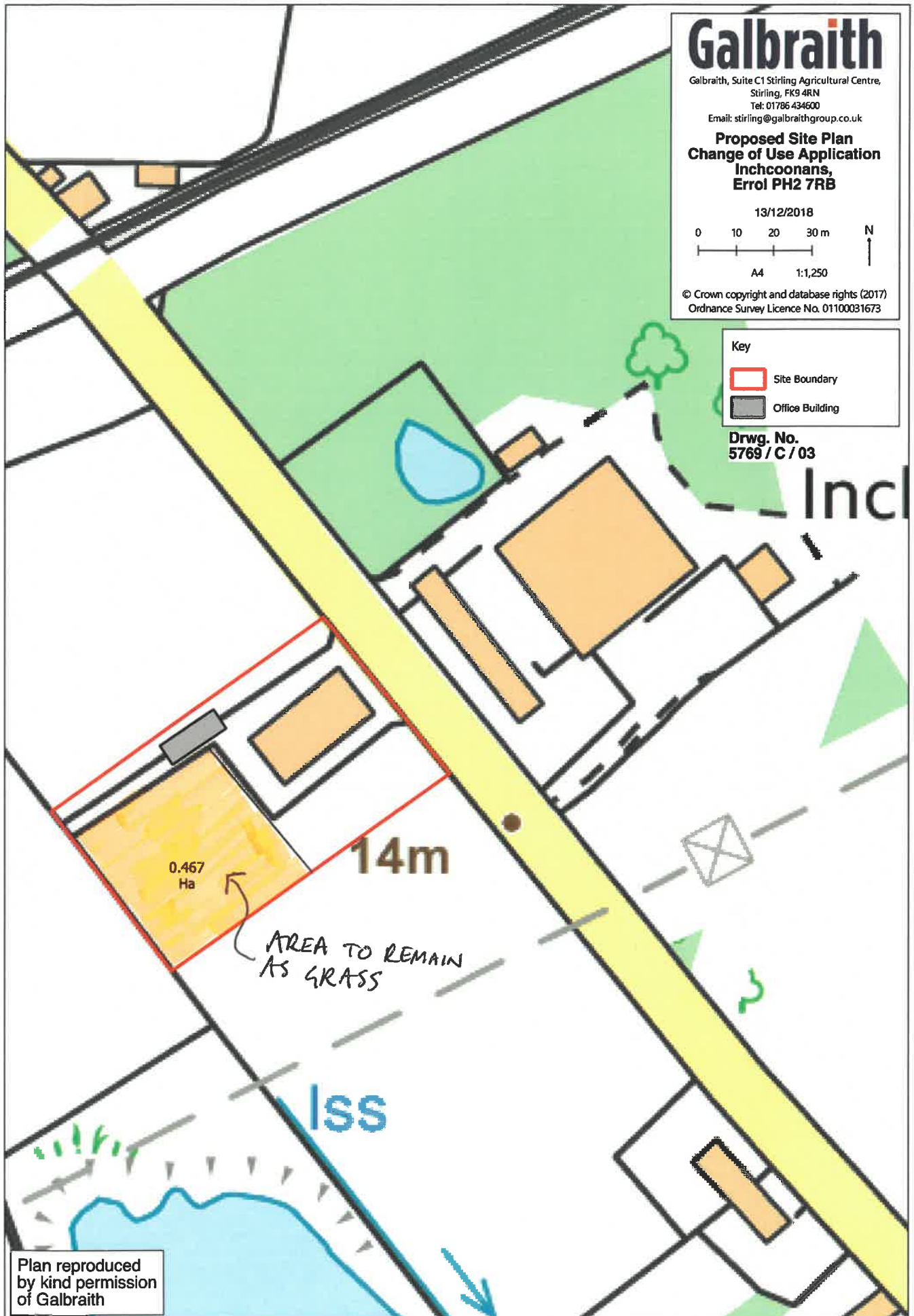
If you can ensure and register that as soon as possible that would be appreciated. If you have any problems or questions let me know.

