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Council Building
2 High Street
Perth
PH1 5PH

18 September 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH on Wednesday, 26 September 2018 at 10:00.**

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

KAREN REID
Chief Executive

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

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

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 26 September 2018

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 29 AUGUST 2018 FOR APPROVAL AND SIGNATURE** **5 - 22**
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) LOCAL APPLICATIONS**
- 5(1)(i) 18/00595/FLL - PITLOCHRY - ALTERATIONS AND EXTENSION TO HOTEL AND ERECTION OF A STAFF AND MANAGER'S ACCOMMODATION UNIT WITH GARAGE, WESTLANDS HOTEL, 160 ATHOLL ROAD, PITLOCHRY, PH16 5AR** **23 - 44**
Report of Handling by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 18/294)
- 5(1)(ii) 18/01185/FLL - GUAY - ERECTION OF 2 HOLIDAY ACCOMMODATION UNITS AND 3 CAMPING PODS, TAY VIEW LODGES, GUAY** **45 - 62**
Report of Handling by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 18/295)
- 5(1)(iii) 18/01191/FLL - BLACKFORD - ALTERATIONS AND EXTENSION TO RAIL YARD, INCLUDING ASSOCIATED WORKS (REVISED DESIGN AND LAYOUT AND ADDITION OF WELFARE CABIN), YARD, MORAY STREET, BLACKFORD** **63 - 100**
Report of Handling by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 18/296)

5(1)(iv)	18/01215/FLL - PITLOCHRY - ERECTION OF A DWELLINGHOUSE, LAND NORTH WEST OF CORBIE LYNN, DYSART BRAE, PITLOCHRY Report of Handling by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 18/297)	101 - 116
5(2)	PROPOSAL OF APPLICATION NOTICE (PAN)	
5(2)(i)	18/00008/PAN - RATTRAY - RESIDENTIAL DEVELOPMENT, LANDSCAPING AND ASSOCIATED WORKS, LAND TO THE EAST OF HONEYBERRY CRESCENT, RATTRAY Pre-Application Report by Interim Development Quality Manager (copy herewith 18/298)	117 - 128
5(2)(ii)	18/00009/PAN - AUCHTERARDER - MINERALS EXTRACTION AND PROCESSING ACTIVITIES (IN PART RETROSPECT), INCLUDING RESINSTATEMENT, RESTORATION, LANDSCAPING, PROCESSING BUILDING AND ANCILLARY ACCOMMODATION, ACCESS AND ASSOICATED WORKS, LAND SOUTH EAST OF ARNS FARM, AUCHTERARDER Pre-Application Report by Interim Development Quality Manager (copy herewith 18/299)	129 - 140
5(2)(iii)	18/00010/PAN - PERTH - DEMOLITION AND ERECTION OF A SHELTERED ACCOMMODATION BUIDING WITH FACILITATED CARE INCLUDING RESTAURANT, PARKING, LANDSCAPING AND ASSOCIATED WORKS PARKING, LANDSCAPING AND ASSOCIATED WORKS, THE ATRIUM, 137 GLOVER STREET, PERTH Pre-Application Report by Interim Development Quality Manager (copy herewith 18/300)	141 - 150

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 29 August 2018 at 10.00am.

Present: Councillors R McCall, M Barnacle, B Brawn, H Anderson, B Band, H Coates, E Drysdale, T Gray, I James, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: M Barr, A Condliffe, D Littlejohn, L Reid, D Salman, J Scott, R Stewart (all Housing and Environment); C Elliott, D Williams and M Willis (Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

. **WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. **MINUTES**

The minute of meeting of the Planning and Development Management Committee of 1 August 2018 (Arts.) was submitted, approved as a correct record and authorised for signature.

. **DEPUTATIONS**

There were no requests for deputations on any items of business.

. **APPLICATIONS FOR DETERMINATION**

(1) Major Applications

- (i) 17/00961/AMM – BLAIRGOWRIE – Erection of 117 dwellinghouses, garages and associated works (approval of matters specified in conditions 10/01360/IPM) land SW of entrance of Maple Place, Blairgowrie – Report 18/264 – Stewart Milne Group**

Prior to consideration of the item, J Scott, Team Leader (Major Applications), informed members that a further representation had been received from a neighbouring developer and summarised that representation.

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Resolved:

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

Conditions

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

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

2. Prior to the commencement of development a detailed Construction Phasing Plan and Access Strategy for the site shall be submitted for further written agreement by the Council as Planning Authority. Notwithstanding the Site Plan approved (ref: 17/00961/97), the Phasing Plan shall identify:
 - a) an early commitment of the delivery of the link road, extending Elm Drive towards Hazelwood Road, up to the western site boundary, no later than 3 years from the commencement of development (from the date on the NID) and;
 - b) a scheme for the delivery, including timescales, for a road that links from the site up to its southwestern boundary that allows a connection with the remainder of Site H64, as allocated within the Perth and Kinross Local Development Plan 2014, to be made.

The associated Access Strategy shall set out practical means and measures of maintaining constant public access to recreational facilities on land beyond Piggy Lane at all times. The approved phasing plan and access strategy shall thereafter be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of ensuring the link road is delivered and adopted up to the site boundary at the earliest opportunity and to ensure public access across the site is reasonably achieved at all times.

3. In association with Condition 2, no development shall commence until a Detailed Delivery Plan confirming the phased delivery of landscaping (public open spaces and tree lines) and construction works (incorporating routes and construction phasing for dwellings and location of any site/construction compounds) within the site has been submitted for written agreement by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan to the satisfaction of the Council as Planning Authority.

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

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4. The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phases of development.

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

5. No removal of vegetation, including trees and shrubs will be permitted between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority for approval prior to commencement of works.

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

6. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) basin shall have 'wildlife kerbs' installed adjacent to the gully. The details, including timing, shall be submitted to the Council as Planning Authority for approval and installed thereafter in accordance with the approved detail.

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

7. The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 50% of all 2 storey properties prior to occupation to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

8. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

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9. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
Reason: In the interests of road safety and environmental quality; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.
10. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
11. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: In the interests of public health and to prevent noise pollution.
12. The detailed landscaping and planting proposal specification as approved (Plan reference 17/00961/101 and 17/00961/103) shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan (associated with condition 3) and thereafter maintained to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
13. Prior to the commencement of any works on site, all trees identified for retention on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

14. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity.

15. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

Justification

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

Procedural Notes

Consent shall not to be issued until a Section 75 Agreement relating to developer contributions set out in report 18/264 has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

Informatives

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

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date of planning permission in principle, whichever is the later.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public

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wastewater system and/or water network and all their requirements must be fully adhered to.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
11. The applicant is recommended to incorporate a mini glass recycling points in an appropriate location within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team. Further, The Environment Service Operations may request communal bins for the flatted properties; it is recommended that the developer make contact with the Community Waste Team to discuss this further.

(ii) 18/00856/FLM – RATTRAY – Erection of 138 dwellinghouses and associated works (change of houses type to include sunrooms for plots 59-60, 63-65, 67-68, 71-72, 75-84, 86-94, 97-105, 114-120, 131-160,and 165-217) land NE of Lindale, Glenalmond Road, Rattray – Report 18/265 – Springfield Priorities PLC

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

3. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00, Saturday 08:00 to 13:00 hours and no working on a Sunday.

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

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

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

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

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

6. Prior to the completion of the development, a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each 2 storey buildings at eaves height.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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Reason: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

8. The development shall be fully undertaken in accordance with the agreed Construction Environment Management Plan (CEMP) associated with planning consent 16/01861/FLM.

Reason: In the interest of protecting environmental quality and of bio-diversity.

9. The approved structural landscaping works associated with planning consent 16/01861/FLM covered within this site area shall be installed in accordance with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

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- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
 6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 7. No work shall be commenced until an application for building warrant has been submitted and approved.
 8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 10. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
 11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning consent 16/01861/FLM. This consent continues to be tied by this legal agreement and the associated requirements will continue to apply.

- (iii) **18/00988/FLM - PERTH - Application under Section 42 of the Town of Country Planning (Scotland) Act 1997 to modify Condition 2 (acoustic insulation of windows) planning permission 15/00809/AMM (Erection of 164 dwellinghouses and associated works (matters specified by conditions attached to permission 12/01692/IPM)) to land to west of Cherrybank Gardens, Perth – Report 18/266 – Bellway Homes Ltd Scotland**

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards agreed by the Council as Roads Authority.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.
3. The agreed specification including materials of all footpaths and cycleways shall be implemented prior to the completion of each phase of the development.
Reason: In the interest of pedestrian and cycle safety.
4. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings of the approved Site Layout Plan (Ref No.18/00988/1).
Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.
5. The approved external finishing details and composition shall be undertaken and completed commensurate with the subsequent phases of the development.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy

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criteria of the adopted Perth and Kinross Local Development Plan 2014.

6. The detailed landscaping and planting scheme as approved shall be implemented fully and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

8. The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with the agreed programme. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

9. The approved and installed children's play area indicated in the site layout plan shall be maintained to the satisfaction of the Council as Planning Authority.

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

10. The approved and installed new accesses onto both Glasgow Road and Necessity Brae shall be implemented in accordance with the agreed detail.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

11. The approved detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be fully respected and adhered to through the construction phase of the development.

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Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

12. Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason: In the Interest of vehicle and pedestrian safety.

13. The approved full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure shall be fully implemented prior to the completion of the development.

Reason: In the interests of best practise surface water management; to avoid undue risks to public safety and flood risk.

14. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority. On completion of development all as-built records of all SUDS shall be provided to the Council as Planning Authority.

Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

15. Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted Perth and Kinross Local Development Plan 2014.

16. Prior to the completion of the development, Watercourses 1 and 2 (as referred to in the FRA) within the extents of the proposed development shall be inspected and repairs carried out on the watercourse where the bed/banks or other associated features have fallen into a state of disrepair; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

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17. The discharge of any surface water drainage shall be limited to 50% of the greenfield runoff rate.
Reason: To reduce flood risk.
18. No works shall take place within 10m of any flood apparatus constructed as part of the Perth Flood Prevention Scheme without the prior written approval of the Planning Authority in consultation with the Structures and Flooding Team.
Reason: To maintain the integrity of the Perth Flood Prevention Scheme defences.
19. The approved full design of the proposed culverts including maintenance strategy shall be fully implemented prior to the completion of the development.
Reason: To reduce flood risk.
20. The agreed local road network improvements identified in the Transport Assessment shall be implemented and made operational to mitigate the traffic implications of each development phase.
Reason: In the Interest of vehicle and pedestrian safety.
21. The agreed financial contribution between the applicant and Transport Scotland must be in place via a Section 48 Agreement (Roads Scotland Act 1984)
Reason: To ensure that the development supports the longer term aim of providing the capacity improvements necessitated by the traffic impacts of the development; to maintain safety for both the trunk road traffic and the traffic moving to and from the development.
22. The approved site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be undertaken in accordance with the approved details and completed commensurate with the respective phases of the development.
Reason: To ensure there is adequate provision for waste disposal and recycling.
23. The approved details of the two bus stops shown in the Site Layout Plan shall be implemented prior to the completion of the development.
Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.
24. All first floor habitable rooms of the affected plots identified in the applicants Trickle Vent Overmark Plan (drawing number PB/AV/01) (18/00988/2) shall be fitted with improved sound attenuated trickle ventilation which meets the specification contained within the submitted Acoustic Report (18/00988/3) dated 6 June 2018 by KSG Acoustics.
The windows identified shall be provided with suitable acoustic insulation with a sound reduction index

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equivalent to >30 dB RWA and provided with trickle vents with a sound reduction index equivalent to 35db RWA. For the avoidance of doubt;

- The affected plots completed to date shall, within 3 months of the date of this decision, have all affected rooms fitted with trickle vents. Should the owner of any property refuse to have the trickle vents installed at this time the developer must present the requisite number of trickle vents to the owner for their (or any future householders) use. Details of any dwelling not having the trickle vents fitted within the prescribed timescale above shall be notified to the Council as Planning Authority.
- Those affected plots not yet completed shall have trickle vents fitted prior to the occupation of the dwelling house on that said plot.

In the interests of clarity, none of the affected plots will be without the trickle vents either fitted or in the possession of the owner.

Reason: To prevent disturbance in the bedrooms of the property from noise from the adjacent Trunk Road.

25. Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

26. The approved scheme of mitigation to improve air quality shall be completed commensurate with the respective phases of the development to the satisfaction of the Council as Planning Authority.

Reason: To mitigate for any associated impacts on air quality and the wider environment.

Justification

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

Informatives

1. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
2. The applicant is advised that this permission relates to just three of the four residential phases of the 12/1692/IPM planning approval for residential and employment uses of LDP site MU1.

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3. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
5. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
6. Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
7. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
10. No further work shall be undertaken until an application for building warrant has been submitted and approved.
11. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
12. The applicant should be aware that the street lighting scheme to be submitted to the Council as Roads

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Authority as part of their Construction Consent application should include the use of LED lights.

(2) Proposal of Application Notice (PAN)

- (i) 18/00006/PAN - PERTH - Erection of industrial units (classes, 4, 5 and 6) formation of SUDS, landscaping and associated works, land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report 18/267**

Councillor W Wilson requested that (i) the integrity of existing paths and disused railway line be assessed, and (ii) access to new roads through this site be considered.

Members noted the issues identified by the Interim Development Quality Manager's report.

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Planning & Development Management Committee – 26 September 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/294)

PROPOSAL: Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage.
LOCATION: Westlands Hotel, 160 Atholl Road, Pitlochry, PH16 5AR

Ref. No: 18/00595/FLL
 Ward No: P4 - Highland

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan if conditional control is applied. There are no material considerations apparent which outweigh the Development Plan.

Background and description of proposal

- 1 This application relates to Westlands Hotel (160 Atholl Road), an eighteen bedroom hotel located to the north of Atholl Road in Pitlochry. The hotel building when viewed from Atholl Road comprises a substantial one and a half storey building of traditional construction sitting in an elevated position within the plot. In the past single storey extensions have been formed on the southern principal elevation, there are also a number of extensions to the rear of the property as well as a staff bungalow and outbuildings in the rear curtilage. The hotel's curtilage includes a number of mature trees.
- 2 There is an existing access from Atholl Road which leads to an area of hardstanding to the east of the property that is utilised as car parking. The entrance into the hotel building is on the eastern (side) elevation.
- 3 To the east of the site is Sunnybrae (158 Atholl Road) a site that is operated by Abbeyfield as supportive housing. To the west is the Claymore Guest House with staff accommodation and 4 self-catering flats located to the rear of the premises. To the north-west and north in an elevated position are the curtilages of Sonamore and Ardarroch, both residential properties.
- 4 Westland Hotel is not a listed building but it is located within Pitlochry Conservation Area.
- 5 The proposal is to remove the existing extensions that currently exist to the rear of the hotel to accommodate a new extension that is one and a half storey in appearance. The new extension would provide twenty six en-suite

bedrooms over the two levels. Alterations to the existing building will be undertaken to form ten en-suite bedrooms. The capacity of the hotel would therefore be increased from eighteen rooms to thirty-six rooms. A further level in the proposed extension's roof space would be used for servicing and staff accommodation.

- 6 The proposal also includes the demolition of the existing detached bungalow currently used for staff accommodation and the formation of a new staff/manager's accommodation to the rear of the curtilage. The proposed accommodation will be incorporated into a stone wall which separates the more formal curtilage to the south compared to the steep wooded slopes that rise to the rear. There are four bedrooms proposed to the staff/manager's accommodation on the lower floors with living spaces and kitchen arranged over the upper level.

PRE-APPLICATION CONSULTATION

- 7 The proposal has been subject to pre-application discussions following the withdrawal of an earlier application for a dwelling on the site, ([17/01037/IPL](#)). This confirmed that there were wider aspirations for the site not just the replacement of staff accommodation. As a consequence plans were submitted detailing the comprehensive redevelopment of the site rather than piecemeal applications being submitted ([17/02113/FLL](#) and [17/02265/CON](#)). It should be noted that these applications were withdrawn and the extent of the hotel accommodation has been reduced in scale as part of this current application.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland

whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

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

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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 68 Design Statements
- PAN 77 Designing Safer Places

Creating Places 2013

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

DEVELOPMENT PLAN

14 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

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

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

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

Perth and Kinross Local Development Plan 2014

- 18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 20 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

- 21 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 22 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 23 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 24 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1B - Transport Standards and Accessibility Requirements

25 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 HE3A - Conservation Areas

26 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy HE3B - Conservation Areas

27 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

Policy NE2A - Forestry, Woodland and Trees

28 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

29 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

30 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 31 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.
- 32 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.
- 33 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.

SITE HISTORY

- 34 02/00238/ADV Display of illuminated sign box, Application Approved under delegated powers 18 March 2002
- 35 [17/00106/FLL](#) Erection of a tree house (in retrospect), Application Permitted under delegated powers 24 April 2017
- 36 [17/02113/FLL](#) Extension to hotel and erection of staff and manager's accommodation unit with garage, Application Withdrawn 8 March 2018
- 37 [17/02265/CON](#) Demolition of buildings, Application Withdrawn 5 March 2018
- 38 [18/00596/CON](#) Demolition of buildings, Pending Consideration

CONSULTATIONS

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

External

Scottish Water

- 40 No objection.

Internal

Transport Planning

- 41 No objection.

Development Negotiations Officer

- 42 The proposal is for staff accommodation so is exempt from contributing towards primary education.

Environmental Health

- 43 This extension to the existing hotel includes provision for a plant room. This has the potential to lead to loss of residential amenity at nearby receptors, some of which are a little over 20 metres away. Due to this conditional control is recommended.

Perth and Kinross Area Archaeologist

- 44 No objection.

REPRESENTATIONS

- 45 The following points were raised in the seven letters of representations received:
- Overdevelopment, concerns with scale and height
 - Impact on Conservation Area
 - Loss of trees
 - No need for additional accommodation
 - Impact on wildlife
 - Concern with timing of bat survey
 - Increase in noise
 - Increase in traffic
 - Concern with the nature of the staff accommodation/owners accommodation.
 - Loss of privacy
 - Concerns with the proposed materials utilised in the development.
 - The development should be phased in a manner where the hotel accommodation is provided first
 - Concern that the use class has changed from a hotel to a Bed and Breakfast.

- Concerns with cross-sections.

46 These issues are addressed in the Appraisal section of the Report. The following matter is best addressed at this stage:-

- Concern that works may have impact on retaining walls/foundations – Impact from the way construction works are undertaken and how this relates to retaining walls/foundations would be a civil matter to resolve between the parties affected it is not a planning consideration.

ADDITIONAL STATEMENTS

47

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Bat Survey & Tree Survey

APPRAISAL

- 48 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 49 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 50 It should be noted that an application for Conservation Area Consent has been submitted which deals with the demolition of the bungalow at the rear of the site, application [18/00596/CON](#) refers. The Conservation Area Consent application and planning application are inextricably linked as the demolition under the Conservation Area Consent cannot be granted until a satisfactory replacement scheme is in place. If this application is approved then the Conservation Area Consent can be approved under delegated powers.

Principle

- 51 Tourism plays a key role in employment provision and economic viability of services and facilities within the area. This application is for the extension of the existing hotel building to improve the extent of accommodation on offer it

therefore complies with the Plan which seeks to promote and enhance existing and future tourism developments.

