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Council Building
2 High Street
Perth
PH1 5PH

30 March 2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 07 April 2021 at 10:00.**

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

BARBARA RENTON
Interim Chief Executive

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

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

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Michael Barnacle
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Tom McEwan
Councillor Callum Purves
Councillor Crawford Reid
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 07 April 2021

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.

PLEASE NOTE THAT ALTHOUGH THE PRE-AGENDA MEETING IS NOT SUBJECT TO THE TERMS OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 IT IS RECOMMENDED THAT THE CONTENTS OF REPORTS AND DISCUSSIONS AT THE MEETING CONSTITUTE INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THAT ACT, AND THEREFORE, YOU SHOULD NOT DISCLOSE TO OR DISCUSS WITH ANY MEMBER OF THE PRESS OR PUBLIC ANYTHING CONTAINED IN REPORTS OR DISCLOSED DURING DISCUSSIONS.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 9 MARCH 2021 FOR APPROVAL** **5 - 26**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - 5(1) MAJOR APPLICATION**
 - 5(1) 20/00511/AMM - ALYTH - ERECTION OF 55 DWELLINGHOUSES AND 51 DETACHED GARAGES, FORMATION OF SITE INFRASTRUCTURE, VEHICULAR ACCESS, SERVICE/ACCESS ROAD AND TEMPORARY BRIDGE, LANDSCAPING, AND ASSOCIATED WORKS (PHASE 2 AND 3) (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 16/01595/IPM), LAND 200 METRES NORTH OF PITCROCKNIE FARMHOUSE, ALYTH** **27 - 50**
 - (i)**

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/43)

5(2) LOCAL APPLICATIONS

5(2) 20/01830/FLL - KINNAIRD - ERECTION OF A (i) DWELLINGHOUSE, LAND EAST OF ROBINHILL, KINNAIRD, INCHTURE

51 - 68

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/44)

5(2) 20/01967/FLL - PITLOCHRY - CHANGE OF USE AND (ii) ALTERATIONS TO CARPARK TO SITE 2 RAILWAY CARRIAGES TO FORM RESTAURANT/TAKEAWAY (CLASS 3), FORMATION OF RAISED DECKING AREA AND ASSOCIATED WORKS, LAND SOUTH OF WALKER COURT, REI-ACHAN ROAD, PITLOCHRY

69 - 88

Report of Handling by Head of Planning and Development
(Recommendation - Refuse) (copy herewith 21/45)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 9 March 2021 at 10.00am.

Present: Councillors B Brawn, C Ahern (substituting for R McCall), M Barnacle, E Drysdale (substituting for R Watters), T Gray, D Illingworth, I James, C Purves, C Reid, L Simpson and W Wilson.

In Attendance: K Smith, J Scott, A Condliffe, G Bissett, M Lee, L Reid and C Stewart (all Communities); G Fogg, D Williams, A Brown and M Pasternak, (all Corporate and Democratic Services).

Apologies: Councillors R McCall, T McEwan and R Watters.

Councillor B Brawn, Vice-Convenor, Presiding.

1. WELCOME AND APOLOGIES

The Vice-Convenor welcomed everyone present to the meeting and noted apologies as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 13 January 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

The Committee agreed to hear deputations for Items 4(ii) and 4(iii).

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **20/01540/AMM - ALYTH - S42 application to modify Condition 13 (water crossings) of planning permission 18/01214/AMM, site of former Glenisla Golf Course, Alyth – Report 21/26 – Glenisla Developments Ltd**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

- 1. The approved development must be completed in accordance with the approved drawings and documents,

unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/01540/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/01540/07):

- a) Erection of a 60-bed care home;
- b) Erection of 20 dwellinghouses (including 8 associated garages);
- c) Erection of 3 business units (Class 4);
- d) Erection of an Energy Centre;
- e) Erection of 2 Entrance/Storage buildings;
- f) De-culverting and realignment of Back Burn;
- g) Erection of a Pumping station; and
- h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/01540/12)

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

2. Prior to the approved development 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 interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/01540/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/01540/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. The approved protective fencing (Drawing ref: 20/01540/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/01540/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into

use, whichever is the earlier.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

11. The approved realignment design of the Back Burn (drawing ref: 20/001540/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. The approved topographic information (drawing ref: 20/01540/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/01540/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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).

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/01540/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

18. 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 Council as 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).

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/01540/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/01540/05) shall continue to include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle

- breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - i) details of information signs to inform other road users of construction traffic;
 - j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - n) monitoring, reporting and implementation arrangements;
 - o) arrangements for dealing with non-compliance; and
 - p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/01540/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and
- (ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:
 - the timber kit fully erected on the foundations;
 - all windows and doors fitted; and
 - the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

Procedural notes

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

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. 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.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
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 Environment Protection Agency.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM and the associated requirements will continue to apply. The Terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).
12. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

(2) Local Applications

- (i) **20/00297/FLL - AUCHTERARDER - Part change of use from dwellinghouse to dwellinghouse and events venue, Auchterarder House, Auchterarder – Report 21/27 – Mr R Wiseman**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment, music, noise limiter settings, vehicle movements, times of any deliveries to and from the site, event activities such as fireworks, etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.
Reason: In order to safeguard the residential amenity of the area.
3. The number of days on which events can be held shall be restricted to a maximum of 30 within a calendar year.
Reason: In order to reflect the position assessed in the Noise Impact Assessment and in order to safeguard the residential amenity of the area.

Justification

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

Informatives

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

written notice of that position.

4. An application for Building Warrant may be required.
5. The applicant should be 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.
6. This is approval of your application Ref no 20/00297/FLL for change of use only. It does not include any approval for any external or internal alterations.
7. 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. In accordance with 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.

(ii)

20/01026/FLL - LOGIEALMOND - Change of use and alterations to agricultural buildings to form an estate office and farm shop with butchery and game store, formation of parking area, access roads and associated works, Kindrum Park Farm, Harrietfield, Logiealmond, Perth – Report 21/28 – Logiealmond Estate Ltd

Mr A Farningham, agent on behalf of the applicant, addressed the Committee and answered members questions.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area) the vehicular access with the public road shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road

construction detail shall continue to the entrance for a minimum distance of 6 metres.

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

3. Prior to commencement of any development on site, a detailed design of the road widening shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The road widening, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area).

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

4. Prior to commencement of any development on site, a finalised drawing detailing the locations of the passing places shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing places, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area).

Reason: In the interests of pedestrian and traffic safety.

5. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

6. The hours of operations shall be restricted to 0800 hours to 1800 hours daily.

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

7. Servicing of and deliveries to the premises shall be carried out between 0800 and 1800 Monday to Sunday.

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

8. Odour from the butchery/game store building shall not be discernible on the boundary of the closest residential

property.

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

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

Reason: To ensure the provision of effective drainage for the site.

Justification

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

Informatives

1. 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 planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
8. The game handling establishment prior to operating should establish the requirement of approval with the Food Standards Scotland. If the establishment is exempt then they are required to be registered with Perth and Kinross Council as a food business under Regulation(EC) No. 825/2004
9. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
10. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.