Kind regards

Brendan

Document 9

Plan of Rear Grassed Area



TCP/11/16(600) – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, pages 39-70)*

PERTH AND KINROSS COUNCIL

Munro Estates Ltd
c/o Montgomery Forgan Associates
David Queripel
Eden Park House
Eden Park
Cupar
KY15 4HS

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 14th February 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/02264/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 14th December 2018 for permission for **Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) The Steading Inchcoonans Errol** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site. The use should be directed to a zoned industrial estate.
2. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

3. The proposal is contrary to Policy ER5 Prime Agricultural Land of the Perth and Kinross Local Development Plan 2014 which states that outside the identified settlements development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need. There is no such need in this instance. Furthermore the development is not linked to a rural business and it would be better located on a non-prime land / zoned business or industrial site within the development boundary.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

18/02264/1

18/02264/2

18/02264/3

18/02264/4

18/02264/5

18/02264/6

18/02264/7

18/02264/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/02264/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	13.02.2019	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect)

LOCATION: The Steading Inchcoonans Errol

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

DATE OF SITE VISIT: 10 January 2019

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is a retrospective application for the change of use from an agricultural store and yard (the lawful use) to a sui generis use comprising the following proposed uses (business (class 4) and storage and distribution unit (class 6)).

The proposal also includes the retrospective erection of temporary office buildings.

An earlier application for the same site was submitted following a planning enforcement investigation. That application 17/01958/FLL was refused under delegated powers then subsequently dismissed by the local review body.

The site is some 0.46 hectares in area, an agricultural building with a footprint of 420 sqm is located at the front of the site facing the public road on the north-east boundary, an area of hardstanding surrounds the agricultural building and temporary office building at approximately 102sqm is located on the north-west corner of the hardstanding. The western part of the site remains undeveloped and is laid out in pasture. A coniferous hedge has been established along the road frontage, the rest of the site is delineated by post and wire fencing.

There are residential properties directly opposite the site, there are also residential properties 115 metres to the south. The Perth to Dundee Railway line is 90 metres to the North of the site. The former Errol Brick works now utilised by Mackie's crisps is located 200 meters to the south of the site.

In support of this application a noise monitoring report has been submitted along with a letter on drainage and a planning statement.

SITE HISTORY

09/00912/OUT Residential development (in outline) 15 July 2009 Application Refused

17/01958/FLL Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in

retrospect) 15 January 2018 Application Refused and appeal dismissed by LRB.

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy ED1A - Employment and Mixed Use Areas

Areas identified for employment uses should be retained for such uses and

any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy ED3 - Rural Business and Diversification

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy TA1B - Transport Standards and Accessibility Requirements

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. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Developer Contributions Guide

CONSULTATION RESPONSES

Network Rail - No objection.

Dundee Airport Ltd - No objection.

Transport Planning –No objection.

Scottish Water - There is no Scottish Water Waste Infrastructure within the vicinity of the proposal.

Development Negotiations Office- No objection but advice provided on application of contribution policy.

Environmental Health (Noise Odour) – No objection subject to conditional control.

Environmental Health (Contaminated Land) – No objection.

REPRESENTATIONS

The following points were raised in the 2 representation(s) received:

- Impact on prime agricultural land.
- Impact on landscape setting.
- No surface water drainage contrary to Policy EP3C.
- No support for the proposal under Policy ED3.
- Access standards impact on road network.
- Cumulative impact with other enforcement issues.
- Concerns with foul drainage – lack of information, impact on field drains, consider that the soil type is unsuitable for a soakaway system.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy ED3 of the Local Development Plan (LDP) is the most relevant policy in the assessment of this retrospective application. This policy states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. It states that there will be a preference that these will generally be within or adjacent to existing

settlements. It also confirms that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or relate to a site specific resource or opportunity.

Policy ED1A identifies areas for employment uses which should be retained for such uses and any proposed development must be compatible with surrounding land uses. These zoned sites are generally located within or adjacent to the main settlements. I note that the tenant of the site previously operated from such locations prior to their relocation to this site.

In this instance the site is located remote from any settlements in a countryside location on an agricultural site. I note the planning statement is of the view that the site has not been in agricultural use for some time and reference has been made to other uses in the supporting statement.