- 52 Letters of representation note that the extent of facilities on the site have changed and have questioned the site's approved use. I am content that the use of the site can be still be classed as a Hotel as per Class 7 of the Use Classes Order 1997 (as amended).
- 53 Representations have also raised concerns that there is no need for further accommodation. The design statement contradicts this claim and notes that the development is to satisfy an increased demand for quality accommodation in the Pitlochry Area. I consider the applicant's submission for upgrades to the existing building as well as the proposed new extension will enhance tourism provision in Pitlochry, tourism being a key economic and planning objective of the Council.

Design, Layout and Conservation Considerations

- 54 I am content with the extent of drawings submitted with this application to enable an assessment of the design, layout and conservation considerations as required by Policy. The proposed extension to the hotel has been reduced in scale from previous design iterations. While the extension is large in scale the site curtilage is of a sufficient size to accommodate the development and the visual impact from Atholl Road will be minimal. The mass of the extension has also been broken up by incorporating gable features on the east and west elevation as well as ensuring the roofline sits below the existing hotel ridgeline.
- 55 The successful integration of the extension which takes account of the traditionally detailed hotel building will depend on the specification of materials, detailing and the manner in which works are undertaken. High quality finishes are required including timber windows and more information should be submitted regarding the proposed stone cladding and roof slate. This also applies to the proposed staff/manager's accommodation. The scale and layout of the proposed staff/manager's accommodation can be accommodated in this area due to the rising topography behind the building. There will be an element of cut and fill to accommodate this building, with the partial removal of the stone wall, a fixed feature, running up to the rear elevation of the accommodation. I consider it prudent to understand the extent of cut and fill and re-contouring in this area and this can be dealt with as part of the landscaping plan.
- 56 Taking the above into account these matters can be dealt with by conditional control (Condition 2 and 3) to ensure there is compliance with the placemaking policies PM1A and PM1B as well as Conservation Policy HE3B.

Landscape

- 57 Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural

dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded.

- 58 Section 159 of the Planning Act imposes a general duty on the Planning Authority to include appropriate provision for preservation and planting of trees. While Local Plan Policy NE2B also seeks the submission of a tree survey where there are existing trees on a development site with Policy NE2A protecting trees.
- 59 Following the withdrawal of planning application [17/02113/FLL](#) the proposed extension has been reduced in scale which has enabled the staff/manager's accommodation to be re-sited on the south side of the existing retaining wall, which in turn provides further protection for the woodland area to the North.
- 60 The layout still results in the felling of a birch tree to enable the proposed staff/manager's accommodation to the rear of the site. The loss of this one tree is not significant in visual amenity terms when taking account of the woodland backdrop to the north. A landscape plan can be secured by condition to ensure that the planting of a further tree on the site occurs along with further boundary planting to enhance the boundary definition of the site where new car parking is introduced.
- 61 An arboriculture report has been submitted in support of the application. This identifies the extent of the tree resource at the site and also sets out the extent of root protection areas that should be protected by fencing. Some of the development areas overlap locations where there are proposed tree protections measures to be deployed. This relates to the formation of an access deck to the rear of the staff/manager's accommodation as well as elements of the parking layout. This will mean further arboriculture reporting will be needed to specify methods of construction to ensure no adverse impacts on the root protection areas occur. A negative suspensive condition should be utilised to ensure that this can be achieved to ensure there is not a detrimental impact on the tree resource.
- 62 With conditional control applied (Condition 3 and 4) I do not consider there is a conflict with Policy ER6: Landscape or Policy NE2A, NE2B that relate to trees.

Residential Amenity

Privacy and Overlooking

- 63 I consider that the proposed extension to the rear of the hotel and the replacement of an existing staff bungalow with new staff/manager's accommodation can be accommodated on the site without resulting in an unacceptable level of overlooking.
- 64 Council guidance advises that a minimum 18m window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking

account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.

- 65 Sunnybrae a residential home is located to the east of the site. There is sufficient separation between the hotel extension and this property at some 24 metres window to window at a 90 degree angle. There is also sufficient separation between the proposed staff/manager's accommodation and Sunnybrae at 28 metres at an acute angle window to window.
- 66 Claymore Guest House is to the west of the site and like Westlands, sits at the front of the site with further accommodation to the rear including the coachhouse and holiday apartments. There is a sufficient distance between the proposed extension and the holiday apartments at 18m at an acute angle, as well as the coach house at 28m at 90 degrees and the Claymore Guest House at 21m on a 90 degree angle. With regards to the proposed staff/manager's accommodation at a 90 degree angle the holiday apartment building is within 16.4m. However at this point there are only bathroom windows and further along the roof lights to the living accommodation in the roof space are in excess of 18 m and are also at an acute angle. Taking this into account I consider an appropriate level of amenity will be maintained between these properties. The coach house is some 34 m from the proposed staff/manager's accommodation while the hotel is some 49 m distant.
- 67 I note representation has raised concern that the development will overlook Sonamor to the north west however I do not consider that there will be a detrimental impact as Sonamor sits in an elevated position above the proposed development at Westlands Hotel.
- 68 Taking account of site context, including the topography of the site I am of the opinion that an acceptable level of privacy will be maintained in the surrounding properties taking account of window to window distances and the use of boundary treatment.

Overshadowing

- 69 Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration as The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 2011' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 70 Having had the opportunity to assess the plans based on plans an element of overshadowing will likely occur to the neighbouring car park area at the Claymore Guest House. This will relate to the afternoon and due to the angle of the sun will increase during the winter months however the extent of overshadowing to neighbouring ground is not excessive when taking account the extent of curtilage at Claymore Guest House. In any case, any impact will

be largely contained to the rear car park of the neighbouring guest house and no neighbouring residential properties will be adversely impacted.

Amenity space

- 71 The hotel's front lawn area will catch the sun in the late evening and I consider this will provide a suitable environment amenity space for hotel residents.
- 72 Although the staff/manager's accommodation is intertwined with the operation of the hotel I consider it prudent to try and achieve some form of private amenity space for the managers/staff accommodation. In this case the proposed staff/managers accommodation has been designed to sit in front of the existing stone wall that traverses part of the application site. This will provide some form of private amenity space to the rear of the site although I accept its use will be limited in nature due to the steep topography and tree cover.

Noise

73 Policy EP8 of the LDP relates to noise. The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

74 Consultation has been undertaken with Environmental Health and they note that the extension to the existing hotel includes provision for a plant room. This has the potential to lead to loss of residential amenity at nearby receptors, some of which are a little over 20m away. As a consequence they recommend conditional control (Condition 7). With this applied, there is not a conflict with Policy EP8.

Roads and Access

75 Policy TA1B is concerned with providing safe access and appropriate car parking. The proposal utilises the existing hotel access onto Atholl Road and proposes to increase the amount of car parking within the site curtilage. Transport Planning has been consulted and they offer no objection to the proposed development.

Drainage and Flooding

76 The proposal will utilise the existing water supply and foul drainage arrangements at the site. The site is not in an area subject to river flooding.

Waste Collection

- 77 The agent confirms that the existing waste collection regime shall remain. However, from reviewing the plan with the redevelopment of the site a new waste location will be required to be specified. This can be dealt with by conditional control (Condition 6).

Natural Heritage and Biodiversity

- 78 When determining a planning application the planning authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how European Protected Species (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the Regulations the applicant was advised that a bat survey should be undertaken.
- 79 The application includes a full bat survey which provides evidence of bat roosts in the existing hotel building. The report sets out a number of recommendations and mitigation works that require to be deployed before undertaking work to the hotel building. These recommendations have to be undertaken prior to works to the hotel building but not the demolition of the existing staff bungalow.
- 80 With conditional control applied to secure mitigation measures (Condition 5) the works will not be detrimental to the maintenance of the population of species and there will be no conflict with Policy NE3.

Developer Contributions

- 81 The proposal is for staff/manager's accommodation so it would be exempt from contributing towards primary education. There are no other contributions required for the hotel element.

Economic Impact

- 82 Some letters of representation consider that the economic benefits of the hotel accommodation should be secured first prior to the development of the staff/manager's accommodation. I do not consider this is required. If this occurred it would mean that the existing on site staff accommodation would be lost and would not be replaced until some considerable time following the completion of the hotel extension. I consider it would be prudent to undertake the proposed staff/manager's accommodation first which would then allow the demolition of the staff bungalow and the erection of the hotel extension. I consider that it would be prudent to ensure the demolition of the staff bungalow prior to the occupation of the new staff/manager's accommodation (Condition 8).

- 83 Overall there will be a positive economic impact associated with this proposal. This will be associated the construction phase of the development as well as increasing the extent of tourist accommodation within Pitlochry.

LEGAL AGREEMENTS

- 84 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 85 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 86 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 87 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.

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

- 4 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 6 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the accommodation hereby approved shall be occupied until the agreed scheme has been provided in full.

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

- 7 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between

0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 8 The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished. Thereafter the proposed staff accommodation at the rear of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.

Reason - In order to control and restrict the use of the building.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 For information, foul flows only will be allowed to discharge to the public drainage system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 5 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make

a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

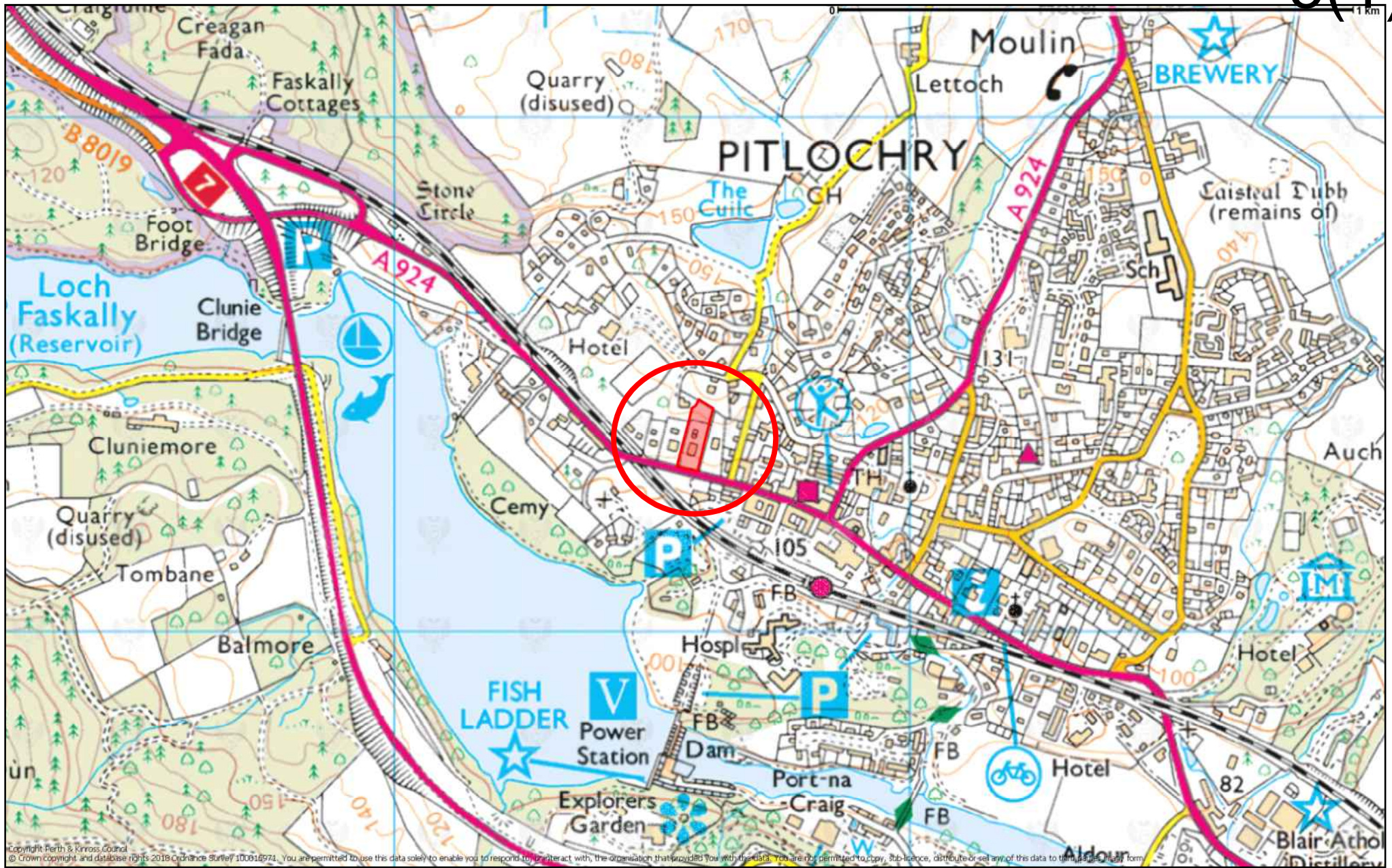
Background Papers: 7 letters of representation
Contact Officer: John Russell 01738 475346
Date: 13 September 2018

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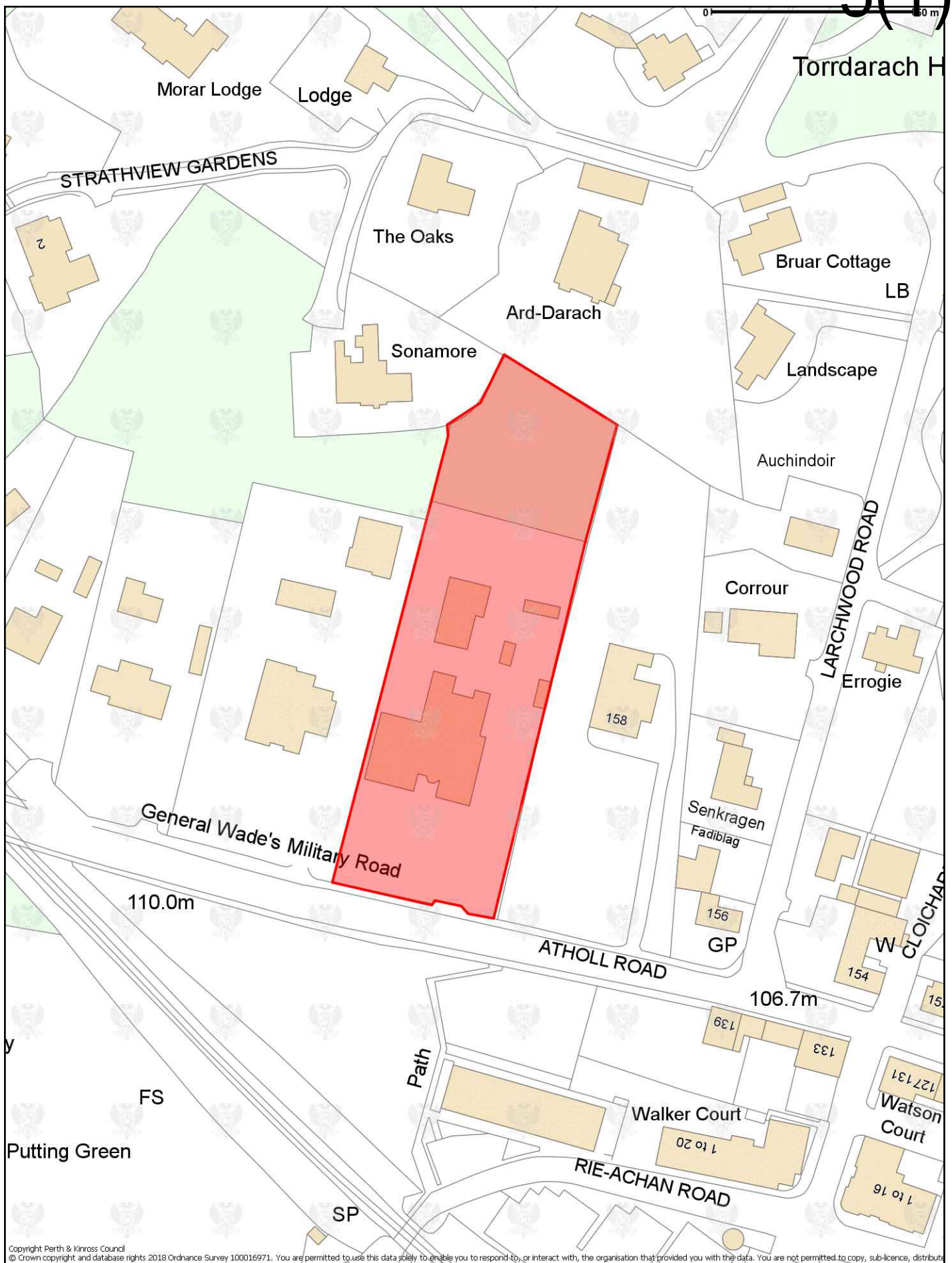
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18/00595/FLL

Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, Westlands Hotel, 160 Atholl Road, Pitlochry





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18/00595/FLL

Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, Westlands Hotel, 160 Atholl Road, Pitlochry



Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/295)

PROPOSAL: Erection of 2 holiday accommodation units and 3 camping pods
LOCATION: Tay View Lodges, Guay

Ref. No: 18/01185/FLL
 Ward No: P5 - Strathtay

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application relates to an existing holiday lodge site at Guay which was previously run by the Girls' Brigade. Presently there are four detached holiday lodges on the site. The site is now privately owned and run as a small holiday park open to the general public. Planning permission is sought to construct two additional holiday lodges and three camping pods.
- 2 The site is located just to the north of a small group of houses at Guay, accessed off a minor road from the A9 Trunk Road. The site is bounded to the north and west by existing woodland, to the east by an existing track adjacent to woodland and to the south by hedging. There are extensive views out of the site to the south towards the River Tay.
- 3 The site has been operated by the current owners since March 2017. The supporting statement notes that the focus of the business is for the family market for holidays and short breaks.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a

statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

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

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 11 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

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

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

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

Policy 2: Shaping Better Quality Places

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

Policy 9: Managing TAYPlans Assets

- 15 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 16 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 17 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 18 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 adaptation.

Policy PM1B - Placemaking

- 19 All proposals should meet all eight of the placemaking criteria.

Policy ED4C - Caravan Sites, Chalets and Timeshare Development

- 20 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy TA1B - Transport Standards and Accessibility Requirements

- 21 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy EP8 - Noise Pollution

- 22 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 23 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.
- 24 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.

- 25 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.

SITE HISTORY

- 26 02/02068/FUL Erection of dormitory accommodation Application Approved by Development Control Committee on 13 February 2003
- 27 [08/02350/FUL](#) Demolition of existing building and erection of recreation and training centre and 4 chalets Application approved under delegated powers 10 March 2009
- 28 [15/00937/FLL](#) Removal of condition 3 (occupancy of buildings) of permission 08/02350/FUL (Demolition of existing building and erection of recreation and training centre and 4 chalets) Application approved under delegated powers 12 August 2015

CONSULTATIONS

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

External

- 30 **Scottish Water** - no objection.
- 31 **Transport Scotland** - no objection.

Internal

- 32 **Transport Planning** - no objection.
- 33 **Environmental Health (Noise Odour)** - no objection subject to condition with regard to wood burning stove and informative note with regard to site licence.