(iii) 20/01700/FLL - PITNACREE - Alterations and extension to steadings to form a dwellinghouse and ancillary accommodation, steadings north of West Mill Cottages, Pitnacree – Report 21/29 – Mr P Sherriff

Mr G Dimeck, on behalf of the objector, followed by Mr R Johnston, agent and Mr P Sherrif, applicant, addressed the committee and answered members questions.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of any development, details of an appropriate boundary treatment for the southern boundary of the proposed garden area shall be submitted to and approved in writing by the Planning Authority. The boundary treatment, as approved in writing shall be installed as part of the site development and completed in its entirety prior to the occupation of the dwellinghouse.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
3. The annex/home office hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the main dwellinghouse hereby approved and shall not be sold, let or occupied separately at any time.
Reason: In order to clarify the terms of the permission; to control and restrict the use of the building.
4. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document ref: 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
5. Prior to the commencement of development hereby approved, details of the location and specification of the six bird nest boxes shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the six bird nest boxes shall be installed in accordance with the agreed details prior to the occupation of the dwellinghouse.
Reason: In the interests of protecting environmental quality and of biodiversity.

6. 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.
Reason: In order to ensure the protection of retained trees on the site during construction.
7. Prior to the commencement of development hereby approved, a detailed maintenance regime for the existing culvert and ditch to the north and west of the dwellinghouse hereby approved shall be submitted to, and approved in writing by, the Planning Authority. The maintenance regime, as approved, shall be adhered to for the lifetime of the development to the satisfaction of the Council as Planning Authority.
Reason: To ensure the culvert remains free flowing and does not become blocked and in the interests of dispersal of surface water.
8. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
Reason: To ensure the provision of effective drainage for the site.
9. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.
Reason: The site lies adjacent to an area of archaeological interest.

10. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
- the nature, extent and type(s) of contamination on the site
 - measures to treat/remove contamination to ensure the site is fit for the use proposed
 - measures to deal with contamination during construction works
 - condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority. Reason: In order to deal with any potential contamination of the site as a result of its former use.

Justification

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

Informatives

1. 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.
6. 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/>.
7. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
8. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.

9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

(iv) 20/01873/FLL - COMRIE - Erection of 3 dwellinghouses and garages, land south west of Aquila, Braco Road, Comrie – Report 21/30 – Gean Developments Ltd

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.
Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.
3. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual

(C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the provision of effective drainage for the site.

4. Prior to the occupation of any of the dwellinghouses hereby approved, the new footway as shown on plan 03 hereby approved shall be completed to the design and specification of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

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

6. Prior to the commencement of development, a street lighting scheme extending the current provision along the new footway to the design and specification of the Council shall be submitted to the Council as Planning Authority for written approval. Thereafter, the consequently agreed scheme shall be implemented and operational prior to the occupation of any of the dwellinghouses hereby approved.

Reason: In the interests of pedestrian and traffic safety.

7. The beech hedging as shown on plan 03 hereby approved shall be planted prior to the occupation of any of the dwellinghouses, 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 size, species and number. Thereafter, the hedge shall be retained in a reasonable condition to ensure the root system does not impact upon the integrity of the adjacent Scheduled Ancient Monument.

Reason: The site lies adjacent to an area of archaeological interest.

Justification

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

Informatives

1. 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. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
6. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
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 applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. 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.

10. 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.
11. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
12. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000

(3) Proposals of Application Notices (PAN)

- (i) **20/00013/PAN - BRACO - Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping and associated works at Shindour Feddal Hill Wood, Braco – Report 21/31**

Councillor James requested that consideration be given to access for emergency vehicles, with particular regards to fire and rescue service vehicles.

Councillor Wilson requested that consideration be given to roads protection and road safety during the construction phase.

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

- (ii) **21/00001/PAN - WEST KINFAUNS - Mixed use development comprising hotel, museum, holiday accommodation, retail and potential park and ride facility, Caledonian House and land at West Kinfauns, Kinfauns Holdings, West Kinfauns – Report 21/32**

Councillor Simpson requested that the proposed facilities at the proposed development be outlined at the application stage.

Councillor Wilson requested that consideration be given to local visual amenity, and the impact of the proposed development upon that. Councillor Wilson also requested that consideration be given

to the size and scale of the proposal, relationship with neighbouring land uses, and provision for both bus and walking routes.

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

DRAFT

Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/43)

PROPOSAL: Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping, and associated works (Phase 2 and 3) (Approval of Matters Specified in Conditions of 16/01595/IPM)

LOCATION: Land 200 Metres North of Pitcrocknie Farmhouse Alyth

Ref. No: 20/00511/AMM
 Ward No: P2 - Strathmore

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to Phases 2 and 3 of the 'Pitcrocknie' development east of Alyth. The application relates to development of 55 dwellings, 51 detached garages and related works. The recommendation is based on a consideration that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) consent 16/01595/IPM and other relevant considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site forms part of a wider site at the former Glenisla Golf Course and is located some 750 metres east of Alyth. The larger site saw Planning Permission in Principle (PPP) granted in 2010 (09/01345/IPM) and again in 2016 (16/01595/IPM). Phase 1 of development comprises: a care home; 20 dwellinghouses and 8 garages; and three Class 4 business units, all approved in April 2019. At the time of writing the 20 dwellings and the 3 business units have been completed, whilst development of the care home is progressing, with an expected opening in Autumn 2021.
- 2 The subject application now proposes Phases 2 and 3, as set out in the approved masterplan. Proposals comprise the details related to 55 bungalow style dwellings and 51 associated detached garages, all immediately south of Phase 1. The range of house types is:
 - 14 x 2 bedroom semi-detached
 - 24 x 2 bedroom detached
 - 17 x 3 bedroom detached
- 3 To the south of the overall site is the Alyth Burn, a tributary of the River Tay, and beyond this is the Alyth Golf Course which now also incorporates 9 holes of what was the Glenisla Golf Course. Immediately east is the B954; whilst to

the north the B952, leading to Alyth. The B952 provides access to Phases 1 and this arrangement is to continue with Phases 2 and 3.

- 4 Mature trees define the wider site's northern boundary, whilst there are further trees throughout the application site, remnants of the landscaped framework of the former golf course. To the north-western corner the Pitcrocknie Stone, a Scheduled Monument.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The PPP applications (09/01345/IPM and 16/01595/IPM) were the subject of screening opinions. This saw an EIA undertaken for application 09/01345/IPM. However, the second screening opinion determined that a new/updated EIA was not required for 16/01595/IPM, with the previous EIA Report considered adequate for the purposes of that second application. This 2020 application has also been subject of a screening opinion, which again considered that no further EIA procedures are required.