I have reviewed the planning history for the site and the lawful use relates to agricultural, there are no certificates of lawful use for the businesses specified in the agent's supporting statement. I disagree with the arguments advanced that these previous uses based on the information provided should allow this application to succeed. I also note site plan includes a significant area of land, not just the steading building, hardstanding and the temporary portable office buildings.

I am of the view that the submission fails to provide evidence of why this specific site is required for the business as it is not associated with a tourist use or a rural enterprise. Based upon the nature of the operations it would appear to be more logical in planning and sustainability terms for this business to be located within an established settlement, within a designated employment area as indicated within policy ED1A. It is my view that a rural location of this nature, remote from any settlements is not the most appropriate location and therefore the principle of development in this location fails to comply with the requirements of Policy ED3.

Representation on the application has also raised concerns with the Policy ED3 conflict as well as the impact on Policy ER5 Prime Agricultural Land.

I have reviewed mapping and the site has a land capability of 3.1. This constitutes prime agricultural land with a capability of growing a moderate range of crops.

Development is directed away from prime agricultural land under policy ER5 however there is an allowance for small scale development directly linked to a rural business providing it is compatible with all other aspects of the policy framework of the plan and there are no other prime land sites available. In this case there is no allowance for the change of use as the development is not directly linked to a rural business and there are suitable alternatives available on non-prime agricultural land (Zoned employment sites).

Roads and Access

Transport Planning have been consulted and offer no objection to the proposal. I note that concerns have been expressed regarding access and egress from the site but from my site inspection there was sufficient visibility to exit the site onto the public road. There is also sufficient space within the site to turn and to park vehicles. On that basis the proposal is considered to accord with Policy TA1B of the LDP.

Residential Amenity

Policy EP8 is relevant and states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of noise sensitive uses.

A noise monitoring report has now been submitted with this application. This details measurements undertaken at four locations within the vicinity of the site.

Environmental Health has been consulted on the application and they note that the NIA has been carried out in line with BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites Part 1; Noise, which is not the correct methodology for a development of this nature.

Environmental Health would expect the NIA to be carried out in line with BS 4142:2014, Methods for rating and assessing industrial and commercial sound, which within its scope (1 Scope 1.1) includes; sound from the loading and unloading of goods and materials at industrial and/or commercial premises.

The report states that the Leq (1 hour) at the site was 47.4dBA and ranged between 47.3dBA and 51dBA at further monitoring locations within the village. The LpA(max) at the site was 79dB (taken during unloading of a delivery) with the other monitoring locations ranging between 76.4dB LpA(max) and 119dB LpA(max) (attributed to traffic and a passing train).

Environmental Health is of the view that these measurements would have very little impact on the general noise levels within the vicinity of the site. However, given that the nearest residential property is approximately 30m from the site they suggest conditional control including limiting the hours of deliveries/distribution to ensure the development does not have a detrimental effect.

Drainage and Flooding

Policy EP2 relates to flooding and states that there is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant possibility of flooding from any source. I have reviewed the SEPA flood maps and the site is located out with any flood zone, there is no conflict with Policy EP2.

Representations raise concerns with the installed drainage at the site and note that no information detailing the location or specification has been provided. While I note a covering letter has been provided by the agent I agree with the representations that there is not sufficient information provided. Greater clarity is required on the location of the infrastructure, the means of discharge and how the increase in population could affect water quality in the area. I remain of the view that there is insufficient information to fully assess policy EP3B.

Policy EP3C relates to surface water drainage. Representation raises concerns that there is insufficient information to illustrate how the development complies with Policy EP3C. From my inspection surface water from the new areas of hardstanding and the temporary office type structures are small scale in nature and appeared to be directed to surrounding vegetated land. Given the small scale nature I do not consider that this results in a conflict with Policy EP3C.

Landscape

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. Criterion (b) of LDP Policy ED3 requires the proposal to be satisfactorily accommodated within the landscape. There is also landscape protection associated with Policy ER6.

Currently all machinery and storage is located within the existing agricultural building and no open storage occurs on the application site.