REPRESENTATIONS

- 34 The following points were raised in the 6 representations received:
- Over development – holiday makers will outnumber residents
 - Residential amenity – loss of privacy and overlooking

- Noise – from additional traffic and people
- Roads and access – impact on private and public road from increased volumes of traffic, including construction traffic, will compromise its stability.
- Access difficult from A9. Drainage – potential damage to soakaway by building access road and chalet close to it.
- Parking – close to and above existing housing
- Type of development – change in character of area.
- Site not appropriate for general holiday chalet use.
- Site warden – can use as a lodge for warden be conditioned/controlled?
- Site ownership – question over red line site boundary.
- Loss of view – note that hedge would cut off view to the hills and make living in house claustrophobic
- Damage to environment such as danger from people lighting fires, additional footfall damaging woodland and danger from loose dogs, litter.

35 These issues are addressed in the Appraisal section of the Report

36 The last two bullet points are not considered to be material planning considerations. With regard to the latter point regarding littering, fire lighting and dog behaviour the applicant has stated that, where required, such issues will be addressed through education and liaison with their customers.

ADDITIONAL STATEMENTS

37

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

APPRAISAL

38 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 39 The site is located in a rural area close to a group of existing housing. Policy PM1 supports development that respects the character and amenity of the place. The site was previously used as a campsite/centre by the Girls' Brigade with holiday lodges being open to the general public in more recent years. Policy EC4C of the Local Development Plan supports new chalet developments particularly where it involves the expansion of an existing chalet park and where the development does not constitute either over development of the site or its setting. The principle of use as a chalet park has previously been established. There have been objections to the development stating that it constitutes over development. I would consider the expansion to be of a modest scale that does not constitute over development and is in accordance with Policy EC4C.

Design and Layout

- 40 The proposal is for two holiday lodges and three camping pods.
- 41 The timber holiday accommodation units will be finished in a "thermowood" cladding (heat treated timber). The lodges are proposed as two bedroomed units. One of the lodges is positioned between two existing lodges on the eastern part of the site and will measure 9m x 6m and is proposed 3.6m to ridge height. A 2.4m decked area is located at the southwestern end of the lodge. This lodge is accessed by an extension to a pedestrian path that currently accesses the existing lodges. The second lodge is sited on a lower part of the site to the west. This lodge is slightly larger measuring 11m x 6m with a similar 2.4m decking area to the south. This lodge is proposed to be accessed by a new vehicular track.
- 42 The camping pods are designed for use by two people and measure 6m x 3m and 2.7m in height. The pods are rectangular with a dome shaped roof, circular entrance door and small round window to the rear. They are positioned to the west of the existing parking area and will be finished in a red cedar timber. Views out of the lodges will be to the southwest towards the far corner of the park.
- 43 Additional parking provision for six vehicles is proposed alongside the existing hedge to the south of the site.

Site management

- 44 There have been some concerns from local residents that people arrive and do not know where to go as there is not always someone on site to greet them. The applicants have intimated that they intend to use new lodge 2 as warden's accommodation so that they can have more of a presence on site. The lodge will not be a principal home and they plan for the lodge to be used by themselves, a family member or an employee to enable them to better meet and greet visitors and also monitor activities on site. A condition to

control occupancy of the new lodges and pods will be attached to any permission (Condition 2).

Landscape

- 45 There are no landscape implications with this proposal. The site is set within an existing landscaped setting. The applicant has also planted a large number of native hedging plants to add to the existing boundary hedging around the site and has indicated in their supporting statement that further planting and improvements to increase diversity will be made as part of the site management.

Noise/Amenity

- 46 There have been objections with regard to the potential increase in noise and disturbance to local residents from users of the site. The application is for two lodges and three camping pods. The lodges will have two bedrooms and the pods will have space for one double bed. These are of a smaller scale than the existing four lodges on the site which each have four bedrooms. The existing sleeping capacity of the lodges is 29. The addition of the two lodges and three pods will add 14 to the site across the five new units. The pods and lodges will be provided with self-contained bathroom and kitchen facilities. Environmental Health has no objections on grounds of noise or amenity based on the size and location of the additional lodges and pods

Air Quality/Odour

- 47 Environmental Health has commented on the plans as there is provision made for a wood burning stove and associated flue to the 2 holiday lodges. Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. In this case the domestic sized stove as proposed is not a cause for concern.
- 48 Environmental Health notes that another matter pertaining to the stoves which could cause issue is the potential for smoke or odour. The Council has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings. In this case the flue will dissipate at roof ridge level which should ensure sufficient dispersal. An informative note will be added to highlight the importance of operating the stove using fuel as recommended by the manufacturer.

Overlooking and loss of privacy

- 49 There have been objections from properties close by concerned that the new lodges and pods will overlook them. The angle of the units and distance from neighbouring houses is sufficient not to cause any overlooking or loss of

privacy. The closest pod to another residential property is around 14m but there are no widows on the side elevation of the pod which would look towards this property. The closest new lodge is over 30m from any other residential property. I have no concerns with the new units impacting on residential amenity through overlooking or loss of privacy.

- 50 There has been an objection to the proximity of the car parking area being too close to the kitchen window of the property known as Tay View. This would be around 7.5m from the window which is set below the site. The applicant notes that the gap in the hedge at this point could be planted with hedging plants but it had purposefully been left clear so that the occupants of Tay View retained their view out. The car parking area would not be in constant use and I do not consider that the use of this area for car parking would cause a loss of amenity. The objector notes that they understand that loss of a view is not a material planning consideration.

Visual Amenity

- 51 As a result of the scale of the development and the existing landscaped setting of the site it is considered that the proposed development will result in little impact on the visual amenity of the area.

Roads and Access

- 52 The access to the site is taken from a private track onto an unclassified public road which ultimately leads directly on to the A9. There are currently 10 parking spaces on the site. An additional 9 spaces will be provided as part of the proposed development to accommodate the new units. One additional space is being formed by a slight change to the existing parking area. Six new spaces will be formed close to the southern boundary with an additional two spaces located by the proposed warden's lodge. Limited details have been submitted with regard to the materials to be used for the track and parking area. Further details will be requested by condition (Condition 3).
- 53 There have been a number of objections with regard to the impact of the increased traffic and also the heavy traffic during construction. It is anticipated that the three pods and two lodges would generate one vehicle each which would represent a small increase in traffic using the minor road to access the site. In terms of construction, given the scale of the development it is not anticipated that there will be any significant impact on traffic levels and in any case this would only be temporary for duration of the construction phase. As such is not anticipated that this proposal will have any significant impact on the local road network. Furthermore, Transport Planning and Transport Scotland have been consulted and neither has made any objection to the development.

Drainage and Flooding

- 54 There is existing foul drainage and sewage treatment plant on the site. The new lodges and pods will connect into this. The position of the lodge for the

warden accommodation on south west of site has attracted objections due to its proximity to the existing sewage treatment plant and existing drainage soakaway. The access track to the lodge also crosses the soakaway. The agent has checked the acceptability of this with Building Standards and no concerns have been raised. It is noted that the soil has a relatively fast porosity and the drainage pipes are at least 600mm below ground. The agent states that when the track is constructed they will ensure that there is a geotextile membrane included below the hard-core fill.

Waste Collection

- 55 There are existing facilities on the site for waste and recycling which will be used for the proposed new development.

Natural Heritage and Biodiversity

- 56 The applicant has stated that improvements to the biodiversity of the site will be made as part of the site management. In particular it is noted in the applicant's supporting statement that over 350 mixed native hedging plants have already been planted, areas of uncut grass has been left to allow wildflowers to grow and bird nest boxes have been erected.

Land Ownership

- 57 Following a query from a member of the public about the site ownership clarification was sought with regard to the red line site boundary. As a result of this the red line site boundary was extended to include the access to the public road. As a result the application was re-advertised and neighbours re-notified with a subsequent extension to the consultation period undertaken.

Developer Contributions

- 58 The proposal is not subject to any requirement for developer contributions. The site is for holiday accommodation so there is no requirement for affordable housing or education contributions. It is also outwith the Perth Transport Area so does not require a contribution to transport infrastructure.

Economic Impact

- 59 The proposals will have a positive economic impact by providing additional holiday accommodation in the area. There are presently 2 part-time staff employed and it is expected 1 full-time post will be created as a result of the development whilst still retaining the 2 part-time positions.

LEGAL AGREEMENTS

- 60 No legal agreement is required in relation to the planning application for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 61 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 62 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 63 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application subject to the following conditions:

Conditions and Reasons for Recommendation

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

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

- 2 The development hereby approved comprising the two lodges and three camping pods, shall be used solely for holiday accommodation and shall not be used as the sole or main residence of any occupant with the exception of the lodge located to the west of the site (Lodge Type 2) which can also be used as permanent staff accommodation by a person employed in the associated business or a family member of such a person residing with him or her.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the buildings.

- 3 Prior to the commencement of the development hereby approved, details of the proposed parking area and track within the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

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

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>

- 6 The applicant is advised that the pods and possibly the lodges (depending on the construction and size) will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It would therefore be necessary for a caravan site licence to be obtained for the site before the pods are first brought into use and the site would need to comply with the caravan model standards for holiday use. The applicant should seek further advice from the Council on whether the lodges would also need to be licenced in terms of the Caravan Sites and Control of Development Act 1960.

- 7 The stove(s) should be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer.

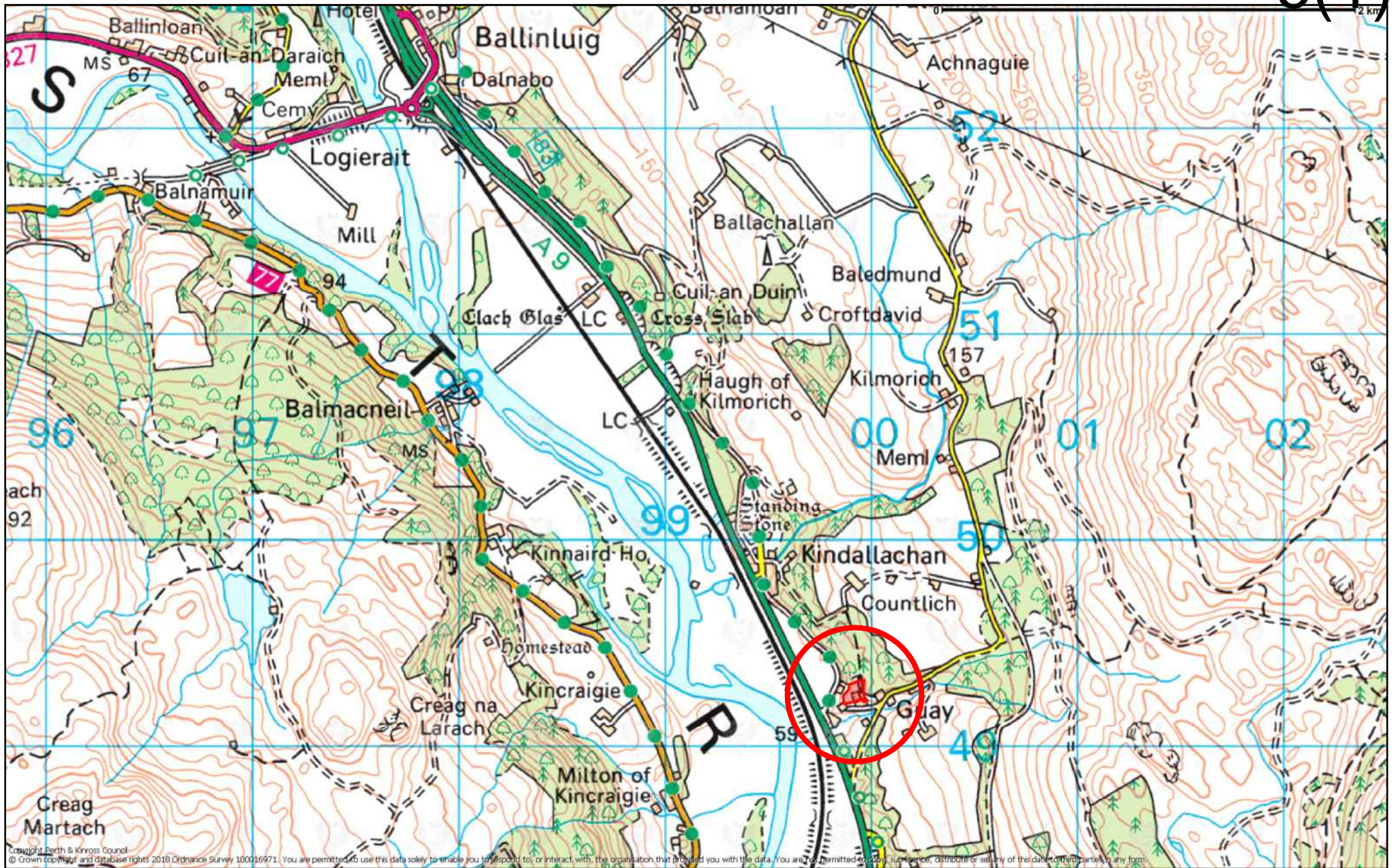
Background Papers: 6 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 13 September 2018

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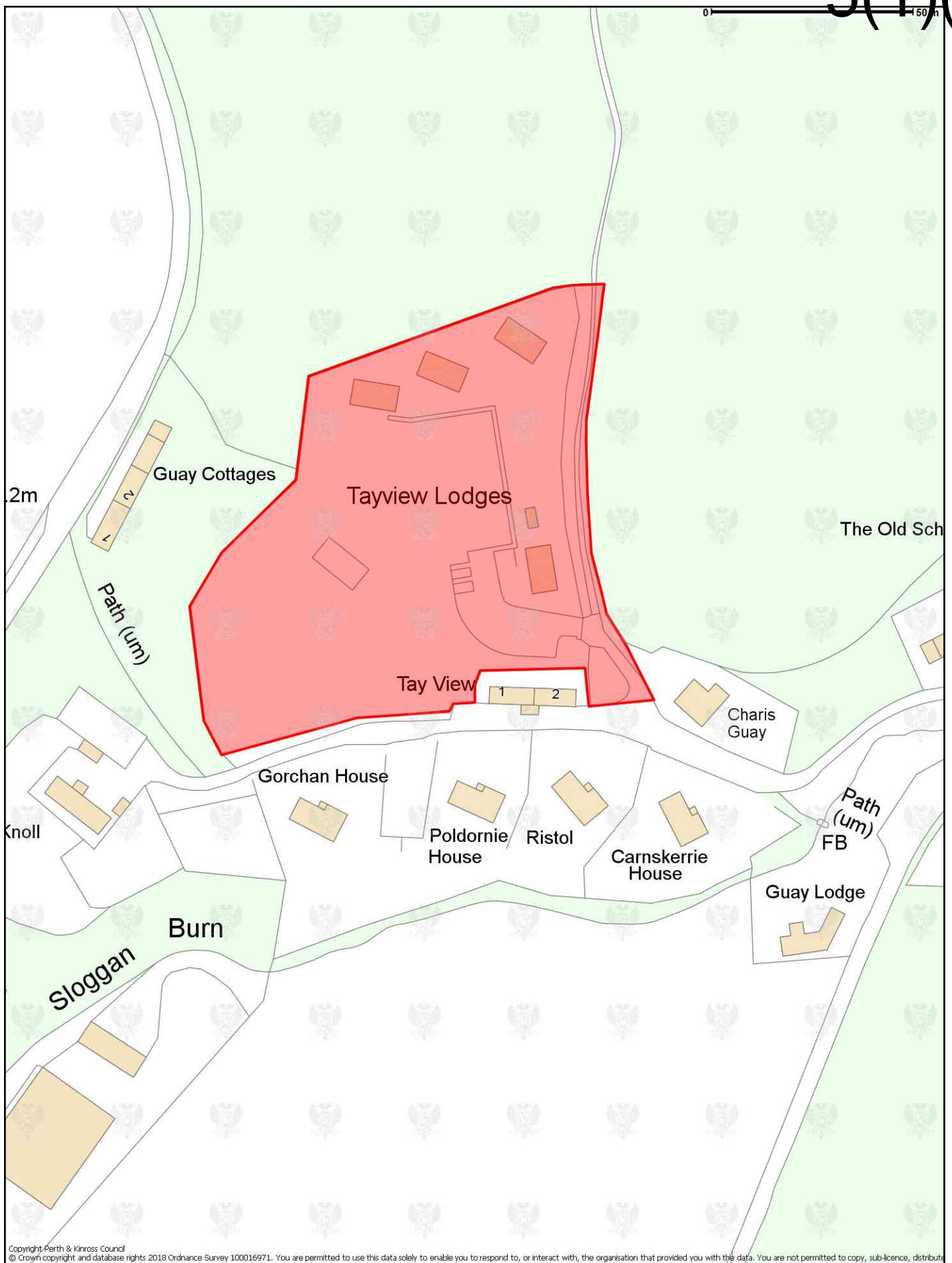
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18/01185/FLL

Erection of 2 holiday accommodation units and 3 camping pods, Tay View Lodges, Guay





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Scale 1:1250

18/01185/FLL

Erection of 2 holiday accommodation units and 3 camping pods, Tay View Lodges, Guay



Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/296)

PROPOSAL: Alterations and extension to rail yard including associated works (revised design and layout and addition of welfare cabin)
LOCATION: Yard, Moray Street, Blackford

Ref. No: 18/01191/FLL
Ward No: P7 - Strathallan

Summary

There is an extant consent on this site for a rail freight facility. This proposal seeks to make minor amendments to the layout of the site and the operation of the site. The proposed extent of development, including large scale crane, storage of containers, extensive hardstanding, fencing and associated lighting, is considered to be contrary to Policy PM1A and PM1B of the Local Development Plan as the proposal fails to complement its surroundings in terms of appearance, height and scale and fails to respect important views and skylines. This conclusion remains the same as the extant consent. Matters regarding the impact of the proposal on the local community relating to noise generation, traffic and transport, drainage and flood risk and the impact of the proposal on the open space and core paths in the area have been suitably addressed within the submission, supported by updated information which can be controlled through planning conditions. Likewise, the impact on biodiversity has also been addressed appropriately. These matters are outlined within the appraisal section below.

The bottling plant at the adjacent Highland Spring facility has recently been extended to increase production. The proposal to introduce distribution by rail, similar to the extant consent, helps to off-set that increase by transporting some of the increased production by rail. The reduction in carbon emissions associated with the development and the shift from road to rail freight distribution are considered to meet the overriding requirements of the National Planning Framework 3 and Scottish Planning Policy. These considerations remain relevant with this revised application and are considered sufficient to outweigh the Local Development Plan in this instance. The changes to the approved scheme are therefore recommended for approval subject to detailed conditions which restrict and control the operations of the site in order to protect the amenity of the local community.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning consent is sought for a revision to the design and layout of the consented application for a new rail yard to serve Highland Spring in Blackford. The proposal also seeks to make some operational changes to the development. Planning consent was previously granted at the Development Management Committee on 16 March 2016 under reference [15/01637/FLL](#) for the alteration and extension of an existing Network Rail yard into a designated

area of open space adjacent to Moray Street in Blackford. This allowed for the creation of a new road, lay down area, parking bays, new rail sidings and associated crane, ancillary fencing, drainage and landscaping, providing the adjacent Highland Spring factory access to the railway network to transport its product.