PRE-APPLICATION CONSULTATION

- 6 As an AMSC application, the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014 (NPF3)

- 8 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. It is a statutory document and material consideration in any planning application, providing 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 2020 (Updated)

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

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and

- the determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Affordable Housing: 126 – 131
 - Valuing the Natural Environment: 193 – 218
 - Maximising the Benefits of Green Infrastructure: 219 – 233
 - Managing Flood Risk and Drainage: 254 – 268
 - Promoting Sustainable Transport and Active Travel: 269 – 291

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Streets 2010

- 12 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating 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.

National Roads Development Guide 2014

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

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 2: Shaping Better Quality Places

Perth and Kinross Local Development Plan 2

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

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology

- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

Other Policies and Guidance

- Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- Placemaking Supplementary Guidance March 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Site History

- 19 The following planning history is particularly relevant:
- 20 04/00862/OUT saw the refusal, in June 2004, of Outline Planning Permission for the development of residential plots.
- 21 09/01345/IPM approved, in September 2010, Planning Permission in Principle (PPP) for improvements to the Glen Isla golf club/course, and to erect: 9 business units, a hotel, nursing home and 216 residential units (25% affordable housing).
- 22 13/01114/IPM approved, in September 2014, the variation of condition 1 of the above PPP (09/01345/IPM), extending the time limit for implementation.
- 23 14/00282/AMM the first application for Approval of Matters Specified in Conditions (AMSC) related to 09/01345/IPM was refused in January 2015, this related to the development of 18 dwellinghouses and garages, as well as the access and other associated works (Phase 1).
- 24 16/01595/IPM approved, in February 2017, the variation of Condition 5 (roads and access) of PPP 09/01345/IPM.
- 25 18/01214/AMM was an AMSC application related to 16/01595/IPM which approved, in April 2019, the site masterplan and Phase 1 of development, comprising: a care/nursing home; 20 dwellinghouses and 8 related Garages; 3 Class 4 business units; a biomass boiler house/store; a pumping station; 2 entrance buildings/stores and boundary treatments; 2 vehicular accesses; a

service/access road and temporary bridge; a SUDS pond; parking areas; site infrastructure; burn re-alignment; landscaping; and other associated works.

- 26 20/00020/AMM this S42 application was approved in June 2020 and modified condition 22 (ii) (care home construction) of permission 18/01214/AMM.
- 27 20/01540/AMM a further S42 application was approved in March 2021 and modified condition 13 (water crossings) of permission 18/01214/AMM.

CONSULTATIONS

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

External

- 29 **Scottish Environment Protection Agency (SEPA):** No formal response received due to operational issues. Informal discussions between officers of PKC and SEPA have indicated no particular concerns with progressing to a decision, as they are unable to provide further comment.
- 30 **NatureScot:** No objection. Provide wording for a planning condition related to a construction method statement and note that an Appropriate Assessment is required to be carried out due to the sites proximity to the Alyth Burn, which forms part of the River Tay Special Area of Conservation (SAC).
- 31 **Sport Scotland:** No objection to the loss of 9 holes of Glenisla Golf Course as remaining 9 holes have been taken on by adjoining Alyth Golf Course.
- 32 **Scottish Water:** No objection. Advise that there is sufficient water and wastewater capacity to service the proposed development.
- 33 **Historic Environment Scotland (HES):** No objection. Advise that the development would have no adverse impact on the Pitcrocknie Stone, a scheduled monument.
- 34 **Perth And Kinross Heritage Trust (PKHT):** No objection. Subject to a condition addressing archaeology.
- 35 **Alyth Community Council:** No response received.

Internal

- 36 **Environmental Health:** No objection. Recommend conditions related to noise control and air quality.
- 37 **Transport Planning:** No objection and no issues raised.
- 38 **Structures and Flooding:** No objection. Advise that the updated Flood Risk Assessment (FRA) and drainage information are satisfactory.

- 39 **Development Contributions Officer:** Advise that contributions relating to Affordable Housing are required.
- 40 **Biodiversity/Tree Officer:** No objection.
- 41 **Land Quality:** No objection. Advise of no history of contamination in area.
- 42 **Community Waste Advisor:** No objection. Advise that a standard 3 bin system will be required for each dwelling.
- 43 **Community Greenspace:** No objection related to public open space or core paths.

Representations

- 44 None received.

ADDITIONAL STATEMENTS

45	Screening Opinion	Yes - No further EIA Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Likely Significant Effects on River Tay SAC. An AA has been undertaken by PKC.
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment (updated) Drainage Information (updated)

APPRAISAL

- 46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance.

Principle

- 47 Since the approval of the Phase 1 application (18/01214/AMM) in April 2019 there has been a Development Plan change, with the Perth and Kinross LDP 2014 superseded through the adoption of LDP2. Notwithstanding, the principle of the development proposed is maintained via the extant PPP (16/01595/IPM). The proposed development must however be assessed to ascertain if it aligns

with the relevant PPP conditions and masterplan.

Design and Layout

- 48 Within the wider approved masterplan, the scale of development is not defined; however, the proposed land uses are consistent with the PPP. Condition 2 of 16/01595/IPM requires the detailed design of each phase be submitted for approval.
- 49 In this context, the proposed 55 dwellings and 51 associated garages are considered to have been designed to provide a mix of bungalow style housing suited to a variety of markets, including: first-time buyers to down-sizers and for those with a relative living in the adjacent care home. The materials for each dwelling comprise rendered walls with timber cladding near front doors and grey/black concrete roof tiles. The design and materials for each house type is considered acceptable.
- 50 The layout provides an appropriate internal road layout, with footpaths, that link well with the existing main spine road through the site. This road will eventually link to future phases, as set out in the approved masterplan. The proposed dwellings all provide an active and street-facing frontage, with garages, where they are provided, set back to the rear of each plot. This results in an acceptable design and visual quality throughout and ensures that cars will not dominate streetscapes.
- 51 Each dwelling will have acceptable rear garden areas in terms of depth and area that complies with the Council's Placemaking Supplementary Guidance 2020.
- 52 Overall, the proposal complies with the Council's placemaking policies, providing a logical and coherent structure of streets, buildings and open space that considers the surrounding landscape character and amenity of the area. The proposal complies with LDP2 Policy 1 – Placemaking.

Residential Amenity

Privacy

- 53 In terms of the potential for direct impact on existing residential amenity, such as overlooking or loss of privacy, it is not considered that the proposed development will unacceptably compromise existing residential amenity, particularly the residents of Phase 1 or between properties within the proposed development itself. Each dwelling will see acceptable rear garden areas in terms of depth and area, that comply with the Council's Placemaking Supplementary Guidance 2020.

Air Quality

- 54 The PPP required an assessment of air quality and the potential impact of each phase. In this regard an air quality assessment (AQA) was submitted for Phase 1 that considered the construction and operational phases of the development from increased traffic and industrial processes. This assessment found that the development was unlikely to have a significant adverse impact on air quality.
- 55 This AQA stated that, once occupied, there would be an increase in pollution concentrations associated to the heating of buildings and the provision of hot water. However, this impact is likely to be small and recommendations were made for the installation of low emission boilers and energy and water saving devices on all buildings – to minimise impact.
- 56 Environmental Health has previously advised that the AQA considered the biomass facility approved in Phase 1, including the cumulative effect of both gas and biomass boilers, to guide the approach taken across the development.
- 57 Based on the previous AQA and the limited impacts, Environmental Health recommend that an updated AQA is submitted prior to the commencement of development of Phase 2 and 3. This assessment must include the cumulative effects of any prior phase emissions and the approved energy centre (Condition 3). This will ensure compliance with LDP2 Policy 57 - Air Quality.