The coniferous planting along the eastern boundary screens the majority of the site from the public road, however the quality of this planting is poor and does little to enhance the landscape character of the area. The sites other boundaries are open to the north, west and east. This does not provide a good landscape framework to accommodate the new portable buildings or any future expansion at the site. While I accept this could be improved with the provision of landscaping this would not resolve the conflict with the land use zoning.

Developer Contributions

The Council 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.

The proposal is within the reduced transport contributions area.

The proposal will reuse the existing 420m² agricultural building for Classes 6 and will erect a temporary office building of 103m². Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance provides an exemption for new employment uses on brownfield land. Where the brownfield land was previously used for agricultural use then a view will be taken on whether the proposed use would create a significant additional impact on the road network. In this case it is viewed that the reuse of the existing building will not create a significant additional impact on the road network so is exempt.

In terms of the office building a contribution will be required at £8 per m².
Transport Infrastructure: £825 (103m² x £8)

Economic Impact

Whilst there is some economic benefit to this proposal given the business use it is in conflict with Economic Development Policy due to the location in the countryside and on prime agricultural land.

Conclusion

In conclusion, 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 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy ED3 Rural Business of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site. The use should be directed to a zoned industrial estate.
- 2 There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.
- 3 The proposal is contrary to Policy ER5 Prime Agricultural Land of the Perth and Kinross Local Development Plan 2014 which states that outside the identified settlements development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need. There is no such need in this instance. Furthermore the development is not linked to a rural business and it would be better located on a non-prime land / zoned business or industrial site within the development boundary.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Informatives

None

Procedural Notes

Refer the matter to the area enforcement officer to pursue formal enforcement action.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/02264/1

18/02264/2

18/02264/3

18/02264/4

18/02264/5

18/02264/6

18/02264/7

18/02264/8

Date of Report 14.02.2019

TCP/11/16(600) – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol

REPRESENTATIONS

From: Anne Phillips
Sent: Tue, 18 Dec 2018 17:24:24 +0000
To: Development Management - Generic Email Account
Subject: Plan App 18/02264/FLL - Change of Use of land and building from agricultural contractors business to storage & distribution) and erection of ancillary office building
Your Ref: 18/02264/FLL

Dear Sir/Madam,

PROPOSAL: Change of Use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (class 4) (in retrospect)

LOCATION: The Steading Inchcoonans Errol

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Dundee Airport**.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team

on behalf of Dundee Airport Limited

c/o Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
☎ 01667 464244 (DIRECT DIAL)
✉ safeguarding@hial.co.uk 🌐 www.hial.co.uk

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20th December 2018

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

PH2 Errol Inchcoonans The Steading
PLANNING APPLICATION NUMBER: 18/02264/FLL
OUR REFERENCE: 770945
PROPOSAL: Change of use of land and building from agricultural contractors
business to storage and distribution (class 6) and erection of ancillary office
building (class 4) (in retrospect)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Clatto Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison



CHX Committee - Generic Email Account

From: Henderson Martin [REDACTED] on behalf of Town Planning Scotland <TownPlanningScotland@networkrail.co.uk>
Sent: 04 January 2019 11:21
To: Development Management - Generic Email Account
Subject: REF: 18/02264/FLL - Change of use of land and building and erection of ancillary office building (class 4) (in retrospect) at The Steading Inchcoonans Errol

For the attention of John Russell

John,

Thank you for consulting Network Rail regarding the above development. After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application.

Regards

Martin Henderson



Martin Henderson
Town Planning Technician
151 St Vincent Street,
Glasgow, G2 5NW
[REDACTED]

www.networkrail.co.uk/property

Please send all Notifications and Consultations to TownPlanningScotland@networkrail.co.uk or by post to Network Rail, Town Planning, 151 St Vincent Street, Glasgow, G2 5NW

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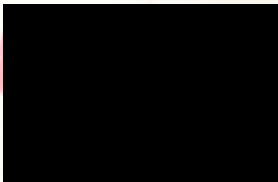
Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/02264/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect)		
Address of site	The Steading, Inchcoonans, Errol		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council 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.</p> <p>The proposal will reuse the existing 420m² agricultural building for Classes 6 and will erect a temporary office building of 103m². Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance provides an exemption for new employment uses on brownfield land. Where the brownfield land was previously used for agricultural use then a view will be taken on whether the proposed use would create a significant additional impact on the road network. In this case it is viewed that the reuse of the existing building will not create a significant additional impact on the road network so is exempt.</p> <p>In terms of the office building a contribution will be required at £8 per m².</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Transport Infrastructure: £825 (103m² x £8)</p> <p><u>Total: £825</u></p>		