- 2 The application site is bounded on its eastern side by the B801 Moray Street with Blackford Primary School beyond, to the north by the Perth to Stirling railway and to the south by residential dwellings on Abercairney Place and Close and a Waste Water Treatment Works. The Allan Water also runs along the southern boundary of the site. At the western end the site terminates to a point. The Panholes pedestrian level crossing is located close to the western corner of the site.
- 3 The current consent is extant and, subject to the satisfactory discharge of pre-commencement conditions, can be implemented on site.
- 4 This application seeks to revise the layout of the site and provide an additional welfare cabin. The proposal also seeks to make operational changes to the consented scheme. The amendments to the layout and operation of the site may be summarised as follows:
 - Provision of a connection onto the main railway line at the western side of the site (approved at eastern end adjacent to existing level crossing)
 - Revised track position to accommodate west connection
 - Train length increased from 10 to 11 wagons
 - Revised core path diversion
 - Crane Pad reduction
 - Revised location of acoustic barrier/operational footprint
 - Minor increase in crane width
 - Provision of welfare cabin
 - Revised turning head
 - Revised Network Rail compound
 - Revised location of Network Rail Road Rail Access point
 - Revised on-site parking arrangements
 - Morning train arrival (approximately 06:30)
- 5 The supporting letter submitted with the planning application provides a summary of the changes made to the previous application. A 'comparison layout' is also provided to demonstrate the changes to the proposal.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 A screening exercise has been undertaken for this revised proposal which concludes that no EIA is required. A copy of the screening opinion is available on the Council's Planning Portal (reference: [18/01191/FLL](#)).

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

- 11 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 12 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Sustainable Transport and Active Travel: paragraphs 286 – 291

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

Policy 2: Shaping Better Quality Places

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

Policy 7: Energy, Waste and Resources

- 20 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.

Policy 9: Managing TAYPlans Assets

- 21 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Policy 10: Connecting People, Places and Markets

- 22 Seek to enhance connectivity of people, places and markets by safeguarding land for strategic transport hubs and related infrastructure including those which are essential to support a modal shift and reduce the need to travel and support a reduction in carbon emissions and air pollution.

Perth and Kinross Local Development Plan 2014

- 23 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 24 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 25 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

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 27 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 28 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED1A - Employment and Mixed Use Areas

- 29 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 TA1B - Transport Standards and Accessibility Requirements

- 30 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 CF1A - Open Space Retention and Provision

- 31 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

Policy CF2 - Public Access

- 32 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1A - Scheduled Monuments

- 33 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 34 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 35 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE1A - International Nature Conservation Sites

- 36 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 37 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE1C - Local Designations

- 38 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

Policy NE2B - Forestry, Woodland and Trees

- 39 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of

protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 40 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 41 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

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

- 42 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

- 43 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

- 44 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.

Policy EP3C - Water, Environment and Drainage

- 45 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5 - Nuisance from Artificial Light and Light

- 46 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 47 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 48 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.
- 49 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.
- 50 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.

SITE HISTORY

- 51 15/00001/PSN Construction of a rail sidings yard 22 June 2015 – Confirmed as Not a Major Planning Application on 22 June 2015
- 52 [15/01045/SCRN](#) Construction of a rail sidings yard 24 June 2015 – EIA not required, 24 June 2015
- 53 [15/01637/FLL](#) Alterations and extension to the rail yard including associated works Application approved at Development Management Committee 17 March 2016
- 54 18/00883/SCRN Erection of a footbridge and path 12 June 2018 – EIA not required

CONSULTATIONS

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

External

56 **Scottish Water** – no objection

57 **Network Rail** – no comment

58 **Blackford Community Council** – seek the same conditions as extant consent to be applied. Concerns are expressed about noise and impact on residential amenity as well as commenting on core path diversion and how this is controlled. They consider elements of the proposal to be an improvement, however, detail relating to water supply and waste water drainage, provision of passenger rail facility and impact which development will have on this is lacking. Comments are made on flood mitigation and reduction in compensatory storage and position and operation of SUDS system, as well as the use of a landscaped area, construction traffic management, timing of installation of acoustic barrier.

59 **Historic Environment Scotland (HES)** – no objection

60 **Scottish Environment Protection Agency (SEPA)** – initial objection on grounds of lack of information relating to drainage and flood mitigation. Objection withdrawn following receipt of clarification relating to drainage and flooding proposals

Internal

61 **Environmental Health (Contaminated Land)** – Comments remain as per extant consent. Informative recommended relating to potential for contaminated land to be found during works

62 **Environmental Health (Noise Odour)** – Additional noise information considered to be acceptable subject to conditions. No concerns relating to air quality. Details are outlined in appraisal section below.

63 **Transport Planning** – no objection subject to conditions

64 **Structures And Flooding** - initial objection on grounds of lack of information relating to drainage and flood mitigation. Objection withdrawn following receipt of clarification relating to drainage and flooding proposals

REPRESENTATIONS

65 Four letters of representation, including one from Blackford Community Council, were received. The following matters are raised:

- Noise/Impact on Residential Amenity
- Accuracy of application form/submission
- Traffic generation/construction traffic management
- Flood risk and mitigation measures
- Detail of SUDS and drainage system
- Need to apply same conditions as extant consent
- Core Path diversion
- Water supply
- Passenger Rail Facility
- Impact on ecology
- Use of adjacent landscaped area
- Timing and phasing installation of acoustic barrier
- Dust pollution/water pollution

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

ADDITIONAL STATEMENTS

67

Environment Statement	Not Required
Screening Opinion	Undertaken
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Transport Statement, Supporting Letter, Drainage Statement, Flood Risk Assessment, Visualisations, Consultation Statement, Noise Assessment, Ecology Report

APPRAISAL

68 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, which are listed above.

Policy Appraisal

69 In terms of the principle of development on this site the principal policy of the LDP is Policy CF1 as the majority of the application site is zoned as open

space. Part of the application site is also protected for the development of future passenger rail and/or rail freight facilities. A small proportion of the site falls out with the settlement boundary of Blackford where Policy PM4 applies, however the extent of this area is considered to be negligible. Other key policy considerations are Policy EP2 which relates to flood risk, Policy EP3 which relates to drainage, Policy EP5 which relates to light pollution and Policy EP8 which relates to noise pollution. Policy PM1A and PM1B relating to placemaking and visual amenity are also key. The full list of policies are outlined in the policy section above and referred to throughout the appraisal below. As mentioned above there is an extant consent on this site for a very similar development. As such the assessment below will consider the proposal in the context of this extant consent which is a significant material consideration in the assessment of this application.

Noise and Residential Amenity

- 70 Policy EP8 of the LDP relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels of noise in the locality of existing noise sensitive land uses. The application site sits adjacent to a number of residential properties which are noise sensitive. The letters of representation received from neighbours relate to the potential noise generation of the use and the impact this would have on residential amenity. This revised submission includes an updated Noise Assessment to take account of the changes to the layout and operation of the site.
- 71 The extant consent includes a series of conditions to limit noise from the site and to ensure mechanisms and procedures are in place to address any noise complaints received.
- 72 This proposal is the result of physical and operational changes at the site and it is no longer a requirement to close the level crossing for trains to reverse into the site. Therefore, there would be quicker train entry and exit to the facility and fewer operational movements at the eastern end of the site where the primary school is located are required. The key change relating to noise subject to this revised application relates to the arrival of a train at 06:30hrs. The extant consent is conditioned to ensure that no operations, including train arrivals, commence on site until 07:00. Network Rail have allocated and identified possible train paths for the proposed yard and this will necessitate weekday trains arriving around 06:30 and 07:15 on a Saturday.
- 73 A Noise Assessment has been submitted to address these issues. The Council's Environmental Health (EH) department have been consulted on this revised noise information.
- 74 The revised noise assessment has taken into account the revised track positioning, the increase in train length which allows an additional wagon. The crane pad reduction and minor increase in crane width, which allows seven wagons to be unloaded at a time. The proposed early morning train arrivals have also been assessed and it is concluded that this would not have an adverse effect upon the community.

- 75 The noise assessment recommends that due to the physical and operational changes that the acoustic barrier should be repositioned to ensure acoustic capabilities are optimised. It further concludes that the cumulative assessment of noise from train movements and operations of the terminal with the proposed western rail connection, repositioning of crane pad and siding extension would meet the permitted limits for daytime operations previously set out in condition four of approved application 15/01637/FLL.
- 76 The noise from the introduction of early morning trains to the revised western connection have been measured in accordance with BS4142 night time period (LAeq 15mins) for weekday arrivals 06:00-07:00 and day time period (LAeq 1hour) for Saturday/Sunday morning arrivals 07:00-08:00. Noise levels calculated for the proposed early morning train arrivals indicate that the noise levels would be marginally lower compared to the presently permitted scheme as train movements into the terminal will be quicker as they no longer have to reverse into the sidings.
- 77 The noise assessment indicates that with previously proposed mitigation measures implemented, noise levels attributed to the operation of the site would be equivalent to, if not marginally better than, noise levels previously calculated for approved 15/01637/FLL consent. On the basis of this assessment, Environmental Health offer no objection to the application, subject to amendments to condition 3 for hours of operation to include the proposed revised early morning train movements and control over operational noise levels to included night time limit levels for early train movements (condition 4). In respect of condition 4, the applicant has proposed a limit of 43dB LAeq 15 minutes; however Environmental Health have recommended that this limit level should be 42 LAeq 15 minutes in line with BS4142:2014.
- 78 Blackford Community Council has raised concerns relating to the possibility of the hill opposite the site reflecting noise back into the village. It is considered that the hill opposite the site would not result in any enhancement in noise levels, given the distance from the operational area of the site and given that the hill is considered to be highly absorbent acoustically. Any negligible reflection effects would likely be directed vertically rather than back towards the village.
- 79 It is evident from the revised submission that the facility will generate noise and is located close to residential receptors. However, the mitigation outlined in the noise assessment, together with the recommended conditions from EH, are considered sufficient to control the extent of noise from the proposal sufficiently in order to protect residential amenity. As such, subject to the imposition of conditions limiting the timescale for operations on site (condition 3), controlling noise levels from the site (condition 4) and a condition which requires detailed noise compliance monitoring to be undertaken (condition 5), similar to the extant consent, I am satisfied that the revised proposal remains in accordance with the requirements of Policy EP8 of the LDP.

Vibration

- 80 It is noted that this proposal will involve the loading and unloading of trains on the site utilising the proposed crane and the movement of containers on the site which may result in some vibration. Environmental Health have been asked to comment on this issue and indicated that they do not consider the vibration associated with the use proposed to be any greater than existing levels of vibration caused by fast moving trains on the railway network and have therefore concluded that this is not a significant concern. I do not consider the changes to the layout of the site or the proposed operational changes to alter this view.

Landscape and Visual Impact/Design/Layout

- 81 The changes to the proposal are not considered to result in a significant change or alteration to the landscape and visual impact of the consented proposal. It was concluded in the assessment of the extant consent that the addition of the crane and acoustic barrier, along with the container storage area would have a substantial detrimental impact on visual amenity and will further erode what is considered to be an attractive rural edge of Blackford. It was concluded that the rural character of the edge of settlement will be completely lost should planning consent be granted. As such, the proposal was considered to be contrary to both Policy PM1A, as it failed to contribute positively to the surrounding built and natural environment, and to Policy PM1B, as the proposal failed to respect important views and the landscape character of this particular area and introduced a proposal which failed to complement its surroundings in terms of appearance, height and scale. This remains the case with the current proposal. Some of the viewpoints have been provided with this submission to demonstrate the changes proposed, which are considered to be limited. Whilst there have been some minor amendments to the layout of the site and a minor increase in the width of the crane, the overall impact on landscape and visual amenity will remain as per the previous assessment. As such it remains the case that it is necessary to consider whether there are material considerations apparent which would justify a departure from the Development Plan in this instance.
- 82 A detailed landscaping and planting scheme for the site was subject to a condition on the extant consent. A landscape layout and specification has been submitted with this revised application. The plan includes the provision of Poplar and Scots Pine as appropriate fast growing trees which will provide year round screening. On the basis of this submitted information I am satisfied that the landscaping scheme is appropriate. A condition is recommended to ensure that the planting is undertaken within an appropriate timescale (condition 18) and that any planting failing to establish is replaced (condition 19). The applicant has confirmed that this area will be maintained by Blackford Farms/Highland Spring.

Lighting

- 83 Policy EP5 of the LDP relates to light pollution and seeks to prevent statutory nuisance from lighting. Consent will not be granted for proposals where lighting would result in obtrusive and intrusive effects. The placemaking policies and landscape policies of the LDP are also relevant in terms of the effect lighting may have on visual amenity and wider landscape character. The extant consent is subject to a condition relating to light spill from the site and the same condition is recommended here. The alterations made to the scheme are not considered to alter the conclusions relating to lighting outlined in the report on the extant permission and this condition is again recommended here (condition 2).

Traffic and Transport

- 84 Policy TA1B of the LDP requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission includes an updated Transport Statement (TS) which outlines the implications on the road network of the proposed development. This statement provides an indication of the existing Highland Spring operational characteristics, an assessment of the existing road network and details on the proposed characteristics and transport arrangements for the rail yard site.
- 85 The extant consent was approved on the basis that it will reduce the amount of HGV traffic travelling along Moray Street through Blackford together with the associated carbon reduction referred to elsewhere in this report.
- 86 An updated TS has been submitted with this application to assess the traffic impacts associated with this application. This assessment demonstrates that the traffic count remains similar to the consented scheme with the general principle that removing HGV traffic is positive.
- 87 It is noted that the traffic figures within the TS are estimates based upon Highland Spring's operational statistics and records. The traffic movements are influenced by market conditions and demand can fluctuate throughout the year. The statement has therefore been prepared based upon an annualised daily average. It is recognised that the traffic figures will be higher during periods of high demand and, conversely, lower at periods of lower demand.
- 88 It remains the case that this proposal will not generate any additional HGV traffic or influence the number of import/export movements to/from the bottling facility - these are determined by the volume of output from the existing bottling plant, which in itself is influenced by market demand. As such without this rail freight facility, any increase in the number of movements, in accordance with market demand, would all be by HGV through the village. The rail freight facility will allow for a significant volume of these trips to be made via rail, thereby removing such trips from travelling through the village. Every container which is transported via rail (be it import or export) removes the same trip from HGVs travelling through the village.

- 89 It is accepted that the new proposal will continue to involve a shunting operation using HGV vehicles between the bottling plant and the rail freight facility, as was the case with the consented scheme.
- 90 The amended layout to the facility allows scope for one additional wagon to be connected to the train, increasing the capacity of the site for rail haulage and further reducing the amount of HGV traffic associated with the existing bottling plant. The submission indicates that each train can accommodate 22 containers which will result in the equivalent of 22 HGVs being removed from travelling through the village.
- 91 As such the proposal for a rail freight facility remains in accordance with Policy TA1B of the LDP, whilst meeting the policy requirements of TAYplan and the guidance contained within Scottish Planning Policy regarding the movement of freight onto the railway.

Core Path/Right of Way

- 92 Policy CF1 and CF2 of the LDP seek to protect core paths/well used routes and retain existing areas of recreational open space. The application site is located on an area of designated open space as identified within the LDP. The previous consent included a diversion to the core path around the proposed siding with the rail freight site to retain a link to the existing Panholes Pedestrian Level crossing. The diversion of the path was controlled by condition 20 within the extant consent, which required a detailed plan and phasing proposal for the diversion route to be submitted for approval.
- 93 Following extensive discussions between the applicant and Network Rail a new solution has been brought forward which includes the proposal for a pedestrian bridge over the railway to replace the pedestrian level crossing. The bridge is proposed further west from the existing crossing. This was subject to a separate planning application ([18/01311/FLL](#)) which was approved under delegated powers on 6 September 2018. On the basis of this bridge, the link to the existing Panholes Crossing is no longer possible due to the position of the proposed western rail connection onto the main line. A new link from the existing core path, west bound to the new bridge is indicated within the approved plans for the new bridge.
- 94 The existing path/pedestrian crossing is proposed to be stopped-up and replaced by the bridge. Given that the Panholes pedestrian level crossing is a key link from Blackford into the countryside, is a core path and a right of way, it is important to ensure this route is maintained. It is noted that in order to construct the bridge and the rail yard there is likely to be a period of closure of the crossing. In order to provide this improved bridge crossing I consider this to be a reasonable concession and this matter has been discussed and agreed with PKC Community Greenspace. A detailed assessment of the proposed bridge and the implications on public access has been undertaken and included within the Report of Handing for application [18/01311/FLL](#).

- 95 In terms of this application, a revised condition is proposed (condition 20) to take account of this situation. With the ideal situation being that the bridge is in place prior to the need for the existing crossing to be closed to accommodate the rail yard works. Alternatively, a temporary arrangement for diversion of the path and signage until completion of the bridge can also be addressed through the condition.

Open Space

- 96 Policy CF1 and CF2 of the LDP seek to protect core paths/well used routes and retain existing areas of recreational open space. The previous approval allowed for part of this area of open space to the south west of the site to be occupied by the development. As such the principle of this has been accepted by the Planning Authority. This revised scheme proposes development on the same area, with some of the open space retained and planted with a landscaping scheme submitted. A link through the open space from Moray Street to the Panholes crossing will be lost but this was accepted as part of the existing consent. The remaining open space will be landscaped appropriately and will form a functional area of informal recreational space for the local community.

Flooding

- 97 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.
- 98 It was concluded during assessment of the previous application that the site encroached into the functional floodplain. The FRA for the previous application proposed compensatory storage to offset the displaced volume and estimated the volume required to be 2,444m³. It was assumed in the previous FRA that all area within the provided footprint would be raised above the level of the functional floodplain and was the assessment was ultimately conservative.
- 99 Because the footprint of the proposed railway siding had been reduced, an updated Flood Risk Assessment (FRA) (dated June 2018) was prepared and has been submitted with this application. Additionally, as the design had been progressed to near completion, a more accurate 3D model of the development was provided which allowed for a more accurate understanding of post development ground levels. This allowed for a more refined analysis of displaced volumes.
- 100 This assessment indicates a change to the proposal in relation to flood mitigation. The information indicates that the off-site compensatory storage on the south side of the A9 consented as part of the approved permission is no longer required. An alternative flood mitigation proposal has been put forward in the form of on-site works.

- 101 The significant decrease in displaced flood volumes between the two proposals are a result of more up to date and better data being available as well as the reduction in the footprint of the proposed railway siding has now been put forward and has resulted in a much reduced requirement for compensatory storage.
- 102 Following consideration of this information the mitigation proposed is considered to be sufficient. Both SEPA and the Structures and Flooding Team have offered no objection in relation to flood risk and consider the mitigation measures to be appropriate subject to a condition to ensure the final detailed compensatory storage works are submitted for approval and are undertaken in full.
- 103 On the basis of the revised FRA, the provision of compensatory flood water storage and the removal of objections by SEPA and the Council's Flood Risk Team, I am satisfied that the revised proposal complies with the requirements of Policy EP2 of the LDP.

Drainage

- 104 Policy EP3B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. SEPA and the Council's Structures and Flooding Team initially objected to the application due to the lack of information relating to waste water and surface water drainage.
- 105 The approved scheme proposed a small-scale private drainage system with discharge in accordance with SEPA's guidelines and would be subject to a Controlled Activities Regulations (CAR) registration. This revised scheme, following clarification from the developer, proposes a similar drainage system and SEPA and Structures and Flooding have withdrawn their objections in this regard.
- 106 Any potential contaminated surface water run-off from the operation of the site will be dealt with through the drainage system for the site which includes a petrol/diesel interceptor. Any discharges to the Allan Water will accord with the relevant environmental regulations. Furthermore, a separate CAR License from SEPA will be required for the discharge to watercourse.
- 107 In terms of surface water drainage, Policy EP3C requires this to be achieved through a Sustainable Urban Drainage System (SUDS). The submission indicates that surface water drainage is to be disposed of to the Allan Water. The principle of SUDS is considered to be acceptable and the final detailed approval will be ensured through an appropriately worded planning condition (condition 28). SEPA and the Council's Structures and Flooding Team have agreed to this approach.