Noise

- 58 There is the potential for noise, from plant at the proposed pumping station, to have an adverse effect on residential amenity. Environmental Health therefore recommend a condition to ensure compliance with LDP 2 Policy 56 - Noise Pollution (Condition 4). A construction working hours condition is also recommended, to ensure existing residential amenity is maintained and reflect a consistent approach to both the PPP and Phase 1 permissions (Condition 5).

Landscape and Visual Amenity

- 59 This predominantly landscaped, and largely undeveloped/rural area will see varying degrees of visual impact, such as to neighbouring residential properties and adjacent road and core path users. A Landscape Appraisal (LA) was submitted in association with 18/01214/AMM, related primarily to the masterplan and Phase 1. This has been reviewed in the context of this application setting out details for Phase 2 and 3 proposals. Accounting for this it is accepted that the principle of residential development at the site is well-established and that the landscape effects of this proposal will not be significant within the wider established context.
- 60 The setting of the Alyth Golf Course and its clubhouse will not be significantly impacted by the proposal, with impacts largely mitigated through the remaining 9-hole Glenisla Golf Course, which provides a substantial separating buffer. There will be no adverse effect perceived by users on the course.

- 61 Users of the section of the Core Path (ALTH/100 and ALTH/4), which runs through the southern section of the overall site from Losset Road to Alyth Burn, will see a moderate change in visual character due to the creation of built form and infrastructure to the north. However, other sections of the Core Path will not see significant visual impacts by users due to factors such as: distance, orientation, and intervening landscape screening.
- 62 In terms of residential properties on the B952/Meethill Rd (Stoneybrae and Sidlaw View), both residences sit at the junction of Losset Road and Meethill Road near the proposed development. Stoneybrae is afforded screening by the trees which line Losset Road. Whilst Sidlaw View is screened in part by the semi-mature woodland planting within the golf course. Sidlaw View sits in a prominent position which affords long-distance views over Strathmore to the Sidlaw Hills in the south, although the siting of the proposed single storey dwellings are not considered to significantly impact these views.
- 63 Residences in Eastern Alyth (Springbank Road) facing towards the development are separated by approximately 300 metres of intervening arable land and the dense semi-mature woodland buffer of the Glenisla golf course. This landscape screen mitigates views to the proposed development.

Roads and Access

- 64 In compliance with PPP Condition 6, two entrance points were proposed within the overall masterplan and Phase 1 application. The main entrance via the B952 to the north has been completed and will also serve the proposed Phases 2 and 3. The second access is adjacent to the completed business units and existing car park (ultimately onto the B954). This second access currently provides a temporary haul/service road for construction traffic for the development of the Phase 1, 2 and 3. Transport Planning have raised no concerns regarding traffic, road safety and it is considered the proposal meets the objectives of LDP2 policies and the National Roads Development Guide.
- 65 The proposed development will not have any impact on the existing and upgraded core path network required following the Phase 1 permission (ALTH/100 and ALTH 4), which run past and links the overall site. This path will provide pedestrian and cycling access to the centre of Alyth.
- 66 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements

Drainage and Flooding

- 67 Following feedback from the Council's Structures and Flooding team, as the Flood Authority, an Updated Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) were submitted, particularly as the Back Burn runs through the centre of the overall site and the application site, thus the site is within its catchment. As part of the PPP and masterplan approved, it is proposed that the Back Burn is de-culverted and re-aligned. Detailed plans of the proposed works to this watercourse have been approved as part of Phase 1

and the overall masterplan.

- 68 The Updated FRA and DIA was reviewed by Flooding colleagues and they do not have any concerns in respect of either flood risk to the application site and proposed dwellinghouses, nor the proposed drainage arrangements. While informal discussion has been had with SEPA on the updated information submitted, and they have been advised of the Flood Authority's position, they have not been able to provide any formal comments because of significant operational limitations following a cyber-attack in late December 2020. At the time of writing, SEPA have therefore not been able to provide a formal comment on the current application.
- 69 A response from SEPA would typically be expected to inform the drainage and flooding assessment. It is however recognised that these matters have been fully and carefully considered by Flooding colleagues, who are content that the submitted information demonstrates that the drainage arrangements are acceptable and there will be no risk of flooding within or as a result of the proposed development. As such it is considered that the proposal complies with LDP2 Policies 52 - New Development and Flooding; and 53 - Water Environment and Drainage.

Water and Wastewater

- 70 Scottish Water have advised that there is currently sufficient capacity for both water supply and wastewater connection at the Lintrathen Water Treatment Works and Alyth Wastewater Treatment Works.

Conservation Considerations

- 71 HES consider that the proposed layout will not adversely impact the setting of the nearby Pitcrochnie Stone Scheduled Monument, as the proposed dwellinghouses are set back an acceptable distance and their scale and massing (bungalows) is appropriate in the context. Together this allows numerous views to and from the stone to be retained from various approaches and be viewed from the south-east against the backdrop of the hills to the north and north-west.
- 72 The development proposal would still change the character of the monument's setting from a rural setting to suburban. HES however consider that the impact is not of national significance and do not object to the proposal whilst complying with Condition 10 of 16/01595/IPM, which required acceptable stand-off distances of development from the Scheduled Monument.
- 73 To ensure the protection of the setting of the Scheduled Monument is maintained through all future phases of development, HES recommend informatives to guide future development proposals (Informatives 11 and 12). This approach is considered appropriate to highlight the importance of designing mitigation into future phases.

- 74 Perth and Kinross Heritage Trust (PKHT) confirm that the proposed development site lies within an area considered to have archaeological potential, because of a high density of recorded sites within the surrounding landscape.
- 75 PKHT recommend that the same archaeology condition attached to the PPP and Phase 1 approval, is again applied require a programme of archaeological works associated to the proposed development to ensure compliance with LDP2 Policy 26: Scheduled Monuments and Archaeology (Condition 6).
- 76 PKHT also recommends protective fencing of the Pitcrocknie Stone, creating an appropriate buffer, during all construction works to ensure the monument is not accidentally damaged (Condition 7).