	<p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicant and time for processing legal agreements for applications of this scale is not considered to be cost effective to either the Council or applicant.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash or cheques be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Bank Transfers</p> <p>All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Please quote the planning application reference.</p> <p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p>

	<p>a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly.</p> <p>Transport Infrastructure For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <p>Indexation</p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures</p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
Date comments returned	10 January 2019



23 January 2019

John Russell
Planning & Development
Perth & Kinross Council
Pullar House
Kinnoull Street
PERTH
PH1 5GD

Dear Mr Russell,

Planning application 18/02264/FLL: Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), at The Steading, Inchcoonans, Errol, by Montgomery Forgan Associates for Munro Estates Limited

I object to the above application for the reasons set out below.

Policy ED3 (Rural Business and Diversification): Alleged Existing Use

There still is no clear support for the proposed change of use as acceptable on the basis that it offers an opportunity to diversify an existing business or is related to a site specific resource or opportunity, as required by Policy ED3. In particular the alleged existing use of the site is not at all consistent with other evidence, including statements made by the applicant in previous planning applications for the site.

There is no evidence for what the agent describes as existing use as "agricultural contracting" (which he characterises as a sui generis use in terms of the Use Classes Order). Under "Background" he states that the last two previous users of the land prior to Paragon were landscape contracting firms. Landscape contracting is not the same thing as agricultural contracting.

In regard to the alleged use of the ground by "landscape contracting firms", if there was any such use, the planning authority should look very closely at the intensity of any such use and whether it was an ancillary rather than main use. There is evidence that the main use of the land has always been agricultural, until around 2017/2018 when the presently unauthorised change of use took place.

Concerning the history of the property at The Steading, Inchcoonans, Errol, Perth, PH2 7RB (Valuation Roll reference 01PTD0676100 / 521174), the Valuer at Tayside Valuation Joint Board Perth & Kinross Division confirms that he has no record of an entry having been made in the Valuation Roll in respect of this property prior to 01 April 2018, when a valuation notice issued on 20 July 2018 for a store, yards, portable building and development land became effective.

At no point over the entire period of alleged occupancy of the land by the two businesses mentioned, from around 1992 to 2017, or of the ownership of the applicant from around 2002 to present, was there ever any entry of the property in the Valuation Roll. An agricultural use exemption continued to apply.

The planning authority may wish to ask the applicant, as landlord at all relevant times, why he never thought it necessary to apply for an entry to be made on the valuation roll for non-domestic use of the land and liability to business rates, if he now considers that the land was in business use prior to 1 April 2018. He was in control of Growing Concerns (Scotland) Limited, which he describes in an online publication as a "landscape business", from 1992 to 2008. He may be able to confirm that there was no material change of use during the period when Growing Concern Scotland Ltd allegedly occupied it and that any storage uses were ancillary to agricultural use.

In 2009, the site was described as "a disused grain store surrounded by areas of 'type 1' surfaced hardstanding" in paragraph 2 of the Reporter's appeal notice P/PPA/340/794, dated 8 October 2009, dismissing the appeal by Munro Estates Ltd against refusal of Perth and Kinross Council to grant outline planning permission for residential development on the site (09/00912/OUT). The Reporter's appeal notice also includes what appears still to be a more accurate description of the surrounding land uses of the site, than those contained in the application documents, including the distance to the railway. Had the site been, as the applicant contends, in business use at that time, surely the Reporter, Mr Scott Ferrie, would have described it accordingly. That he did not do so, further undermines the applicant's credibility in regard to actual uses of the ground prior to the present unauthorised change of use.