Public Water Supply

- 108 The proposed welfare cabin will require a water supply. This would be subject to separate agreement with Scottish Water which is normal practise. The applicant's agent has, however, indicated that it is expected that the water supply will be taken from the existing water main running along the verge on Moray Street.

Passenger Rail Facility

- 109 Part of the application site is designated in the LDP to be protected pending investigation of a potential long term project for development of a rail passenger and/or freight facilities at Blackford. This proposal relates to freight use of the area and therefore addresses this requirement in that respect. In terms of the provision of a passenger facility, the proposal involves the demolition of a former station building on the site, similar to the extant consent. Following the initial submission the applicant's agent was asked to clarify how the proposed application would impact on any future passenger rail facility on the site. Network Rail has also been consulted. The information from the applicant states that they have ongoing discussion with Network Rail and that this proposed development would not prevent them from operating a passenger rail facility from Blackford in the future, should they wish to do so, but not on this specific site. Network Rail has offered no objection to the proposal. Any proposal for a passenger facility would be limited given the physical development which is proposed to occur but without an objection from Network Rail in this regard I am satisfied that this matter is adequately addressed and that any future proposal for passenger rail at this location would have to be considered on its merits but would not necessarily be in this specific location. The applicant has also advised that any proposal for a new passenger rail station would require to follow Transport Scotland's Scottish Transport Appraisal Guidance (STAG) process. I do not consider the revised scheme to alter my conclusions in this regard.

Extent and Use of Site - Control of Growth - Third Party Use

- 110 The operational use of the facility is controlled by condition through the extant consent through a detailed operational management and transport plan. This ensures that the extent of third party use of the site is specifically catered for and that timings for and the extent of third party vehicles utilising the site are agreed to ensure they relate appropriately to the shunting between the factory and rail yard and ensure the impact on the community is limited as much as possible. The wording of the condition requires provision that this operational plan is made available for discussion with the local community to ensure their needs are met as much as possible whilst allowing successful operation of the site. The same operational conditions are recommended on this application as per the extant consent (condition 15).
- 111 A condition is also recommended to limit the total number of export/import containers to 68 per day (condition 21). This condition, together with a condition restricting the operational hours of the site (condition 3), ensures that

the Council retains control over the future growth and use of the site in the interests of protecting residential amenity and traffic and pedestrian safety.

Contaminated Land

- 112 Policy EP12 of the LDP indicates that any potential contaminated land on an application site requires to be considered. Part of the proposed development site was historically railway land which has the potential to be contaminated. A ground investigation has been carried out at the proposed development site and one soil sample has been analysed for chemical contamination. This information has been fully considered by the EH (Contaminated Land). This identified hydrocarbon contamination, although the levels present are not considered to be elevated to a point where the site was not suitable for the proposed use. However, there is the potential to find further contamination during the works and therefore a watching brief during redevelopment is required. This can be covered by an informative as per the conclusions on the extant consent (informative 5).

Biodiversity

- 113 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not. An updated Ecology Assessment of the site has been carried out and submitted with this revised application. The conclusions are similar to that of the assessment prepared for the existing consent. The survey concludes that the ecological value of the site is low and indicates that there is an opportunity to improve the ecological value of the site by planting trees and providing more landscaping. It also provides a series of recommendations should development go ahead which relate to the timing of works. Similar conditions relating to any potential impact on the Allan Water and species within it can be suitably controlled through a planning condition seeking a construction method statement (condition 14). Furthermore, conditions are also recommend to ensure follow up otter and breeding bird surveys (conditions 23 and 24) are undertaken to establish whether there is any change on site to the findings in the ecology report.
- 114 On the basis of the submitted assessment I conclude that the proposal as submitted complies with the provisions of Policy NE3 of the LDP subject to conditions relating to the timing of works and follow up surveys.

Developer Contributions

- 115 No developer contributions are required in this instance.

Air Quality

- 116 Policy EP11 of the LDP requires all new development proposals to be considered in relation to any impact on air quality in the local area. Air Quality has been assessed as part of the submission. Due to the change in the way

goods are moved at the proposed site, air quality has been assessed taking into account the removal of HGVs but the increase in emissions from diesel trains and on site shunting vehicles.

- 117 The air quality assessment dated 29 June 2018 was undertaken by Cambridge Environmental Research Consultants (CERC). This assessment has been undertaken with more recent monitoring data and concluded that the new data set did not change the findings of the original 2015 assessment.
- 118 CERC concluded that the proposed changes would not have a significant effect at the construction or operational phase and therefore the conclusions of the 2015 assessment remain valid. Environmental Health have reviewed this submission and have no adverse comments to make with regards to ambient air quality, subject to controls at the construction stage including dust mitigation and this can be secured through a dust management plan (through the Construction Method Statement required through condition 14).
- 119 As such the proposal is considered to comply with Policy EP11 of the LDP.

Public Consultation

- 120 As the application is not a major application there is no statutory requirement for public consultation with the community to be carried out. Nevertheless, Highland Spring did host consultation events for the community on the proposal. Details of these events are included with the submission.

Impact on Primary School

- 121 Blackford Primary School is located close to the corner of Moray Street and Stirling Street which is adjacent to the junction into the site where HGVs will transport containers from the factory site into the application site. As such, whilst there is an overall reduction in HGVs passing the primary school on Moray Street, the number of movements on Stirling Street and at the junction close to the school will increase. It was concluded in the assessment of the previous application that the impact on the school can be minimised by a Traffic Management Plan to ensure that the movement of vehicles associated with the site are controlled and managed to minimise impact on the local community during peak times, such as school drop-off and pick-up times. The extant consent is subject to a condition to ensure the use of low emission, low noise shunt vehicles which would help to reduce emissions and noise generation close to the primary school and residents. The same conditions are recommended for this consent (condition 26). I do not consider this revised scheme to result in any increased impact on the primary school.

Setting of Listed Buildings and Scheduled Monument

- 122 Policy HE3A and HE1A of the LDP requires the impact of any development on the character and setting of a listed building and scheduled monument to be assessed. In this instance the Old Parish Church of Blackford and Churchyard is located to the north east of the application site on the rising hill above the

application site which is a category B listed structure. I do not consider the minor visual changes to the scheme to alter the impact on the nearby listed buildings and scheduled monument. Historic Environment Scotland has offered no objection to the proposal. As such I consider the proposal to be consistent with the requirements of Policy HE3A of the LDP.

Long Term Plans for Site

- 123 Whilst it is noted that the information provided by the applicant refers to the first five years of operation and no information regarding future use beyond this period has been indicated, I am satisfied that the Council will retain control over the use of the site through the conditions which are recommended relating to the operational use of the site and the transport management. Any significant changes to the site will require further planning applications which would be assessed on their own merits and which the local community would have the ability to consider and comment on.

Archaeology

- 124 Policy HE1B of the LDP refers to archaeology and states that the Council will seek to protect areas or sites known of archaeological interest. In this instance Perth and Kinross Heritage Trust had the opportunity to comment on the proposal in relation to any archaeological interest and have no comment to make. Furthermore having examined the Council's mapping system there is no record of archaeological remains on this site. I therefore conclude that, similar to the extant consent, the proposal is in accordance with Policy HE1B of the LDP.

Application Form

- 125 A letter of representation raises concerns relating to the accuracy of the application form and the failure to reference the creation of residential floor space in the form of the welfare cabin and also the provision of a connection to the public water supply. Whilst it is noted that these are oversights by the applicant's agent they do not prevent a recommendation being made. It is made clear from the detail included in the associated plans what is proposed to be developed.

Use of Landscape Area

- 126 As detailed above, a landscaping scheme has been submitted for the remaining landscaped area between the facility and the application site and this is considered to be acceptable. Blackford Community Council wish for this area to be available to the local community and the applicant has indicated that this would be the case.

Economic and Strategic Impact and Carbon Reductions

- 127 Scottish Planning Policy (SPP) seeks to support strong communities whilst also helping to grow the economy. It seeks to support economic growth and

regeneration, reduce the need to travel and promote road safety. It also seeks to facilitate and encourage freight servicing by rail. The aim of planning policy is to support and accommodate new investment and development in locations accessible by a range of means of transport and which seek to minimise the impact on existing transport networks and the environment and providing facilities for rail freight is also instrumental in reducing lorry miles on the road network. Scottish Government's ambition is to achieve at least an 80% reduction in greenhouse gas emissions by 2050, as set out in NPF3.

- 128 Wider planning policy and guidance states that the strategic economic importance of freight access to business should be recognised and appropriate arrangements made. TAYplan seeks to promote improved transport linkages, infrastructure improvements and support the promotion and delivery of transporting freight by rail and sea.
- 129 In this instance part of the application site is allocated within the LDP for a future rail freight facility. It is recognised that the site is located within close proximity to sensitive residential receptors and SPP acknowledges this stating that assessment of new freight facilities should be carried out "in consultation with stakeholders regarding location, but with consideration for residential areas and other sensitive environments".
- 130 The proposal to introduce the facility to transport goods by rail will ultimately reduce the number of HGV movements through Blackford and help to significantly improve the distribution facilities from the bottling plant.
- 131 The overall aim of the proposal is therefore considered to accord with national guidance and regional policy relating to provision of rail freight facilities and a reduction in HGV movements.
- 132 Clearly the national and regional policies also seek to achieve the above, whilst respecting environmental and residential considerations, to ensure that any large scale transport related development also results in benefit to the environment and local community. The balance reached in the assessment of the extant consent remains the case with this revised proposal. There are clear benefits to the proposal in respect of traffic and amenity in the village. I remain of the view that residual impacts on the local community can be controlled through conditions on any consent approved, which will control the extent and operations from the site and ensure adequate noise levels.
- 133 As outlined above the Scottish Government makes it clear through the National Planning Framework 3 and Scottish Planning Policy that it supports a modal shift of freight from road to rail. The development has a locational need, directly adjacent to the existing factory which therefore limits the HGV movements required out of the factory.
- 134 I remain of the same view reached in my conclusion in the extant permission that I consider the proposal to be an appropriate solution to enable the growth and expansion of an important business in Perthshire and the UK as a whole. The number of vehicles travelling through the village has increased due to a

growth in production; however this proposal will help to offset that carbon generation and reduce vehicles travelling through Blackford. Furthermore the facility will allow for HGVs which currently 'stack' on Stirling Street to utilise parking areas to prevent this from happening.

- 135 In consideration of the national policy supporting a shift from road to rail, I am required to balance the negative effects of the development and the fact that it would be contrary to the LDP against the locational need, adjacent to the factory and the carbon savings benefits of the scheme. My conclusions on this application remain the same as those outlined for the extant consent that the impact on landscape character and visual amenity of this revised scheme together with the loss of a well-used route and recreational land will be offset by the carbon reductions associated with the scheme and the reduction in HGV movements overall through Blackford.
- 136 It is considered that the contribution of the development to sustainable development, particularly through enabling modal shift of freight transport from road to rail, is a material consideration and taking into account the contribution it will make to carbon savings. Therefore, the benefits of the application are significant and are considered to outweigh the conflict with the Development Plan.

LEGAL AGREEMENTS

- 137 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 138 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 139 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the revised proposal is considered to be contrary to Policy PM1A and B of the LDP as the proposal fails to complement its surroundings in terms of appearance, height and scale and fails to respect important views and skylines. The impact of the operation of the proposed site on the residential amenity of Blackford is a key consideration and, following the submission of an updated noise assessment to take account of the proposed alterations to the operation and layout of the site, EH have concluded that noise levels on the site can be suitably mitigated and controlled to ensure the impact on residential receptors is acceptable and meeting the British Standards in relation to methods for rating and assessing industrial and commercial sound. Furthermore, similar to the extant consent, a condition is recommended to ensure noise levels are controlled to meet a specific level (condition 4) and noise compliance monitoring (condition 5) is also to be secured through a

condition to ensure the applicant complies with the required noise levels. In terms of traffic and transportation the extension of the rail yard allows for a reduction in the number of HGVs from travelling through Blackford, with every container instead being shipped by rail meaning a HGV would not require to travel through Blackford. Whilst it is noted this will result in an increase in vehicle movements in the immediate vicinity of the two sites, as per my conclusions reached for the extant consent, it will ultimately reduce the number of vehicles travelling through Blackford and is therefore considered to be appropriate. SEPA and the Council's Flood Prevention Officer have confirmed that the revised proposals in relation to drainage and flooding are now acceptable and I am satisfied that the information provided is sufficient to meet the requirements of the LDP in this regard, subject to conditions. Therefore all matters regarding the impact of the revised proposal on the local community relating to noise generation, traffic and transport, drainage and flood risk and the impact of the proposal on the open space and core paths in the area have been suitably addressed within the submission and can be controlled through planning conditions.

- 140 For the reasons outlined above, in regard to the reduction in carbon emissions associated with the development, I consider the shift from road to rail freight distribution meets the overriding requirements of the National Planning Framework 3 and SPP. These issues are considered sufficient to outweigh the concerns, and incompatibility with LDP policy, relating to the visual impact of the proposal. As such the revised application is recommended for approval subject to conditions.

RECOMMENDATION

Approve the application subject to the following conditions:

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

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

- 2 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land, woodland or watercourses and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.

Reason: In order to safeguard the residential amenity of the area.

- 3 The hours of operation of the site and all associated operations shall be strictly limited to 07:00 to 22:00 Monday to Friday and 08:00 to 17:00 either Saturday or Sunday in any given week, other than between 06:00 and 07:00 Monday to Friday and between 07:00 and 08:00 on either Saturday or Sunday

in any given week, where one train is permitted to access the site for the purpose of decoupling and parking.

Reason: In order to safeguard the residential amenity of the area.

- 4 Noise levels shall be limited to 44dB LAeq 1 hour at any residential property when measured in accordance with BS4142:2014 to the satisfaction of the Council as Planning Authority between 07:00 and 22:00. Between 06:00 to 07:00 Monday to Friday noise levels attributed to the operation of train arrival shall be limited to 42dB LAeq15mins at any residential property when measured and corrected as necessary in line with BS4142:2014.

Reason: In order to safeguard the residential amenity of the area.

- 5 No part of the authorised development may be brought into use until a written scheme has been submitted to and approved in writing by the Council as Planning Authority for the monitoring of noise generated during the operational phase of the development. The scheme must specify the location from where noise will be monitored, the method of noise measurement and identify maximum noise levels appropriate to each location in accordance with the wording of condition 4 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 4 above, all operations on site shall cease until a scheme of mitigation has been submitted to and agreed in writing with the Planning Authority. The mitigation measures, as agreed, shall be implemented on site to the satisfaction of the Planning Authority. Testing of the crane prior to operations commencing is permitted subject to prior written agreement with the Planning Authority.

Reason: In order to safeguard the residential amenity of the area.

- 6 In the event that justified complaints for noise nuisance are received by the Council the applicant, unless otherwise agreed within the Planning Authority, at its own expense, shall employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed within the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment. Those results must include a comparison of measured data with the requirements of the above conditions and all data which was collected in the Noise Impact Assessment associated with this application. The results of these assessments shall feed into the monitoring and mitigation referred to in condition 5 above.

Reason: In order to safeguard the residential amenity of the area.

- 7 Prior to the crane being brought into use, full details of the enclosure of the crane plant equipment shall be submitted to and approved in writing by the Council as Planning Authority. This shall be based upon the details included

within the Noise Assessment dated 22 January 2016 submitted with application 15/01637/FLL (ref: 15/01637/45) and shall ensure that the level of noise mitigation offered is met. The details as approved in writing shall be implemented as part of the site development and put in place prior to the operational use of the crane.

Reason: In order to safeguard the residential amenity of the area.

- 8 The acoustic barrier outlined within Noise Assessment dated June 2018 (ref: 18/01191/34) and outlined on the site plan (18/01191/2) shall be installed in its entirety prior the commencement of any operations on site and retained to the satisfaction of the Council as Planning Authority. The fence shall be coloured olive green to match the crane and shall provide a continuous acoustic barrier along the southern boundary of the site to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the residential amenity of the area.

- 9 No audible alarms are permitted for use on the site.

Reason: In order to safeguard the residential amenity of the area.

- 10 Prior to the commencement of any operations on site, a noise management plan shall be submitted to, and approved in writing by, the Council as Planning Authority to minimise the impact of noise on local receptors. Thereafter, details and mitigation outlined in the noise management plan as approved shall be implemented on site in full.

Reason: In order to safeguard the residential amenity of the area.

- 11 All containers on the site shall be stacked at a maximum of 2 in height to the satisfaction of the Council as Planning Authority.

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

- 12 Prior to the commencement of any development, final details of the compensatory storage and channel alteration to be undertaken to replace the volume of floodplain lost as outlined in JBA Consulting Flood Risk Assessment dated June 2018 (or any updated Flood Risk Assessment approved in writing by the Planning Authority and SEPA) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The details, as approved in writing, shall be implemented as part of the site development and completed in full prior to the development being brought into use. The compensatory storage and channel alteration measures shall be retained in perpetuity.

Reason: In order to provide mitigation for development on the site and ensure appropriate compensatory storage for flood water is provided in accordance with national, regional and local policy.

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

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

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

- 14 Prior to commencement of development, a Construction Method Statement (CMS) detailing environmental mitigation measures including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. This document shall take full account of the mitigation measures outlined in the Ecology Survey (ref: 18/01191/33). The CMS shall also include a detailed Dust Management Strategy which should

identify activities which have the potential to generate dust and propose appropriate mitigation measures to ensure nuisance conditions do not occur at sensitive receptors. The CMS, as approved, shall be strictly adhered to during construction of the scheme.

Reason: In order to protect the environment during construction operations.

- 15 Prior to the commencement of any operations on site a fully detailed Operational Traffic Management Plan shall be submitted to, and approved in writing by, the Planning Authority. This document shall include full details of how the site is intended to be operated taking into account the conditions and restrictions outlined within the consent hereby granted. It shall also provide full details as to how any small scale third party use of the site is to be implemented to minimise impact on the local community and control the amount of third party vehicles entering and leaving the site. The submission shall demonstrate that consultation with the local community has been undertaken in preparation of this plan and shall fully detail the outcome of this consultation process to demonstrate how matters raised by the local community are reflected within the plan. This operational plan shall be a fluid document which shall be updated to reflect any changes to the operation of the site, as determined by the Council as Planning Authority, and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity, pedestrian and traffic safety and to ensure the Council retains control over the operation, growth and third party use of the site.

- 16 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

- 17 No part of the development shall be brought in to use until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council, as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To encourage the use of sustainable modes of transport.

- 18 The landscaping and planting scheme indicated in approved documents 18/01191/3 and 39 shall be undertaken and implemented within the first

planting season following completion of the development and maintained the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity to ensure that adequate screening and landscaping containment for the development site is provided. To ensure that the partial loss of an area of designated open space is compensated for.