Natural Heritage and Biodiversity

- 77 NatureScot note the proposal lies to the north of the Alyth Burn, which forms part of the River Tay Special Area of Conservation (SAC). This SAC is designated for Atlantic Salmon, clearwater lochs, Otter and Brook, River and Sea Lamprey.
- 78 NatureScot consider the proposal has potential to have a significant effect on the Atlantic Salmon and Lamprey interests in the SAC. They therefore advised that Perth and Kinross Council, as competent authority, was required to carry out an Appropriate Assessment (AA) in view of the site's conservation objectives for its qualifying interests. To inform this assessment they recommended that the development is undertaken strictly in accordance with recommended mitigation to ensure no adverse effect to the integrity of the SAC. An Appropriate Assessment was carried out by the Planning Authority and concluded that an approved CMS will ensure the impact of the construction stage on the SAC can be fully mitigated. As such a Construction Method Statement (CMS) will require to be approved prior to work commencing, to ensure that sediment and pollutants are not released to the SAC during construction (Condition 16).
- 79 Adherence to the CMS during the construction period provides appropriate mitigation and consequently ensures the proposed development accords with LDP Policy 41: Biodiversity.
- 80 The Council's Biodiversity/Tree Officer has not raised any issues and it is proposed to replicate most of the conditions applied to Phase 2 as site conditions are almost identical (Conditions 8 to 12).

Developer Contributions

- 80 PPP Condition 14 requires the residential development will be in accordance with the requirements of the Developer Contributions and Affordable Housing Supplementary Guidance.

Affordable Housing

- 81 The Council's Affordable Housing Policy and SG requires that 25% of the total number of houses developed will be in the form of affordable housing. As the proposal is for 55 housing units, the affordable housing requirement is therefore 13.75 units.
- 82 The site is located in the Strathmore Housing Market Area. The Council's Housing team have advised that on-site provision of affordable housing at this location is not required given the rural location and therefore a commuted sum contributions are preferred. The Commuted Sum rate in Developer Contributions and Affordable Housing Supplementary Guidance is £11,500 per affordable unit, equating to £206,250 (13.75 x £11,500). A Section 75 legal agreement will be required to deal with the required developer contribution to ensure compliance with LDP2 Policy 5 – Developer Contributions.

Primary Education

- 83 This proposal is within the catchment of Alyth Primary School and Education & Children's Services advise of no current capacity concerns in this catchment.

Waste Collection

- 84 No issues have been identified by the Council's Waste Services team. A standard informative is recommended regarding kerbside bin collections (Informative 13).

Loss of Golf Facilities

- 85 SportScotland responded to earlier planning applications associated to development of the site. These consultation responses saw no objections raised to the loss of holes in the former golf course area. As this application relates to detailed design elements of the PPP approval, and there is no change to the ongoing retention of 9-hole course to the south of the development site, they have no concerns.

Other Matters

- 86 As part of the first AMSC application (18/01214/AMM) a masterplan and phasing plan was approved for the overall site and the applicant is following the approved plans. An existing S75 legal agreement is also in place for the 18/01214/AMM that requires the delivery of a path connection with Losset Road and bus provision for residents of the care home and dwellings. The connection with Losset road has been delivered and a bus service is required to be in place by either the first resident of the care home or occupation of the 5th dwelling of Phase 1. A bus has been made available, although advice from the developer is that no use of that service has been made. The S75 also requires the landowners to seek confirmation of the Councils required bus provision for each future phase before any development can commence (Informative 14).

Economic Impact

- 87 The impact on the local economy from the proposed dwellings will add to the available local expenditure and have a positive impact on local facilities.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 88 A Section 75 legal agreement will be required in respect of the required affordable housing commuted sum contribution of £206,250 (13.75 units) required for Phases 2 and 3.

DIRECTION BY SCOTTISH MINISTERS

- 89 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

- 90 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted LDP2. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 91 In terms of Phase 2 and 3, it is considered that the application accords with the PPP and submitted masterplan. The scale of development, the layout and design of Phases 2 and 3 raises no significant issues and will not adversely affect the visual, landscape or residential amenity of the area. The impact on the Pitcrochnie Scheduled Monument and the River Tay SAC can be mitigated to an acceptable level.
- 92 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the planning 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 that the development is carried out in accordance with the plans approved.

- 2 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 interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2 2019.

- 3 Prior to the commencement of development for either Phase 2 or 3 hereby approved an updated Air Quality Assessment shall be submitted to, and approved in writing by, the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre.

Reason – In the interests of residential amenity

- 4 All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In the interests of residential amenity

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

Reason – In the interests of residential amenity

- 6 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

- 7 Prior to the commencement of the development hereby approved, protective fencing shall continue to be erected around SM1575 Pitcrocknie Stone as agreed with the Council as Planning Authority and Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority.

Reason - To ensure the preservation of the historic environment.

- 8 Any trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

- 9 Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full.

Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally approved/planted.

Reason - To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area

- 10 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason - In the interests of protecting biodiversity.

- 11 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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

- 12 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

Council as Planning Authority, in advance of works during the restricted period.

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).

- 13 All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 14 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 2 and 3 shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

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

- 15 Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) details of any new construction compound;
- (b) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interest of proper site management and to protect the amenity of the area.

- 16 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods;
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound;
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason - In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

A Section 75 is required to deal with a financial contribution towards affordable housing. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D 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 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 developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 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 Environment Protection Agency.

- 7 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
- 8 The applicant is reminded that, should any protected species be present a licence may be required from NatureScot 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.
- 9 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.
- 10 The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
- 11 For future development phases of the masterplan and In Principle approval, there will be no structures within 72 metres of the stone to the south (Phase 4).
- 12 For future development phases of the masterplan and In Principle approval, no structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
- 13 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.
- 14 There is a Section 75 legal obligation associated with planning permission for Phase 1 (18/01214/AMM), which relates to affordable housing, bus provision and core path upgrade. A copy is available to view on the Council's Public Access portal. Written agreement on bus provision measures are required prior to commencement of development of Phase 2 and 3.