The extent to which the site was actually used by the company Grass Engineering Limited, mentioned in the application documents, should also be ascertained. On the face of it any business use appears likely to have been ancillary not main. Allegedly a landscape contracting business, according to the applicant's agent, the company hardly seems to have traded at all. Register of Companies information show that the company was incorporated on 10 April 2012 and was finally dissolved via compulsory strike-off on 19 September 2017. Its first compulsory striking-off was in 2013, it had three compulsory strike-off actions discontinued and was once dissolved and administratively restored to the Register. Such a trading history does not support the claim that the existing agricultural use of the site had materially changed.

LDP Policy EP3B (Foul Drainage)

Policy EP3B requires private systems not to have an adverse effect on the environment, surrounding uses and amenity of the area. The application does not include sufficient details about the new private drainage system, mentioned in the letter dated 22 August 2018 from On Tap Water and Drainage Limited as having been installed, to ensure that there are no such adverse effects. To enable consideration of the drainage impact, a planning application should be made for the newly installed private drainage system.

Policy EP3B also requires septic tanks to comply with the Scottish Building Standards Agency Technical Handbooks. There is no building warrant for the new septic tank and building standards might be consulted about it.

It may also be necessary to consult SEPA about discharge from the new septic tank. It was not continuing an existing arrangement and so may require SEPA registration.

LDP Policy EP3C: Surface Water Drainage

There is nothing in the application about surface water drainage, including how the development will employ SUDS measures, as required by local development plan policy EP3C. There is a large area of hardstanding around the shed and a raised concrete plinth on which the ancillary office building now stands.

LDP Policy EP8: Noise Pollution

To protect residential amenity of nearby houses, lorry and van movements in and out of the site should be restricted in terms of hours of the working day and days of the week. If the change of use of the site is consented, future distribution uses of it may change and be noisier than the current uses allegedly are.

Unsuitable roads network access to the site for distribution uses

The junction known locally as Port Allen road end, about a mile north west of the site where the Inchcoonans road meets the A90 trunk road, is not satisfactory for distribution uses. Access is only possible on one carriageway of the A90. The trunk road slipway at the junction is very short.

Until the junction is improved by lengthening the slipway, I am opposed to development that would increase the cumulative impacts of distribution traffic uses there. The capacity of the road network to accommodate the vehicular traffic impacts of a development proposal is a material consideration.

Landscape setting

If the planning authority is minded to grant the application, I hope that the three boundaries of the site, other than the one along the east side of the site bounding the roadside, will be landscaped and planted in such a way as to screen the site from view from all directions. The Reporter in 2009 considered that the grain store shed did not look out of place in the landscape setting. However, the impacts on that landscape setting of a hardstanding, vehicle deliveries, and a new office building, are different to those of the 20th century farm shed. To comply with Policy PM1A (Placemaking) proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy ER5: Prime Agricultural Land

Part of the land included within the site is still grassy and presumably falls within the category of prime agricultural land. The earlier application actually referenced the continuing ancillary use of part of the land for grazing for pedigree sheep.

Notwithstanding that an inspection on the ground may raise some doubts as to the compatibility of the two uses, including whether there is sufficient enclosure provided, if the whole of the site is changed to storage and distribution then the ancillary farming use may not be protected, contrary to the Policy ER5.

For the above reasons I object to the application.

Kind regards,

Peter Symon.

[submitted by email]

Planning Application (18/02264/FLL)

Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) | The Steading Inchcoonans Errol

Objections submitted on January 24 2019 to Perth and Kinross Council (developmentmanagement@pkc.gov.uk) from Philip and Sheila Burgess

Our objections relate to the following areas of concern:

- 1) Foul water drainage (unclear information)
- 2) Storage on adjacent agricultural land of items removed from the application site to enable the current business to operate (unauthorised use)

1) Foul water drainage

A similar planning application submitted in November 2017 (17/01958/FLL) was refused in January 2018 and a subsequent appeal was refused in August 2018. According to the documents submitted in November 2017, the business has operated since October 1 2017.

The Supporting Statement of October 31 2017 from Galbraith relating to the previous planning application (17/01958/FLL) contains the statement that the office block is connected to mains sewage. That statement was inaccurate.

It became clear from the Supporting Statement of December 13 2018 from Montgomery Forgan Associates relating to the current planning application (18/02264/FLL) that “there is no public Scottish Water waste water infrastructure within the vicinity of the proposed development”.