- 19 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

- 20 Prior to the commencement of development where works would preclude the use of Core Path (BLFD/3) and asserted Right of Way (29/3), a detailed plan and phasing proposal for the diversion works to the core path and asserted right of way shall be submitted to and approved in writing by the Planning Authority. The plan(s) shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued access to the adjacent core paths across the railway are provided both during construction and operation of the site, until a suitable alternative route is available. The detailed plan(s) shall also include a full specification of the temporary path, associated fencing and signage to ensure that the specification of any temporary path, associated fencing and signage shall ensure that the specification shall be of an equivalent standard to the core path/right of way. The details, as approved in writing, shall be implemented as part of the development site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.

Reason: To ensure continued public access along the core path/right of way and to ensure appropriate diversion routes are in place.

- 21 Upon commencement of use of the development hereby approved, the maximum number of containers to be both imported and exported by rail from site shall not exceed 68 daily.

Reason: In order to ensure control over the future growth of the site and in the interests of residential amenity and pedestrian and traffic safety.

- 22 All containers on the site under the direct control of the applicants shall be of a dark recessive colour, to the satisfaction of this council as Planning Authority.

Reason: In the interests of visual amenity and in order to limit the visual impact of the proposed containers and provide a better relationship to the background landscape.

- 23 A pre-development otter survey shall be undertaken to re-check the survey work undertaken and submitted with the application. This should ensure that there is no destruction of holts; no construction works are closer than 30m from an otter holt and no natal holts have been identified. If any of the above are

found, the applicant will require a European Protected Species License from Scottish Natural Heritage (SNH). If any otter holts are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval in consultation with SNH. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason: To ensure the protection of otters on and around the site.

- 24 A pre-development survey of nesting and breeding birds shall be undertaken to establish if any nesting or breeding birds are present on site. If any nests are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason: To ensure the protection of nesting and breeding birds.

- 25 All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason: In order to prevent animals being trapped in open excavations.

- 26 The shunt vehicles between the development site and the adjacent Highland Spring factory shall be low emission, low noise vehicles and details of the exact type of vehicle to be used shall be submitted to, and approved in writing by, the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained thereafter, unless otherwise agreed in writing by this council as planning authority.

Reason: To reduce carbon emissions, meet Scottish Government targets and in the interest of residential amenity and to protect the amenity of Blackford Primary School.

- 27 All retained trees on the site and surrounding the site shall be protected during construction operations in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction". The protection scheme shall be installed immediately unless phasing has been proposed and approved. The approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until completion of the entire development. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: In order to protect retained trees on and around the application site.

- 28 Prior to the commencement of any development full design details of the proposed Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

The details as approved shall be implemented on site as part of the site development and maintained in perpetuity. The SUDS design shall meet the requirement of the Simple Index Approach in the CIRIA SUDS manual (C753 2015).

Reason: To ensure adequate provision of surface water drainage on the site.

B JUSTIFICATION

The proposal fails to accord with the Development Plan but there are considered to be sufficient material considerations apparent to justify a departure from the Development Plan in this instance.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
- 6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild

birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The developer should be aware of the regulatory requirements outlined in SEPA's consultation response dated 27 August 2018.
- 9 The diversion of the footpath required at the western end of the site will require a formal Diversion Order. The developer shall make contact with the Council's Countryside Access Officer to discuss this requirement and all requirements of the diversion order shall be in place prior to works commencing on the diversion.

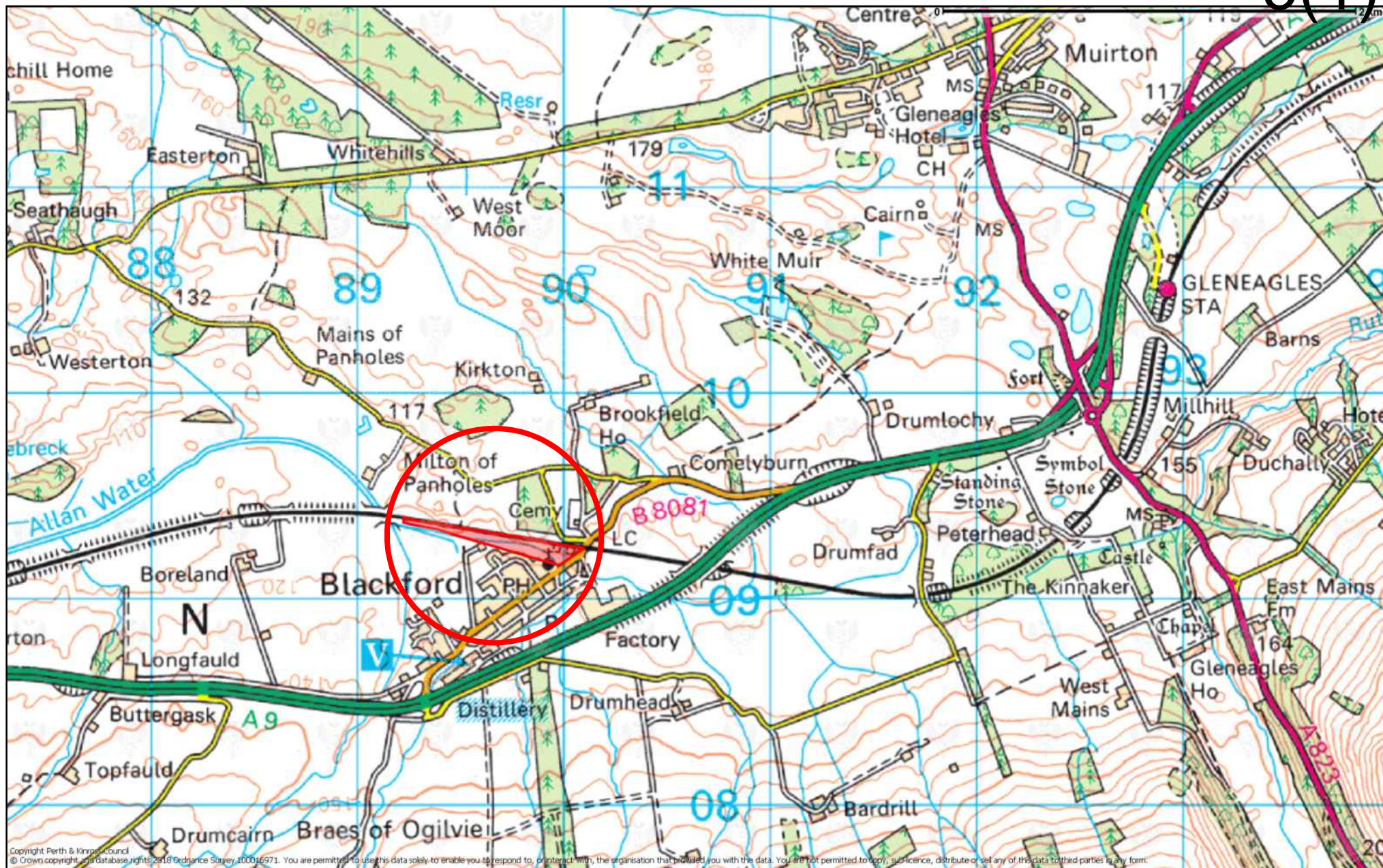
Background Papers: 4 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 13 September 2018

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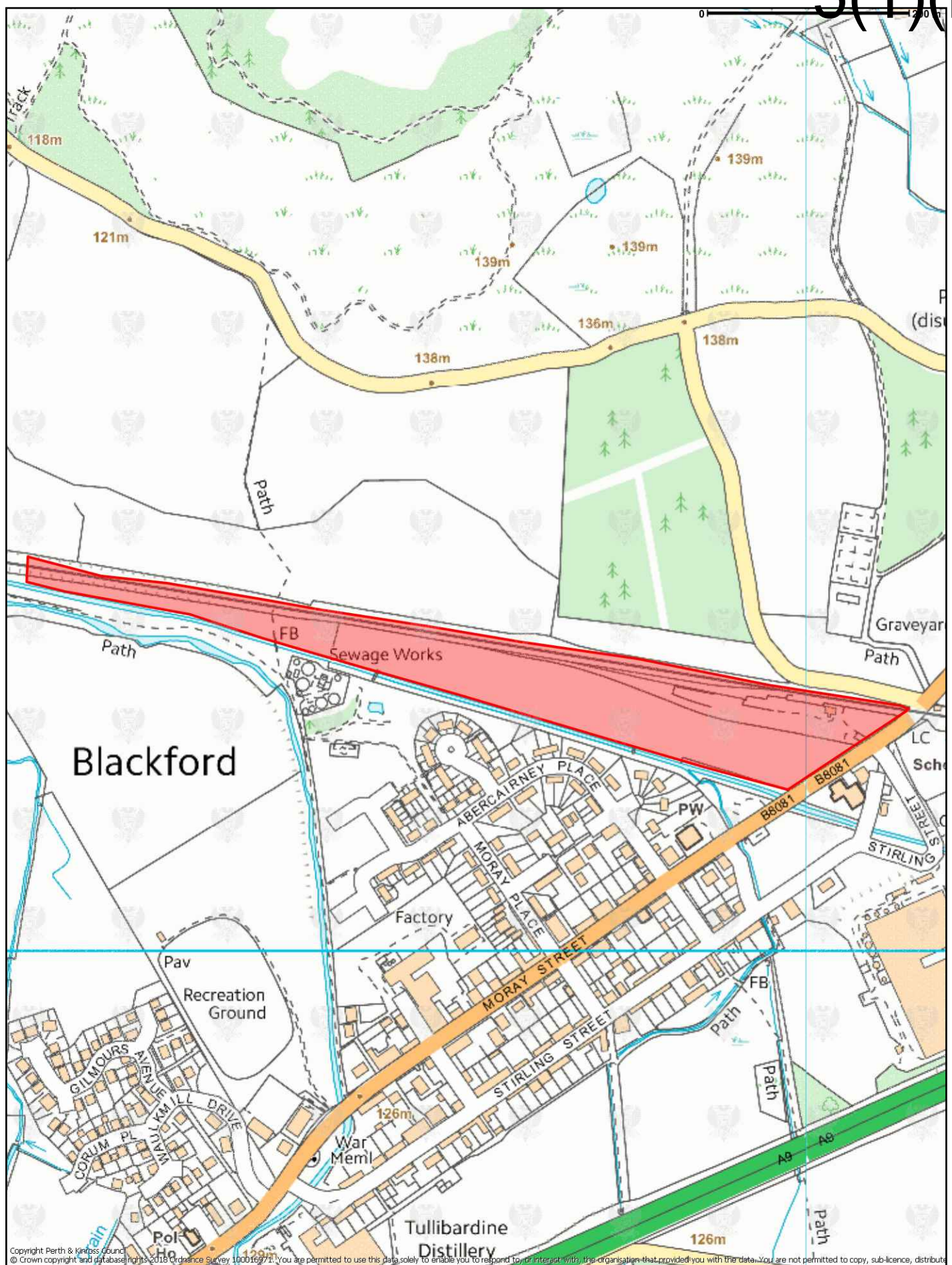
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18/01191/FLL

Alterations and extension to rail yard including associated works (revised design and layout and addition of welfare cabin) (previous committee decision) Yard, Moray Street, Blackford





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Scale 1:5000

18/01191/FLL

Alterations and extension to rail yard including associated works (revised design and layout and addition of welfare cabin) (previous committee decision) Yard, Moray Street, Blackford



Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/297)

PROPOSAL: Erection of a dwellinghouse
LOCATION: Land north west of Corbie Lynn, Dysart Brae, Pitlochry

Ref. No: 18/01215/FLL
Ward No: P4 - Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is on land 20 metres north west of Corbie Lynn, Dysart Brae, Pitlochry. The application seeks detailed planning permission for the erection of a 2 storey 4 bedroomed detached dwellinghouse in an area which is currently utilised as garden ground for the residential property Corbie Lynn.
- 2 The proposed dwellinghouse will measure approximately 10.9 metres at maximum length, 12.9 metres at maximum width and 8.6 metres at maximum height. The footprint of the proposed dwellinghouse is approximately 110 sq. m and will be sited relatively centrally on the plot, approximately 12.6 metres back from the road edge. The rear garden ground will be enclosed by a 1.8 metre high close board timber fence. The existing area to the rear of the site which is currently mature trees is not to be altered by the proposed development.
- 3 With regards to materials, the proposed dwellinghouse will have a natural slate roof whilst the walls will be rendered in white wet dash render with areas of fibre cement boarding (timber effect) and natural stone. The windows and doors will be painted timber units and the bargeboards will be stained redwood with black UPVC gutters and downpipes.

PRE-APPLICATION CONSULTATION

- 4 A pre-application consultation was undertaken (17/00314/PREAPP) where it was identified that a residential development may be supportable on this site subject to appropriate detailing and scale. The proposal adheres to advice given at pre-application stage.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant

communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

DEVELOPMENT PLAN

- 11 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

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

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

Perth and Kinross Local Development Plan 2014

- 13 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 15 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

- 16 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 17 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 18 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1B - Transport Standards and Accessibility Requirements

- 19 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 NE2B - Forestry, Woodland and Trees

- 20 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 21 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.
- 22 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.
- 23 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.

SITE HISTORY

- 24 03/01449/FUL Alterations and extension to house at Corbie Lynn: Application Approved under delegated powers 16 September 2003.

CONSULTATIONS

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

External

- 26 Scottish Water: There is currently sufficient capacity in both the Killiecrankie Water Treatment Works and Pitlochry Waste Water Treatment Works to service the development.
- 27 Pitlochry and Moulin Community Council: Object to the application on grounds of design and height of the proposal.

Internal

- 28 Transport Planning: No objection to the proposed development, subject to conditional control regarding the vehicular access.
- 29 Development Negotiations Officer: No contributions required.
- 30 Structures & Flooding: No objection to the proposed development, subject to an informative in relation to construction within a flood risk area.

REPRESENTATIONS

- 31 9 letters of representation were received regarding the proposal (7 objections and 2 general comments). The following points were raised in the representations received:
- Out of character with the area
 - Overdevelopment
 - Excessive height
 - Materials do not match surroundings
 - Loss of trees
 - Impact upon visual amenity
 - Overlooking / loss of residential amenity
 - Overshadowing
 - Noise disruption

- Traffic generation (reference to wear and tear)
- Parking concerns
- Loss of wildlife
- Drainage and flooding concerns
- Land ownership concerns
- Access concerns
- Impacts from construction period

ADDITIONAL STATEMENTS

32

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Tree Report

APPRAISAL

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014 (LDP). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide.

Principle

- 34 The application site is within the settlement of Pitlochry as identified within the LDP; therefore Policy RD1 is directly applicable. As this proposal is within a residential area, the principle of a dwellinghouse is considered acceptable. Nevertheless, full consideration must be given to the design, layout, scale, massing and impacts upon others' residential amenity from the proposed dwellinghouse. Other policies are also directly applicable to ensure that the residential amenity of the area is not compromised. These include the Placemaking Policies PM1A and PM1B which seek to ensure that all new developments contribute positively to the quality of place.

Design and Layout

- 35 The proposal is approximately 8.6 metres at maximum height. The height of the building was raised as a concern within many letters of representations received. Although the properties to the immediate north west are bungalows, Corbie Lynn itself, which will be the closest building to the proposed

dwellinghouse, has accommodation over 2 storeys. Furthermore, the row of houses on Atholl Road which back on to Dysart Brae overlooking the site, are also 2 storeys. By the proposal being 2 storeys, this will therefore not appear out of character within the surrounding area and as such is considered appropriate. Additionally, the 2 storey has been minimised as the upper level of accommodation is largely contained within the roof space.

- 36 Some concerns were expressed in representations received that the materials were out of keeping with the area. However, on Dysart Brae, there is a diverse range of materials present. These range from white render on Corbie Lynn to traditional stone on the houses from Atholl Road which back onto the street. As the proposal is to be sited immediately next to Corbie Lynn, it is therefore considered that white wet dash render is appropriate. The proposal also incorporates areas of fibre cement boarding (timber effect) and stone finish, which will help to add character to the building. The building will also be finished with a natural slate roof and timber windows, which is considered to be of a high quality which will contribute positively to the streetscene.
- 37 At pre-application stage, concerns were initially raised by Officers in relation to the layout of the proposals as it was considered to be an overdevelopment of the site. However, this is considered to be addressed through this application as the applicant has reduced the scale of the dwellinghouse and moved it further away from 1 Dysart Brae. This allows for a driveway and parking area to be created to the side of the house without compromising useable amenity space. The proposal now includes a useable rear garden area of approximately 310m². This is considered to be sufficient for a property of this scale and reflective of the established character of the area.

Landscape and Trees

- 38 The site incorporates an existing woodland area measuring approximately 410m². A Tree Survey was requested as part of the application to demonstrate the impact of the proposed development. This Tree Survey confirmed the proposed development will not require the removal of trees.
- 39 As the proposed development will not require the removal of any of the woodland, this is considered to be acceptable. It is also not considered necessary to add a condition retaining any of the said trees. This is because none of them are identified to be felled and neighbouring units do not have this restriction.

Residential Amenity

- 40 The proposed house will be located, at closest point, approximately 9 metres from the gable of Dysart Brae and 4 metres from Corbie Lynn. It is noted that concerns have been expressed regarding potential overlooking and overshadowing of neighbouring plots. However due to the orientation of the dwellinghouse and the position of windows, with no windows being proposed on gable elevations, it is not considered that the proposals will introduce any

issues in relation to either overlooking or overshadowing of the neighbouring properties.

- 41 In regards to the amenity of the proposed plot, the Council's Placemaking Guide recommends that buildings do not exceed 25% of the development plot. In this instance, the proposed dwellinghouse only occupies approximately 11.6% of the development site. It is therefore assessed that the site is large enough to comfortably accommodate the proposed house whilst also providing adequate private amenity space and parking provision for the occupants.
- 42 Within some of the letters of representations received, the impacts upon existing residential amenity from the construction period was raised as a concern. Due to the scale of the development only being for one dwellinghouse, it is considered that there will not be any significant impact on neighbouring amenity and any impact would only be temporary for duration of the construction phase.

Roads and Access

- 43 The proposal uses an existing access point to the garden ground of Corbie Lynn and will involve the formation of a 3 car driveway and turning area. This is considered to be sufficient for the level of traffic likely to be generated by a dwellinghouse of this scale. Furthermore, Transport Planning have been consulted and made no objection to the proposals subject to a condition being added to any permission granted regarding the construction standard of the vehicular access. This has therefore been recommended to be added to any permission granted (Condition 2).
- 44 With regards to access, it was raised within some of the letters of representations that Dysart Brae is privately owned. Any proposed development would therefore require consent from the landowner. However, land ownership is not a material planning consideration. In this instance, the proposed access is considered adequate from a planning perspective. On receiving the planning permission, it would be up to the landowner to obtain this permission from the relevant landowner. An informative has been recommended to be added to any permission granted highlighting this matter (Informative 10).

Drainage and Flooding

- 45 Dysart Brae has the potential for surface water flooding. As such, the Structures and Flooding team were consulted as part of this application and they have no objection to the proposed development, subject to an informative being added to any permission granted regarding construction within a flood risk zone (Informative 7).

Waste Collection

- 46 As previously mentioned, the proposed dwellinghouse only occupies approximately 11.6% of the development plot. It is therefore considered that

there is ample space to accommodate a waste storage area within the site. However an informative has been recommended to be added to any permission granted in order to inform the application of the need to ensure adequate measures are provided for the collection of waste (Informative 9).