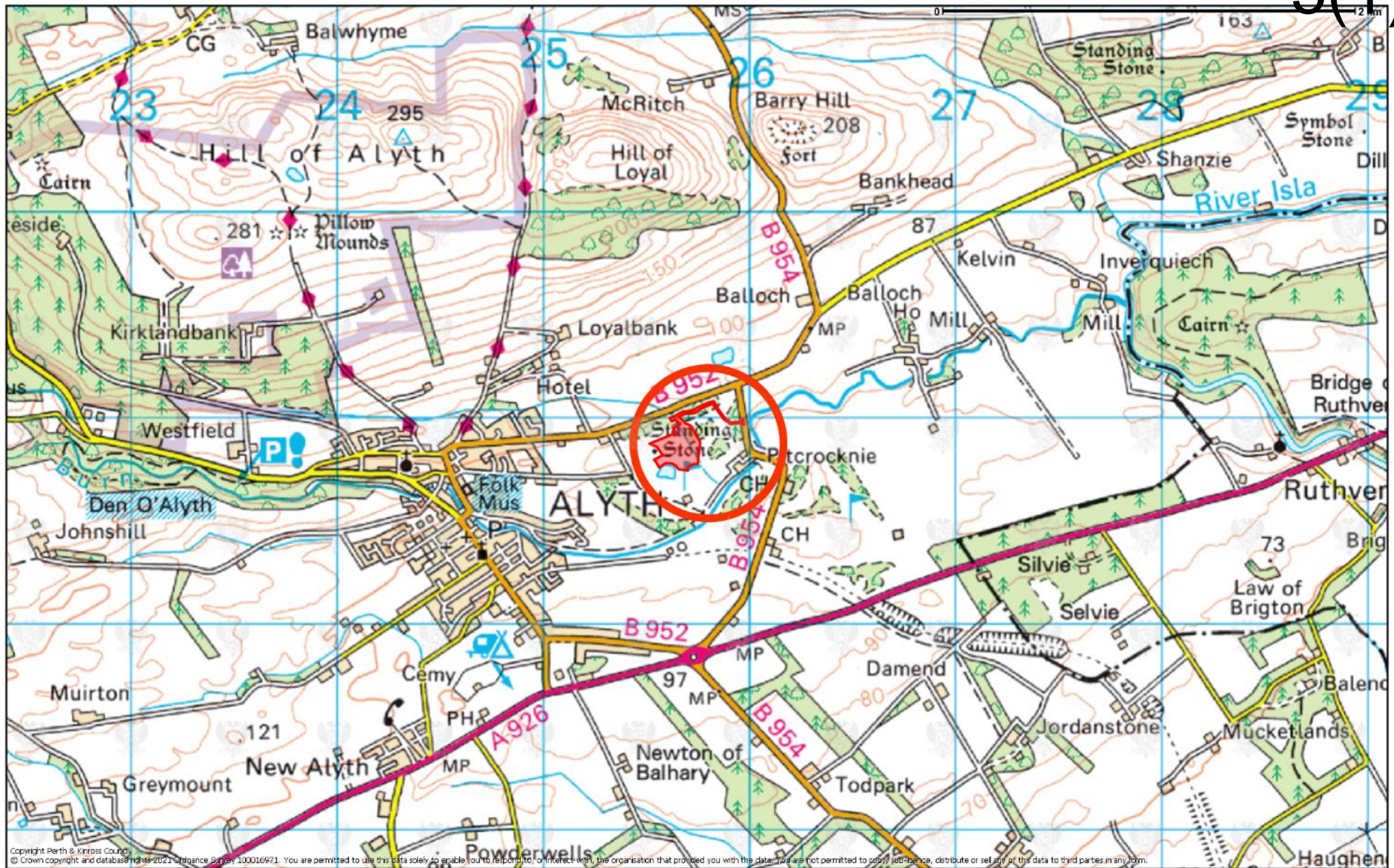
Background Papers: None
 Contact Officer: Steve Callan
 Date: 25 March 2021

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

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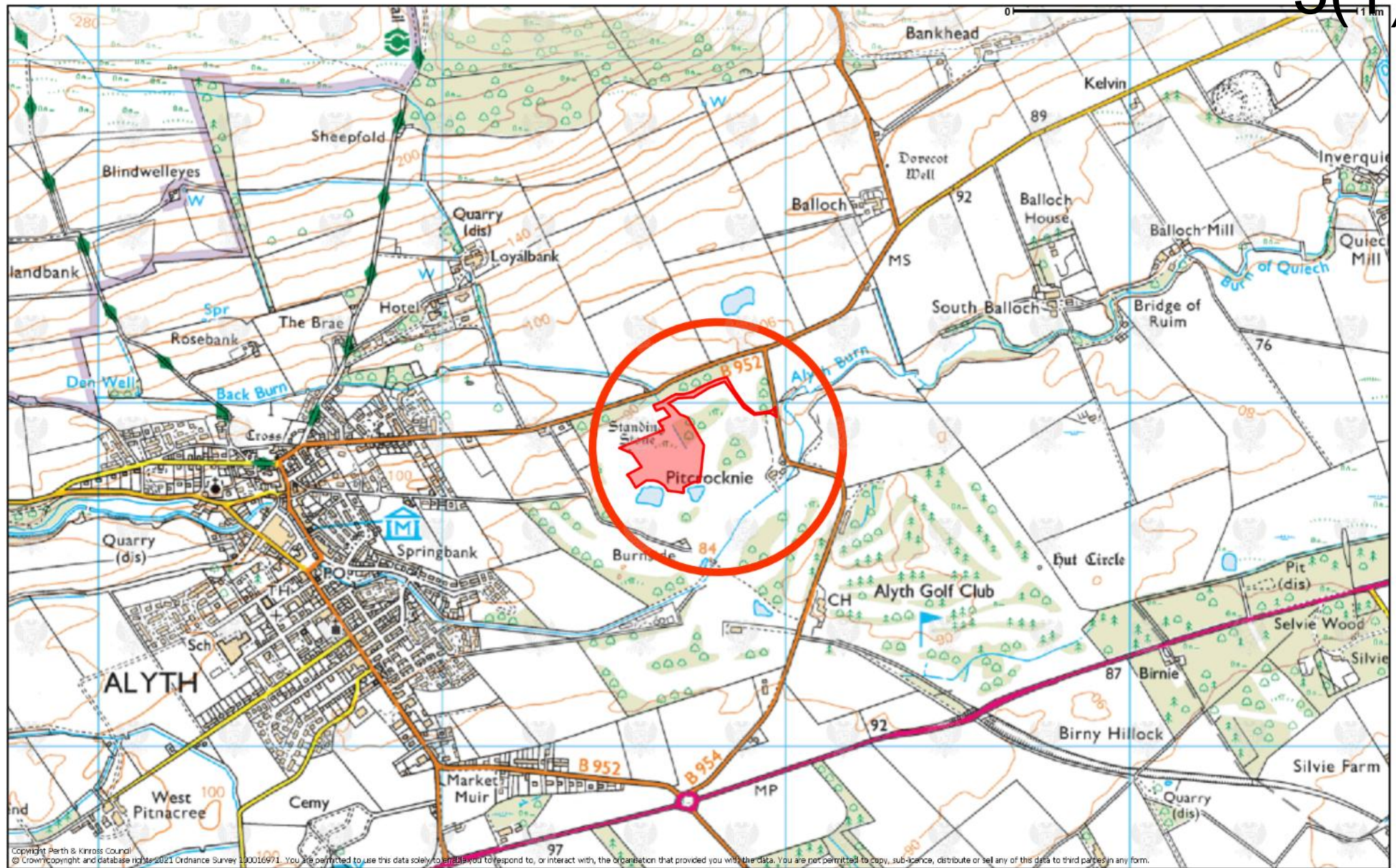
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20/00511/AMM

Erection of 55 dwellings and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping and associated works (Phase 3 and 4) (approval of matters specified in conditions of 16/01595/IPM) land north of Pitcrocknie Farmhouse, Alyth





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20/00511/AMM

Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping and associated works (Phase 3 and 4) (approval of matters specified in conditions of 16/01595/IPM) land north of Pitcrocknie Farmhouse, Alyth



Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/44)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land East of Robinhill, Kinnaird, Inchtute

Ref. No: [20/01830/FLL](#)

Ward No: N1 - Carse Of Gowrie

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of a dwellinghouse on land east of Robinhill, a modern bungalow located in the village of Kinnaird in the Carse of Gowrie. Permission was granted in 2015 (14/00228/FLL) for the same proposal; however, this permission has lapsed, and a new application has been submitted.
- 2 The proposal is for a contemporary style, single storey, split level house. The house is proposed to be clad in natural red sandstone with smooth render panels. The roof profiles will be mono pitched. Windows will be timber framed.
- 3 The proposed site is within the garden ground of Robinhill and is located between Secret Garden (formerly Christmas Cottage) and Robinhill. The new house will be served off the existing driveway to Robinhill which is a private track serving two properties, Robinhill and Secret Garden. Robinhill, located at the end of the track, is currently in the same ownership as the application site.