In evidence of the action taken by the applicant, a letter dated August 22 2018 has been submitted from On Tap Water and Drainage Ltd saying “all we have done is replaced an existing septic tank that was collapsing with a new tank which is tied into the existing pipework, after ascertaining that the outflow was suitable”.

The Application for Planning Permission document states that the discharge from the septic tank is to land via soakaway. In the section of the form where the applicant is asked to “show more details on your plans”, no such details on

any plans are provided. There is also no indication when the work to replace the septic tank was carried out.

In the light of the applicant's original assertion that his property was connected to the public drainage network, and the incomplete evidence subsequently provided about the septic tank, pipework and soakaway, we are concerned about the suitability of the current foul water drainage arrangements.

We are concerned that foul water might find its way into the field drains which run under our property and/or the ditch to the west of the proposed development which runs alongside our property.

We believe that the heavy clay of this part of the Carse is unsuitable for a soakaway system. Our view is based on personal experience of working the soil, and also on evidence presented in two other planning applications in the local area which related to a site approximately 0.5 kilometres from the current planning application site (18/02264/FLL). These are Planning Applications 13/00106/FLL and 16/00941/FLL, both relating to the Change of Use from Clay Extraction Pit to Outdoor Activity Centre. In 2013 the applicant's agent listed the various alternatives they had considered to deal with waste water drainage. One option was to have a septic tank and soakaway system. They rejected this because it "would require a substantial size of bund to incorporate the soakaway system, due to the fact that the site is solid clay and useless for a soakaway system".

- **We object to the granting of planning permission unless the Council arranges for an independent assessment of the location of and suitability of the whole system of foul water drainage, including the septic tank, pipework and soakaway and their relationship to any water courses.**
- **Only by this means can the Council be sure that there is no adverse effect on the natural or built environment, surrounding uses and amenity of the area and that there has been no contravention of Policy EP3B (Foul Drainage) of the Local Development Plan 2014.**

2) Storage on adjacent agricultural land of items removed from the application site to enable the current business to operate.

In 2017, prior to the October 1 2017 start date of the applicant's business in the Former Grain Store/Steading, we noticed the appearance of various items in the agricultural field adjoining the application site to the south. We understand that these items were removed from the Former Grain Store/Steading. Two new access points from the main road were created to that part of the field by cutting down some conifers.

On September 21 2017 Mr Paul Kettles, the Council's Planning Enforcement Officer (North), advised us that he had "noted the introduction of units, steel containers, water tanks, diesel tanks, building materials, and formation of a hardstanding and access". On March 28 2018 he wrote of the "unauthorised use of land as a storage area for grounds maintenance equipment".

We understand that Mr Kettles and the applicant have had discussions about this matter.

We are concerned about the loss of visual amenity and also by the unsatisfactory nature of the access points. The Inchcoonans road is heavily used by large HGVs and other vehicular traffic. In spite of the 40mph speed limit, vehicles frequently travel at high speeds along this road. Creating additional access points along this road constitutes a safety hazard.

- **We object to the granting of planning permission unless the Council makes it a condition of approval that the items in the field are removed by a specified time and stored appropriately elsewhere.**
- **In addition, it should be a condition of approval that the applicant ensures that any entrances and exits meet all road safety requirements, as determined by the Council.**

We would appreciate the Council's consideration of our points. We regard them as reasonable conditions to ensure a safe environment and better visual amenity while allowing the business to continue.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/02264/FLL	Comments provided by	Alexander Low Transport Planning Graduate
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect)		
Address of site	The Steading Inchcoonans Errol		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	01/02/2019		

Memorandum

To Head of Development Management From Regulatory Services Manager

Your ref 18/02264/FLL

Our ref RM

Date 12 February 2019

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006
Consultation on an application.**

RE: Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) The Steading Inchcoonans Errol for Munro Estates Ltd

I refer to your letter dated 3 January 2019 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 12 February 2019)

This redevelopment site has not been consulted prior to this consultation:

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.