Conservation Considerations

- 47 The site is out-with Pitlochry Conservation Area and is not in close proximity to a listed building or any other designated site. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

Natural Heritage and Biodiversity

- 48 As there are no records of protected species on the site and as the Tree Survey submitted identifies that none of the existing woodland is to be felled, it is unlikely that there will be any impacts upon the biodiversity of the area. Nevertheless, an informative is recommended to be added to the permission in relation to nesting birds (Informative 6).

Developer Contributions

Primary Education

- 49 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 50 This proposal is within the catchment of Pitlochry Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time therefore no education contribution is required.

Economic Impact

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

LEGAL AGREEMENTS

- 52 None.

DIRECTION BY SCOTTISH MINISTERS

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 54 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

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

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
- 9 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 10 The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 11 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

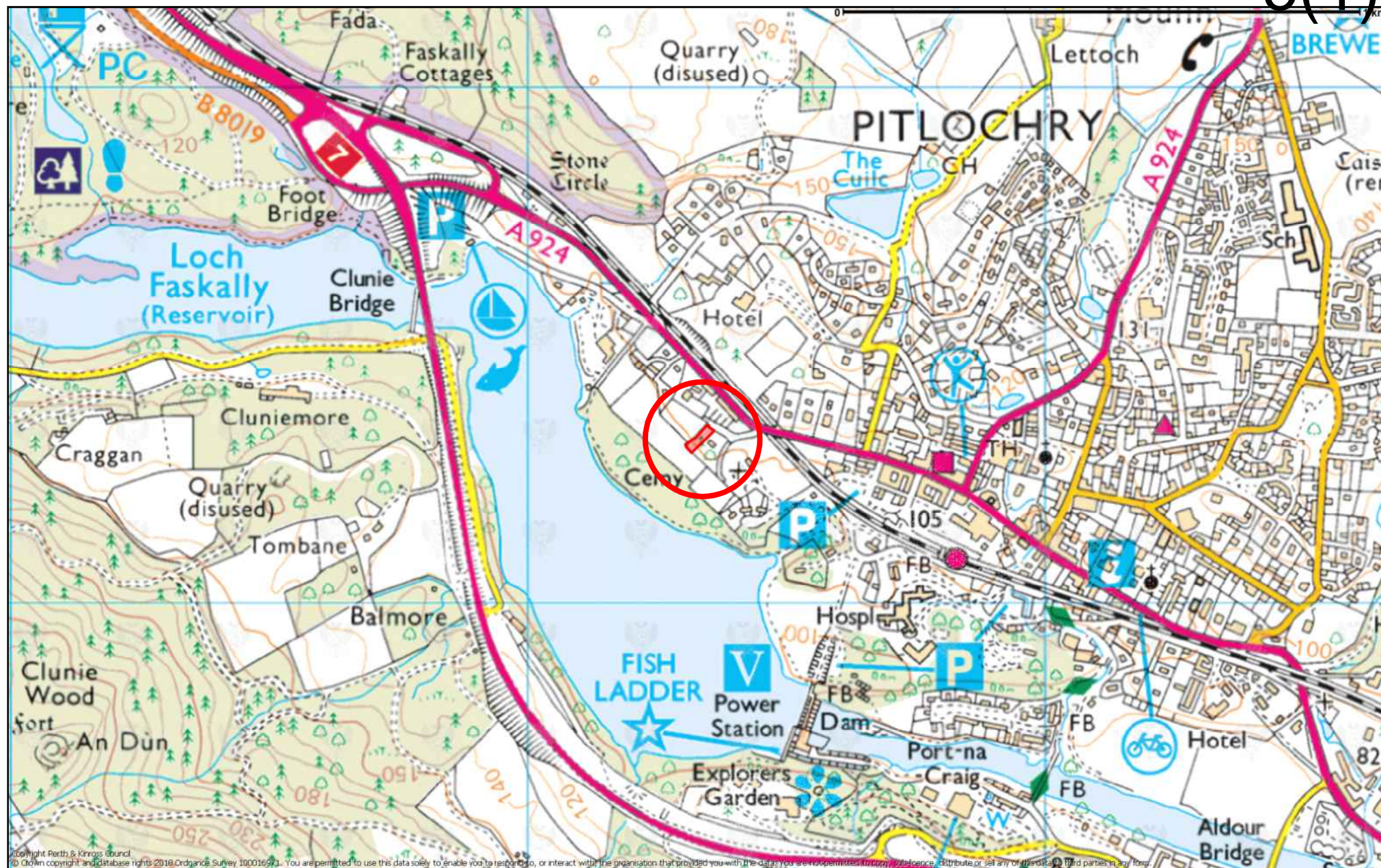
Background Papers: 9 letters of representation
Contact Officer: Sean Panton
Date: 13 September 2018

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18/01215/FLL

Erection of a dwellinghouse on land north west of Corbie Lynn,
Dysart Brae, Pitlochry





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Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Pre-Application Report by Interim Development Quality Manager (Report No. 18/298)

PROPOSAL: Residential development, landscaping and associated works.
LOCATION: Land to the east of Honeyberry Crescent, Rattray.

Ref. No: 18/00008/PAN
 Ward No: P3 - Blairgowrie and Glens

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential development, landscaping and associated works at land to the east of Honeyberry Crescent, Rattray.

The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (POAN) on 30 July 2018.
- 2 This POAN advises of a major development on this site comprising up to 60 residential units. Pre-application advice has already been provided, with the background largely borne out of the lapsed planning permission [12/01460/AMM](#), now being reviewed against current national and LDP policy and guidance.
- 3 The site is a sloping agricultural field, extending to approximately 2.6 hectares on the south eastern edge of the village of Rattray. The southern and eastern boundaries of the site are contained by Kirkton Road and a core path/right of way (BLAI/30 17/30) referred to as Loon Braes. Existing residential development characterises the north and western boundaries.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal, it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening request has recently been submitted by the applicant (18/01615/SCRN).

PRE-APPLICATION PROCESS

- 5 The Proposal of Application Notice (reference [18/00008/PAN](#)) confirmed that a public exhibition was held. The local ward Councillors and Blairgowrie and Rattray Community Council have been notified by the agent. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Enabling Delivery of New Homes: paragraphs 109 – 134
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

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

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 44 Fitting Housing into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

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

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

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2014

- 15 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 17 Under the LDP, the following policies are of particular importance in the assessment of any future application:-
- PM1 – Placemaking
 - PM2 – Design Statements
 - PM3 – Infrastructure Contributions
 - RD1 – Residential Areas
 - RD4 – Affordable Housing
 - TA1 – Transport Standards and Accessibility Requirements
 - CF1 – Open Space Retention and Provision
 - CF2 – Public Access
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - ER6 – Managing Future Landscape Change
 - EP2 – New Development and Flooding
 - EP3 – Water Environment and Drainage

OTHER POLICIES

- 18 The following supplementary guidance and documents are of particular importance in the assessment of any future planning application:-
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Green Infrastructure Supplementary Guidance (Draft) July 2014
 - Open Space Standards (2001)

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 19 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.

- 20 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.
- 21 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.

PLANNING SITE HISTORY

- 22 [07/02346/OUT](#) – Proposed housing development (in principle). Application approved on 18 August 2008, following appeal to The Planning and Environmental Appeals Division (DPEA); appealing a delegated refusal 30 January 2008 (contrary to Policy 66 of the Eastern Area Local Plan (1998)).
- 23 [11/01364/AMM](#) – Erection of 60 No. dwellinghouses and associated works (Approval of Matters Specified in Conditions - 07/02346/OUT) Application refused at Development Management Committee of 7 March 2012.
- 24 **12/01308/FLM** – Erection of 60 dwellinghouses and associated parking/garages (Approval of Matters Specified in Conditions - 07/02346/OUT) Application withdrawn 7 August 2012.
- 25 [12/01460/AMM](#) – Approval of matters specified in condition for erection of 60 dwellinghouses and associated parking/garages. Application approved at Development Management Committee of 20 February 2013.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency
- Scottish Water
- Blairgowrie and Rattray Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

- a. Visual impact
- b. Scale, design and layout
- c. Relationship to nearby land uses
- d. Natural heritage and ecology
- e. Landscape
- f. Water resources and soils
- g. Air quality
- h. Economy
- i. Transport

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

28 Should an Environmental Report not be required the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Transport Statement
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Phase 1 Habitat Survey
- Sustainability Assessment
- Waste Management and Minimisation Plan
- Construction and Environmental Management Plan including;
- Construction Method Statement

CONCLUSION AND RECOMMENDATION

29 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these

key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

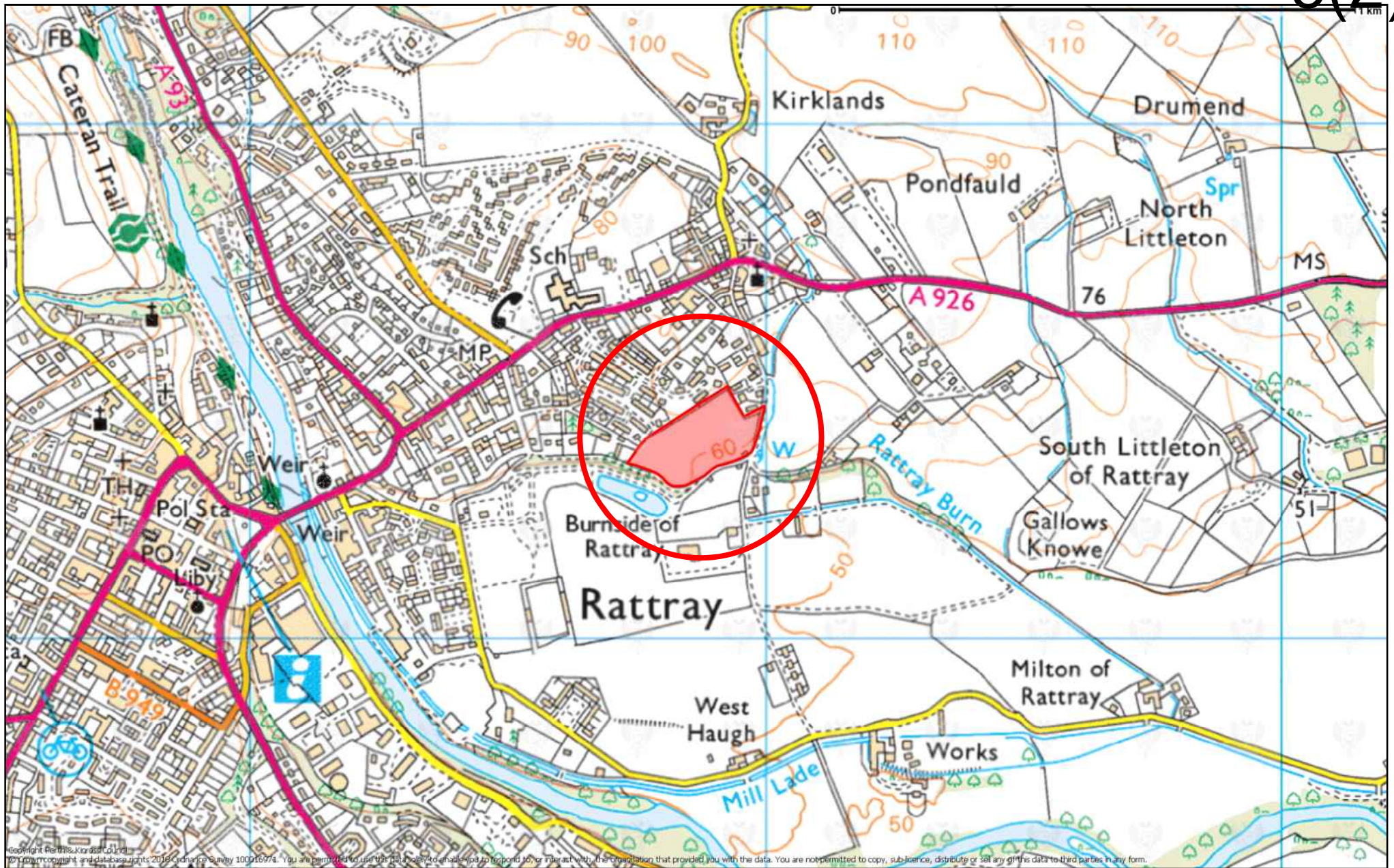
Background Papers: None
Contact Officer: Callum Petrie 01738 475353
Date: 13 September 2018

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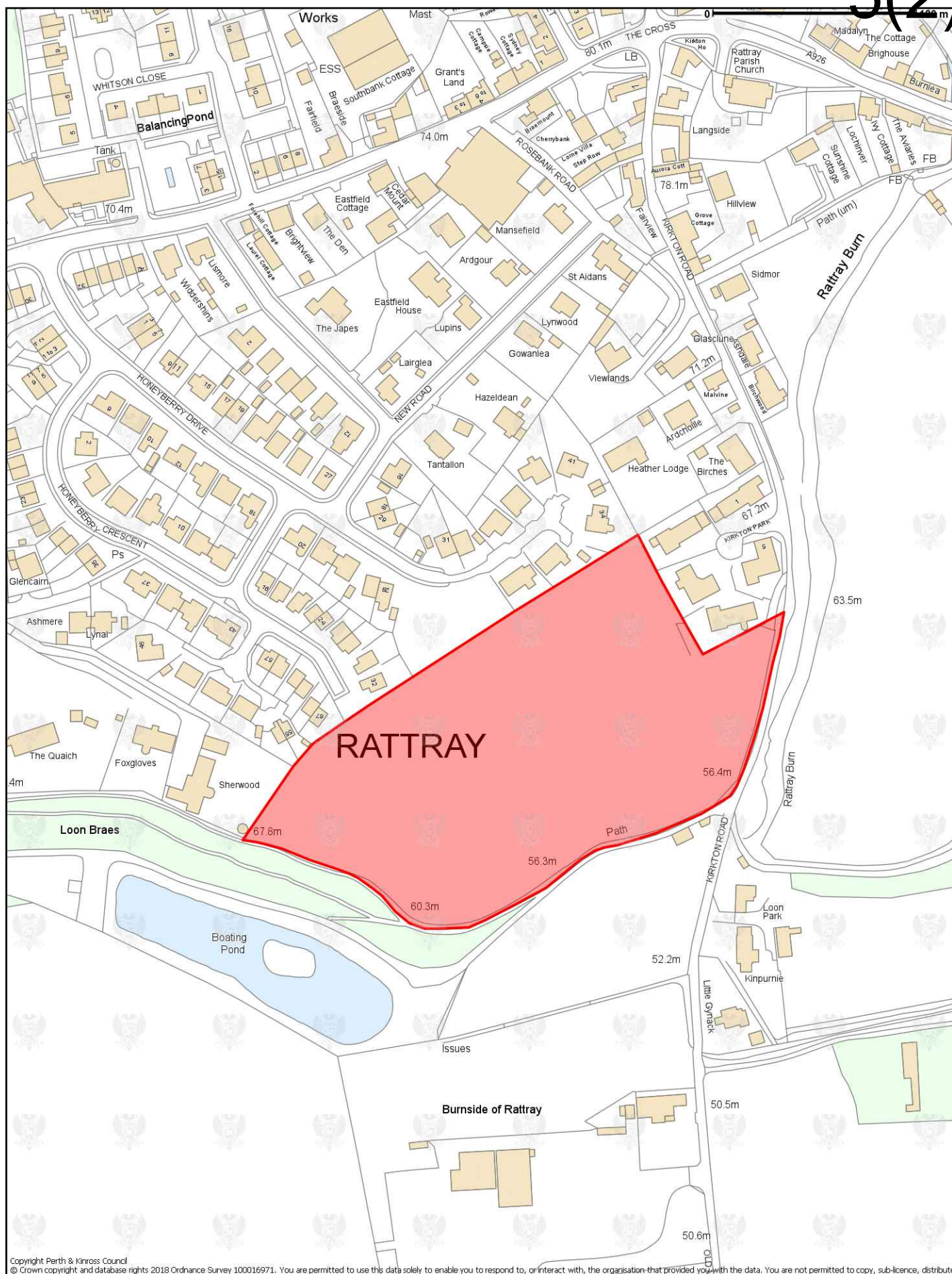
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18/00008/PAN

Residential development, landscaping and associated works
land to the east of





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Scale 1:2500

18/00008/PAN

Residential development, landscaping and associated works land to the east of



Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Pre-Application Report by Interim Development Quality Manager (Report No. 18/299)

PROPOSAL: Minerals extraction and processing activities (in part retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works.

LOCATION: Land south west of Arns Farm, Auchterarder

Ref. No: 18/00009/PAN
Ward No: P7 - Strathallan

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for minerals extraction (referred to as Phase 3) and processing activities (in part retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works at land south west of Arns Farm, Auchterarder (locally known as Craigrossie Quarry).

The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (POAN) on 9 August 2018.
- 2 This POAN seeks to further extend, regulate and restore a major development site, often referred to as Craigrossie Quarry, comprising small scale mineral extraction, processing and export across a 29 hectare site. The site lies between Auchterarder and Aberuthven, to the southern boundaries of the A9 dual carriageway. The site is bounded to the north by woodland, south by the main Stirling to Perth railway line, east by existing agriculture and west by the B8062 public road.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the

EIA 2017 regulations. A screening decision (18/01423/SCRN) has been produced, with the view that the proposals are not EIA development.

PRE-APPLICATION PROCESS

- 4 The Proposal of Application Notice (reference [18/00009/PAN](#)) confirmed that a public exhibition was held in Aberuthven village hall on Tuesday 21 August 2018. Auchterarder and District Community Council and local ward Councillors (Strathallan) have been notified by the agent. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Sustainability: paragraphs 24 - 35
 - Placemaking: paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 - 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Promoting Responsible Extraction of Resources: paragraphs 234 - 248
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management

- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 75 Planning for Transport

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

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

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

- 10 The following section of the TAYplan 2016 will be of particular importance in the assessment of this application;
- Policy 9 – Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2014

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

- 12 The LDP sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

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

- PM1 – Placemaking
- ED3 – Rural Business and Diversification
- TA1 – Transport Standards and Accessibility Requirements
- CF2 – Public Access
- HE1 – Scheduled Monuments and Non-Designated Archaeology
- NE1 – Environment and Conservation Policies
- NE3 – Biodiversity
- ER3 – Minerals and Other Extractive Activities – Safeguarding
- ER4 – Minerals and Other Extractive Activities – Supply
- ER5 – Prime Agricultural Land

- ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial Light and Light Pollution
- EP8 – Noise Pollution

OTHER POLICIES

- 14 The following supplementary guidance and documents are of particular importance in the assessment of any future application:-

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 15 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.
- 16 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.
- 17 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.

PLANNING SITE HISTORY

- 18 The following is of particular importance:

01/01096/MW Farm diversification proposal incorporating mineral extraction and ancillary works. Application approved at Development Management Committee on 10 April 2002.

06/02268/MW Extension of time for 3 years. Extraction of sand and gravel as part of farm diversification project 01/01098/MW Application approved under delegated powers on 31 October 2007.

08/00428/MW Re-alignment of farm access road and second phase of small scale sand and gravel extraction. Application approved under delegated powers on 10 June 2009.