PRE APPLICATION CONSULTATION

- 4 There have not been any pre-application discussions with regard to this site.

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 2014

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

Scottish Planning Policy 2014

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

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

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

- 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 1/2011 Planning and Noise

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 2019.

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. Whilst there are no specific TAYPlan policies or strategies directly relevant to this proposal the overall vision of the

TAYPlan is noted.

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

Perth and Kinross Local Development Plan 2

- 13 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

Placemaking Supplementary Guidance 2020

- 16 This document supports policy 1 (Placemaking) and is used to assist in the placemaking process.

SITE HISTORY

[13/01099/FLL](#) Full Planning Permission was Refused On 16 August 2013 for Erection of a dwellinghouse

[13/01100/FLL](#) Full Planning Permission was Approved On 9 August 2013 for Extension to dwellinghouse

[14/00228/FLL](#) Full Planning Permission was Approved On 18 November 2015 for Erection of dwellinghouse

CONSULTATIONS

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

External

- 18 **Dundee Airport Ltd:** No objection. The development would not impact the safeguarding criteria for Dundee Airport.
- 19 **Scottish Water:** No objection. There is capacity at Clatto Water Treatment Works for water supply. There is no Scottish foul water infrastructure in the vicinity. Private treatment options are required.

Internal

- 20 **Environmental Health (Noise Odour):** No objection subject to condition with regard to noise.
- 21 **Environmental Health (Private Water):** No objection subject to condition and informative notes with regard to private water supply and foul drainage infrastructure.
- 22 **Transport Planning:** No objection subject to condition with regard turning and parking.
- 23 **Development Contributions Officer:** Contributions are required for primary education of £5,164.

REPRESENTATIONS

- 24 A total of 7 letters of representation have been received all objecting to the proposal. The main issues raised within the representations are:
- Design
 - Residential amenity
 - Noise
 - Drainage
 - Visual impact
 - Traffic and road safety
 - Legal issues with right of access on track
- 25 These issues are addressed in the Appraisal section of the report with the exception of the comments with regard to legal issues and right of access along the track. This are private legal matters to be resolved between landowners

and is not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 2019 (LDP2). 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 developer contributions and placemaking supplementary guidance.

Principle

- 27 The site is located within the Kinnaird settlement boundary as identified in the adopted LDP2. Policies 17 and 1A both apply. Both policies seek to ensure that all new proposals in residential areas are compatible with existing land uses and that the character and amenity of the existing area is not adversely affected by inappropriate development.

Design and Layout

- 28 The proposed house is to be sited on the north eastern part of the application site. This is close to the boundary with the house known as Secret Garden with the closest part of the proposed new house being around 1.5 metres from this eastern site boundary. This part of the new house contains the utility room and has a maximum height of around 4 metres. The main part of the house is between 3 and 4 metres from this boundary and is around 17 metres from Secret Garden. The new development is at a lower level than Secret Garden. A blockwork wall with timber fence on top is currently in place along this eastern boundary.
- 29 The north elevation fronts the access track and contains the front entrance to the house. The height at this point is relatively low at approximately 4 metres with a monopitch roof which falls from north to south. This elevation is primarily finished in white render with some stone. The ground falls away from north to

south and the rear (south) part of the house is around one metre lower. The roof pitch is highest at the southern end of the house at around 6 metres and falls to the north. The south elevation is extensively glazed with a mainly stone finish.

- 30 There have been a number of concerns expressed with regard to the proposed design of the house, the size of the plot and that the development is not in keeping with its surroundings. The design has not changed since the previous approval. There are a variety of house styles and plot sizes in the area. Robinhill itself is a modern bungalow. The proposed development is on a secluded site, away from general public view and is removed from the main historic core of the village. The design was previously considered acceptable on this site and the policy framework in terms of placemaking is broadly the same. It is therefore considered that the proposal is again acceptable. A condition to confirm external finishes is proposed (Condition 2).

Landscape

- 31 There are a number of mature trees to the south of the property within the grounds of the adjoining property (Gowranes) and there is an existing hedge along the northern boundary, again within the grounds of an adjoining property.
- 32 Objectors note that the area is within the Sidlaws Local Landscape Area and that development would be contrary to the associated supplementary guidance. It is considered that the proposal will not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross as policy 39, Landscape, requires. The small scale of development within existing garden ground and within an existing settlement will have minimal impact on the wider landscape quality of the area.
- 33 A condition was previously attached to require details of landscaping, boundary treatment and upgrading of the access track. A condition with regard to landscaping and boundary treatment will be attached again (Condition 3) with a separate condition added with regard to the access track (see Roads and Access section). A condition to protect existing trees is also attached (Condition 4).

Residential Amenity

- 34 There is concern from objectors that the construction of a house on this site will impact on the privacy of surrounding properties. Whilst there are some tall windows on the south elevation, the dwellinghouse is single storey and views out will be limited. Any views to the east or west will be at an angle and will not overlook either Robinhill or Secret Garden. The new house has a lower roof ridge than Secret Garden and is unlikely to affect privacy of either property due to the distance and proposed arrangement of windows on the new dwellinghouse. In addition, there is a substantial fence/wall along the eastern boundary which varies in height between 2 and 3 metres. A new 1.8m high fence is proposed to the west boundary between the application site and Robinhill. The views to the south, to the property known as Gowranes, are

screened by the mature trees within the garden ground of this property. The proposed dwellinghouse is far enough away from neighbouring properties to have no impact in terms of overshadowing.

- 35 The proposals include the installation of an air source heat pump to the east side of the property. There have been concerns from objectors that this will cause disturbance due to noise. Comments have been received from Environmental Health in this regard and it is not considered that residential amenity will be adversely affected by the proposal. However, a noise rating condition is recommended (Condition 7).
- 36 Concern has also been raised that there will be noise and disruption during construction. This is expected to be limited as the development is for a single house and it is for the developer to ensure that working practices do not cause unacceptable levels of noise and disturbance.

Visual Amenity

- 37 There have been comments from objectors that the building will be visible from surrounding hills and will impact adversely on visual amenity. It is considered that any impact will be localised due to the secluded setting of the site. Existing trees will be protected during development and new landscaping required to help to integrate the new development into its setting (Conditions 3 and 4). Development will primarily impact on views out from Robinhill which is in the same ownership as the application site. The development will not impact on the wider visual amenity due to its scale and siting away from the main centre of the village.