CHX Planning Local Review Body - Generic Email Account

From: Philip Burgess [REDACTED]
Sent: 22 May 2019 12:17
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(600)

Dear Ms Simpson

I note that the applicant is appealing the decision of PKC to refuse permission for the application ref 18/02264/FLL. We would like to make the following 4 points and for these to be included in the papers presented to the Local Review Board along with our original objections submitted on January 24 2019.

1) Having now had the opportunity to read all the documents available on the PKC website relating to the planning application 18/02264/FLL posted from August 14 2018 to February 15 2019, we would like to endorse the comments and objections submitted by the other objector in this matter, Mr Peter Symon.

2) The Council's Report of Handling dated February 14 2019 noted that concerns had been expressed regarding access and egress from the site but that a site inspection had shown that there was sufficient visibility to exit the site onto the public road, and sufficient space within the site to turn and to park vehicles. We agree with that assessment and, indeed made no objection to the entry/exit from the site. However, there has been no assessment of our objection to the two new entrances/exits directly on to the road that the applicant has created which lead into and out of the field adjacent to the planning application site. It is relevant to consider this adjacent site along with the application site because the adjacent field has been used to store items that had to be moved from the application site in order for the application site to be used for its new (and as yet unauthorised) purpose. In order to transfer items from the agricultural building to the adjoining field, two gaps were cut in the conifer hedge which borders the road. One of the new entrances is now blocked off with gravel and a temporary barrier. The other has had a gate installed some metres from the hedge. Both of the gaps are narrow, and the view of the road is extremely poor for anyone exiting the field. The vehicle would already be protruding into the road before any road users could be seen. We therefore reiterate our objections regarding these two entrances/exits. They do not comply with the necessary standards. We further suggest that if planning consent were to be granted, a condition should be applied to restrict access to the site and adjacent field to that already existing adjacent to the steading.

3) The Report of Handling also does not address our objection to the storage in the adjacent field of assorted items from the application site. This storage has been assessed as "unauthorised" by the Council's Mr Paul Kettles. Recently, some of these items have been removed from the adjacent field. We submit that all items should be removed by a specified time before any planning approval might be given.

4) On May 19 and 20 we noticed the storage on the application site, to the south of the agricultural building, of a number of large metal frames. This runs counter to the Report of Handling which noted, at the time, that all machinery and storage was located within the existing agricultural building and no open storage

occurs on the application site. This change in the use of the site should be taken into account in the review process.

Thank you for the opportunity to comment further on this planning matter. We would be grateful for acknowledgement of this email.

Yours sincerely

Philip Burgess

Sheila Burgess

CHX Planning Local Review Body - Generic Email Account

From: David Queripel [REDACTED]
Sent: 12 June 2019 17:24
To: CHX Planning Local Review Body - Generic Email Account
Cc: Michael Stretch
Subject: Your Ref TCP/11/16(600)- The Steading, Inchcoonans, Errol- Planning App Ref 18/02264/FLL.
Attachments: IMG_20190611_1256108.jpg; IMG_20190611_1255307.jpg

Dear Ms Simpson.

I refer to your letter of 5 June enclosing the comments from Mr and Mrs Burgess concerning the review of the above planning application.

I would only wish to state that the majority of the comments made refer to other land in the ownership of the applicant. However, in relation to these comments made, I can confirm that the area of land referred to has been cleared apart from 2 small containers. I have attached a photograph of the land in question to illustrate this point, and this photograph has also been forwarded to Perth and Kinross Council's Planning Service.

In relation to the brief comment made about the metal frame within the planning application site, I can confirm that the frame is one of the shelters sold by the tenant company. It is smaller in size than the standard shelter, and to ensure it went together properly and so that it could be measured for a cover, it was temporarily erected outwith the shed (please see attached photograph). This is a very temporary situation and as soon as the measurements are complete it will be dismantled and put in the shed.

I would be pleased if the foregoing could be brought to the attention of the Local Review Body.

Regards, David Queripel.

David Queripel

MA (Hons) Dip TP MRTPI

Partner - Planner



Montgomery Forgan Associates | Eden Park House, Cupar, Fife, KY15 4HS

Web: www.montgomery-forgan.co.uk | Email: admin@montgomery-forgan.co.uk | Tel: 01334 654936

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