08/00423/FUL Re-alignment of farm access road and second phase of sand and gravel extraction. Application approved under delegated powers on 13 July 2009.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency
- Scottish Natural Heritage
- Scottish Water
- Network Rail
- Historic Environment Scotland
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Auchterarder and District Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 20 The key considerations against which the eventual application will be assessed include:-
- a. Landscape and visual impact
 - b. Scale, design and layout
 - c. Relationship with surrounding land uses
 - d. Natural heritage and ecology
 - e. Cultural heritage including archaeology
 - f. Water resources and soils
 - g. Air quality
 - h. Noise
 - i. Transport implications
 - j. Sustainability
 - k. Mineral extraction

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 21 Should an Environmental Report not be required the following supporting documents will need to be submitted with any planning application:
- Habitat Survey
 - Air Quality Assessment/Management Plan
 - Noise Assessment/Management Plan
 - Ground Conditions Survey
 - Transport Statement and Management Plan
 - Landscape and Visual Impact Assessment
 - Flood Risk and Drainage Assessment including Surface Water Management Plan
 - Cultural Heritage including Archaeology Assessment
 - Restoration Plan
 - Design and Access Statement
 - Pre-Application Consultation Report
 - Sustainability Assessment

CONCLUSION AND RECOMMENDATION

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

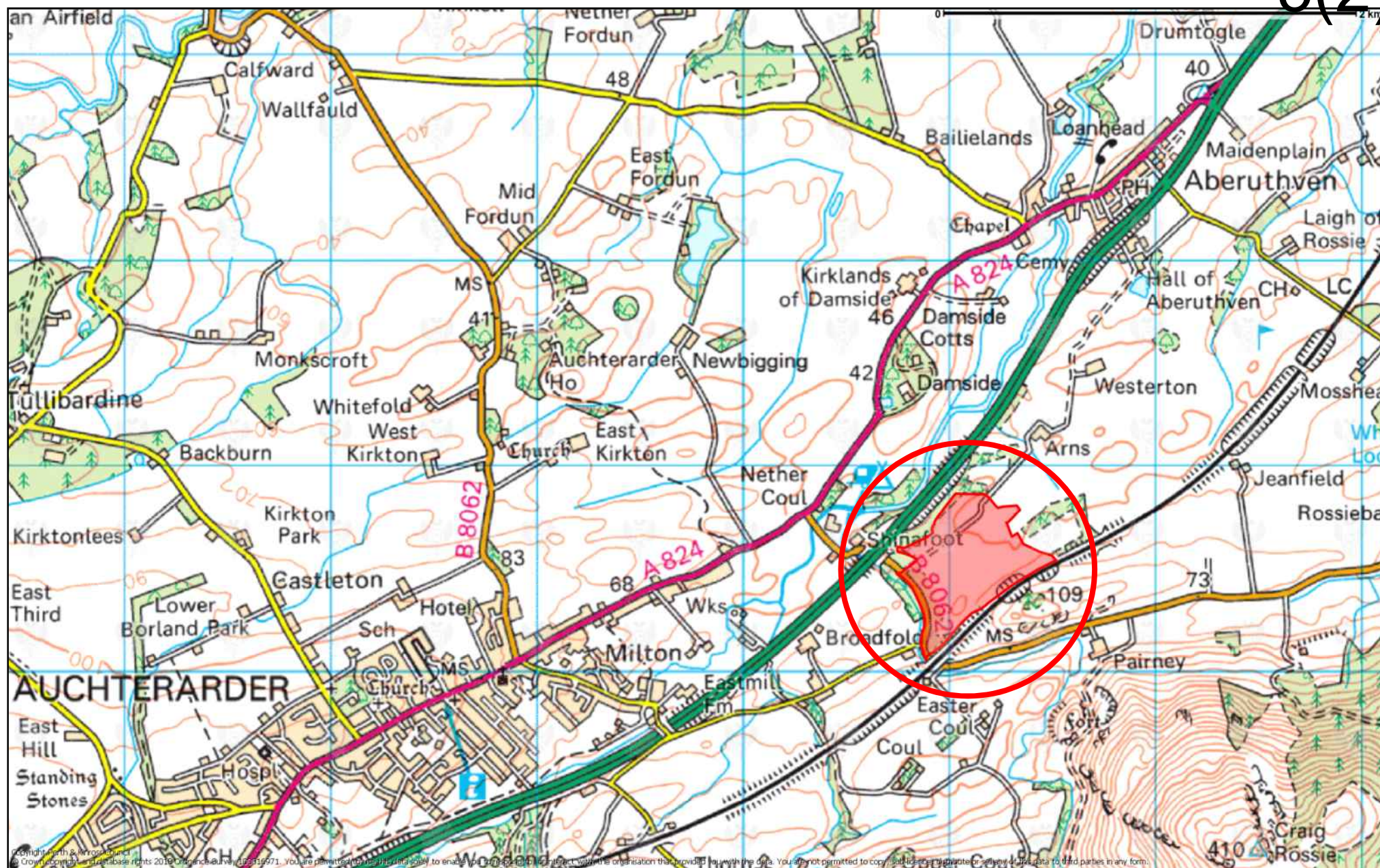
Background Papers: None
Contact Officer: Callum Petrie 01738 475353
Date: 13 September 2018

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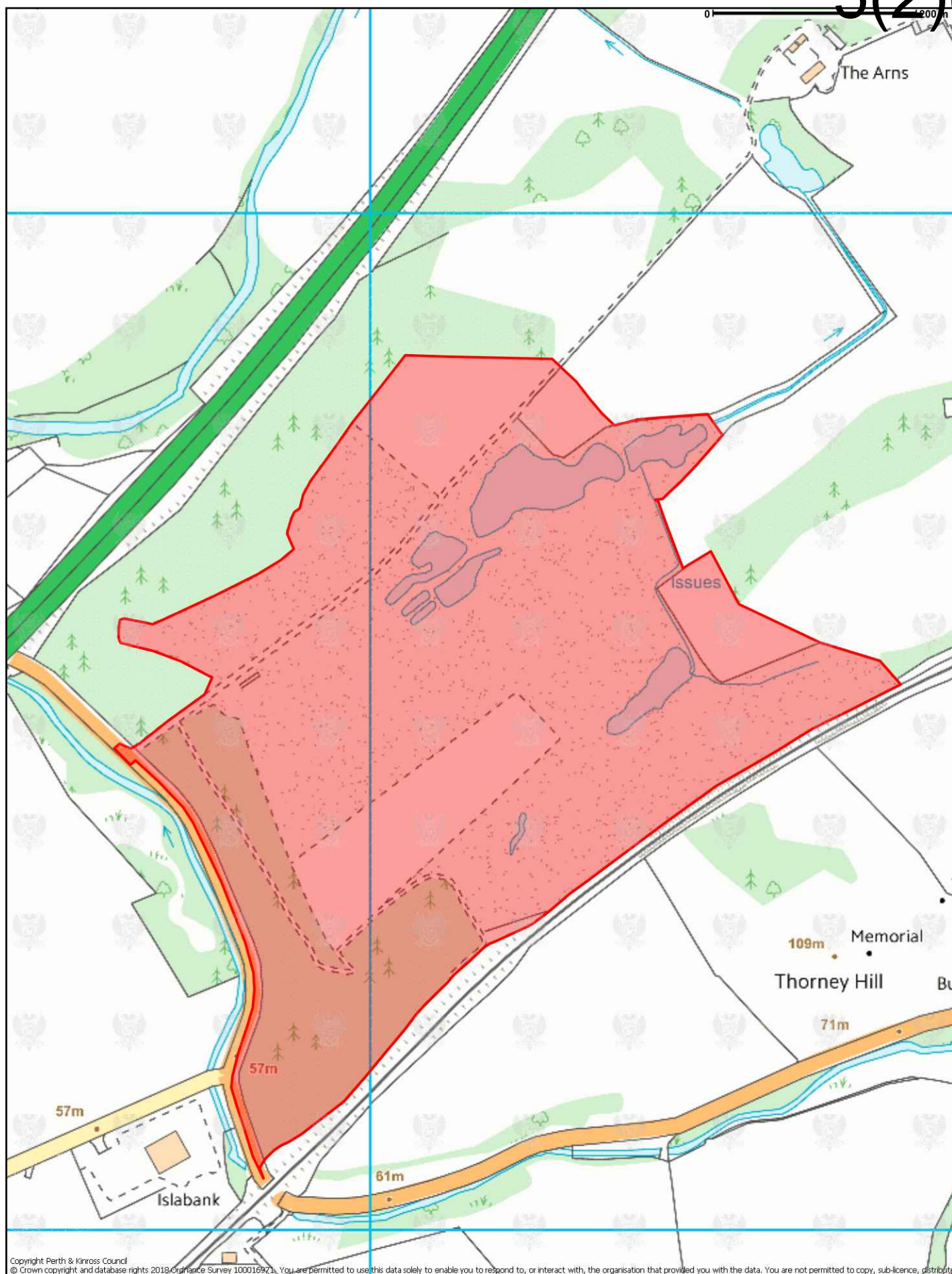
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18/00009/PAN

Phase 3 small scale minerals extraction and processing activities (part in retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works, land south west of Arns Farm, Auchterarder





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Scale 1:5000

18/00009/PAN

Phase 3 small scale minerals extraction and processing activities (part in retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works, land south west of Arns Farm, Auchterarder



Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Pre-Application Report by Interim Development Quality Manager (Report No. 18/300)

PROPOSAL:	Demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works parking, landscaping and associated works.
LOCATION:	The Atrium, 137 Glover Street, Perth.

Ref. No: 18/00010/PAN
Ward No: P10 - Perth City South

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works at The Atrium, 137 Glover Street, Perth.

The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (POAN) on 14 August 2018.
- 2 The site extends to approximately 0.47 hectares. The identified site boundaries are characterised by a range of land uses including a doctors' surgery, ice rink and existing residential development. The site currently operates under Class 4 for business use as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposal is categorised as a major development due to the overall unit numbers exceeding 50, which falls within category 2 (housing) of the hierarchy of development threshold criteria (as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, Regulation 2 (1)).
- 3 The POAN relates to the proposed redevelopment of the site for the redevelopment and change from Business (Class 4) to Residential Institution (Class 8).

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening request has not yet been submitted by the applicant.

PRE-APPLICATION PROCESS

- 5 The POAN (reference [18/00010/PAN](#)) confirmed that a public exhibition will be held on the 29th October at the Dewars Centre, Glover Street. Local ward Councillors and Perth North Community Council have been notified by the agent (Perth South Community Council currently not an active body). The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 92 -108
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291
- 9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

LOCAL POLICY AND GUIDANCE

- 11 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

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

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

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes
 - Policy 6: Developer Contributions

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that:

"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."

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

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- RD1 – Residential Areas
- RD6 – Particular Needs Housing Accommodation
- TA1 – Transport Standards and Accessibility Requirements
- NE3 – Biodiversity
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP11 – Air Quality Management Areas
- EP12 – Contaminated Land

OTHER POLICIES

17 The following supplementary guidance and documents are of particular importance in the assessment of any future application:-

- Developer Contributions Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Perth and Kinross Corporate Plan 2013-2018
- Perth City Plan 2015-2035

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

18 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.

19 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.

20 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.

PLANNING SITE HISTORY

- 21 The following is of particular importance:

[14/01484/IPL](#): Residential development in principle. Application Approved by Development Management Committee on 19 November 2014.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency
- Scottish Water
- Perth North Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Transport Planning
- Structures and Flooding
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 23 The key considerations against which the eventual application will be assessed include:
- a. Visual impact
 - b. Scale, design and layout
 - c. Relationship with surrounding land uses
 - d. Landscape
 - e. Water resources and soils
 - f. Air quality
 - g. Transport implications
 - h. District heating
 - i. Sustainability

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

24 Should an ES not be required the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Transport Statement
- Flood Risk and Drainage Assessment
- Phase 1 Habitat Survey
- Sustainability Assessment
- Waste Management and Minimisation Plan
- Construction Method Statement

CONCLUSION AND RECOMMENDATION

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

Background Papers: None

Contact Officer: Callum Petrie 01738 475353

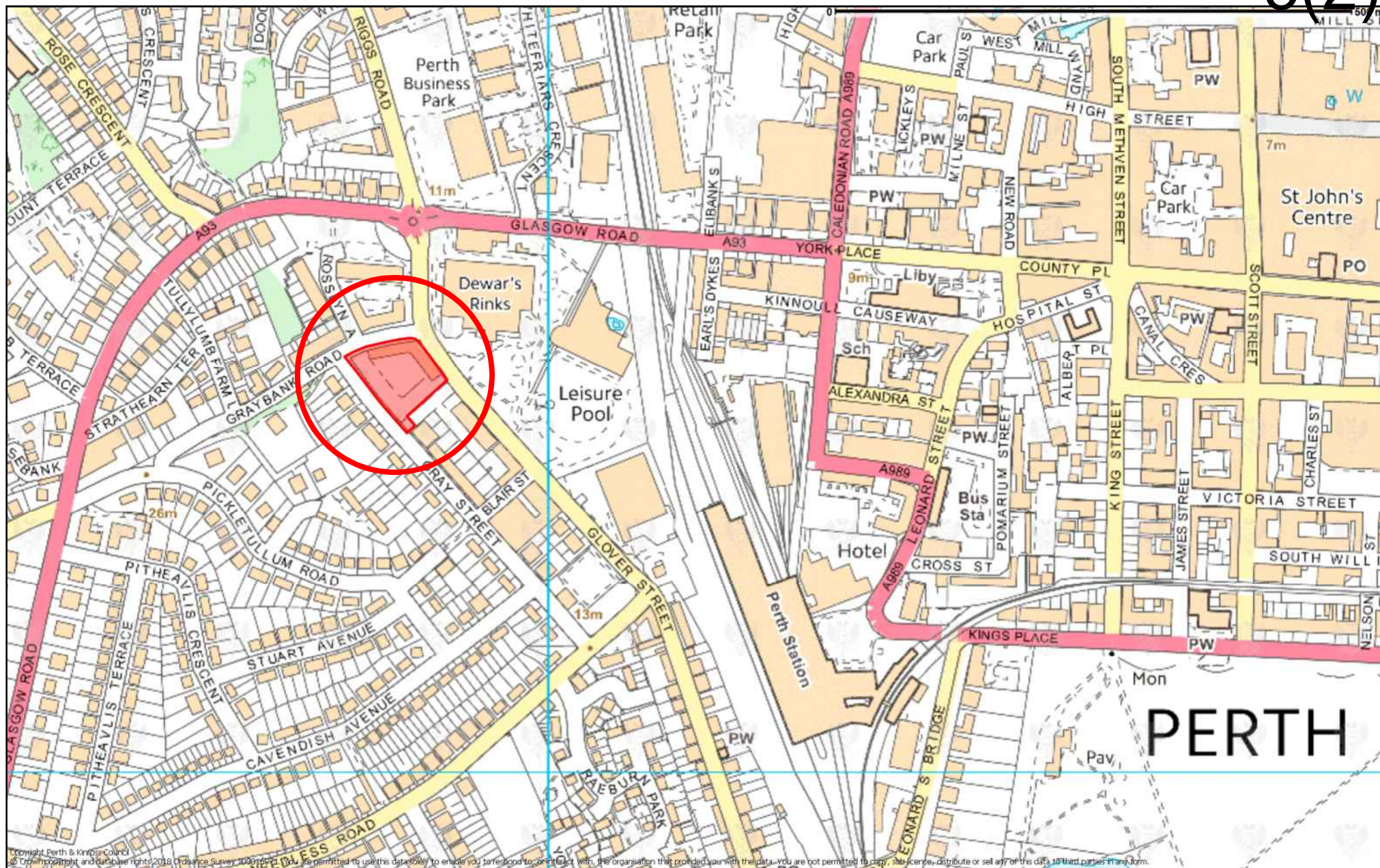
Date: 13 September 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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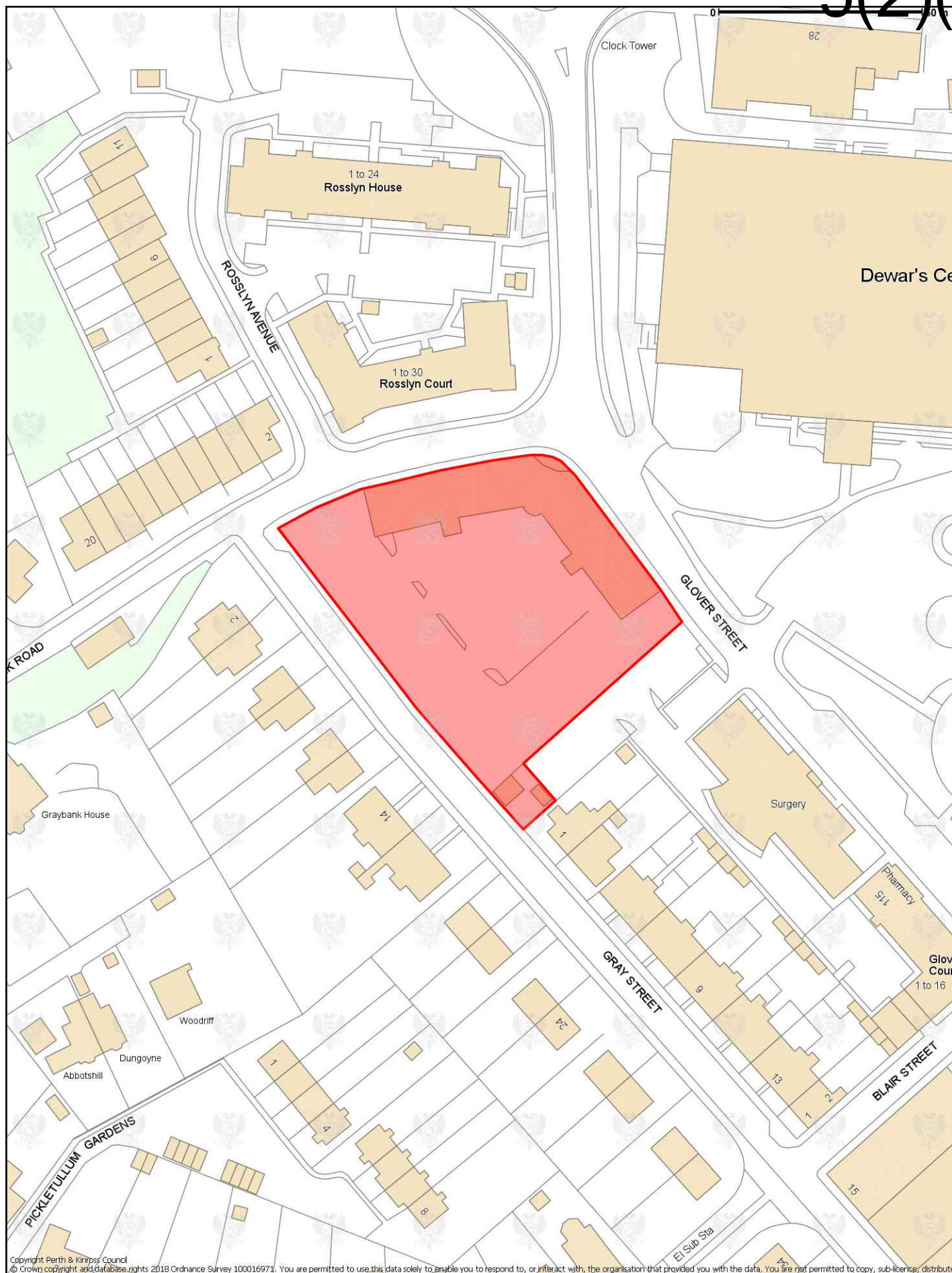
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18/00010/PAN

Demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works parking, landscaping and associated works at The Atrium, 137 Glover Street.





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