Roads and Access

- 38 The site is accessed by a private track around 40 metres in length from the public road in Kinnaird village. Concern has been expressed about the suitability of the vehicular access to the proposed site and the potential increase in traffic that will be created by the development proposal. Whilst it is accepted that the access is narrow, it is not considered that a significant amount of extra traffic will be generated by this development. The nature of the roads in the village is such that vehicle speeds will be low. The site plans show a parking area which can accommodate at least two vehicles. The Council's Transport Planners do not object to the application but have asked for conditions to be attached with regard to turning and parking provision (Conditions 8 and 9).

The proposals indicate that the existing gravel driveway will be upgraded. A condition requiring details of this will be attached (Condition 10).

Drainage and Flooding

- 39 There have been a number of objections with regard to potential drainage issues within the site.

40 There are no public sewers in the area and a private foul drainage system is proposed. The new septic tank will be located in the garden of the existing property, Robinhill and the existing septic tank will be abandoned. The applicant has submitted drainage details that incorporate a mound soakaway system which is suitable for this site where there is limited porosity.

41 Surface water for this house and Robinhill will be collected and re-cycled as “grey water” within the dwellings which will help to reduce the amount of surface water on the site.

42 There is also concern that development of the site might affect the soakaways from neighbours' septic tanks and that the development will be built on top of the soakaways. Environmental Health (Private Water) have been consulted and a condition and informative notes are attached to safeguard existing septic tanks, water supply storage facilities and / or private water supply pipes (Condition 5, Informatives 5 and 6).

Waste Collection

43 An area for waste and recycling bins has been included on the site plan, which is adequate.

Conservation Considerations

44 The site is not within a Conservation Area. There are a number of listed buildings in Kinnaird; however, due to the distance from any Listed Buildings, this proposal will not impact on the setting of any Listed Building.

Natural Heritage and Biodiversity

45 The site is largely grassed and development will not impact on natural heritage or biodiversity. An informative note will be added to highlight the possible presence of nesting birds in any trees or shrubs on the site (Informative 8)

Zero carbon technologies

46 Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy the requirement of Policy 32 will be required by condition (Condition 6).

Developer Contributions

Primary Education

47 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 at over 80% and is likely to be

operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

- 48 This proposal is within the catchment of Inchtute Primary School where the following contribution is required:

- Education: £5,164

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 50 There is an existing section 75 legal agreement associated with the previous planning permission for this site. Discussions are on ongoing with Legal Services to ascertain whether this agreement could be used to cover contributions required as part of this planning application or whether this agreement will need to be modified or re-written.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

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

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 Prior to 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 development, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. The plan shall include details of proposed hard and soft landscaping. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

- 4 All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

- 5 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

- 6 Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a) the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

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

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

- 8 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

Reason - In the interests of pedestrian and traffic safety.

- 9 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason - In the interests of pedestrian and traffic safety.

- 10 Prior to the commencement of development, a plan showing details of the upgrading of the access track shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

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

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the

filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

- 7 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 8 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.
- 9 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 10 There is a Section 75 legal obligation associated with this site, which relates to developer contributions for primary education provision. The applicant should seek clarification as to whether this agreement is applicable to this application or will require to be modified or re-written.

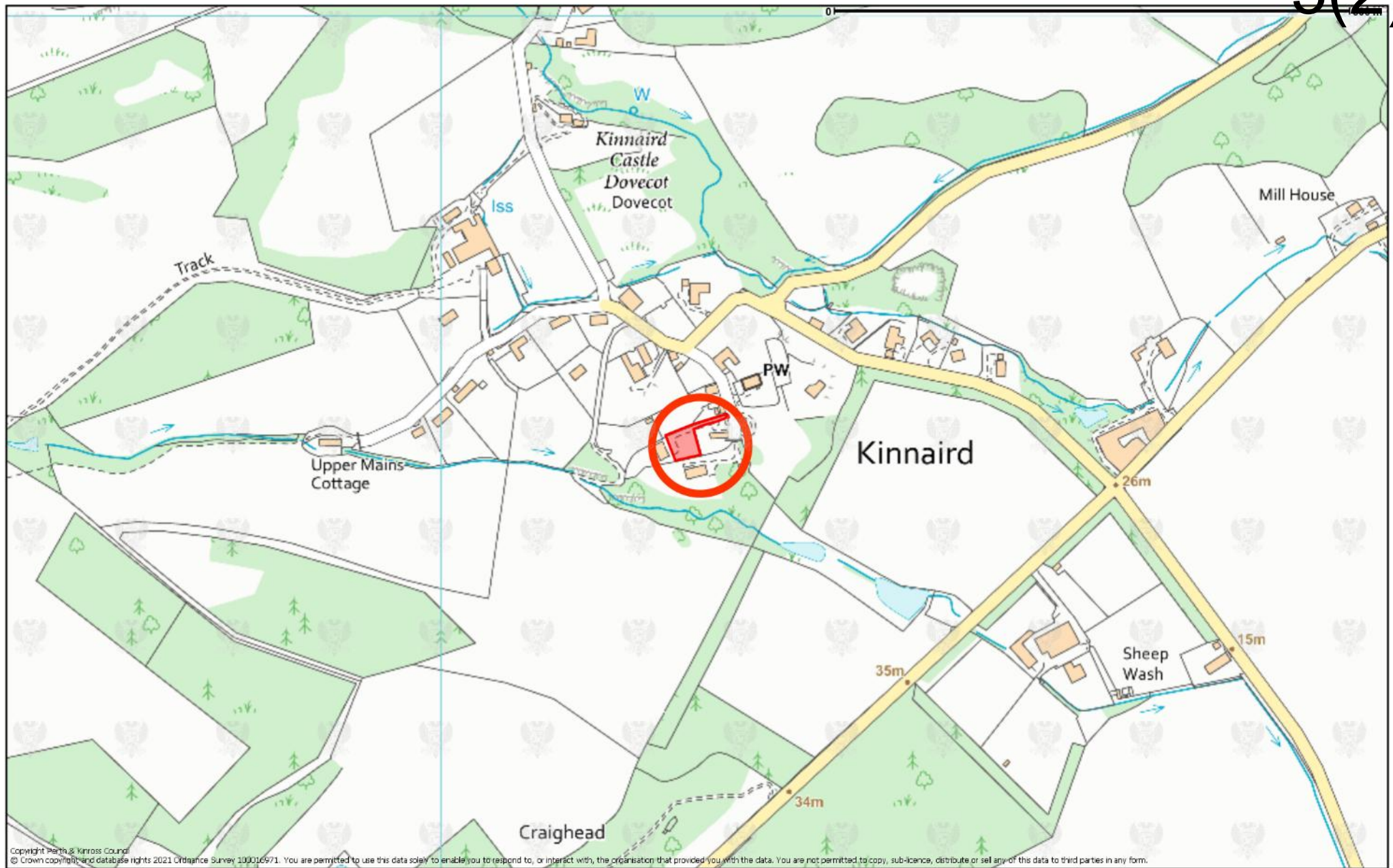
Background Papers: 7 letters of representation
Contact Officer: Persephone Beer
Date: 25 March 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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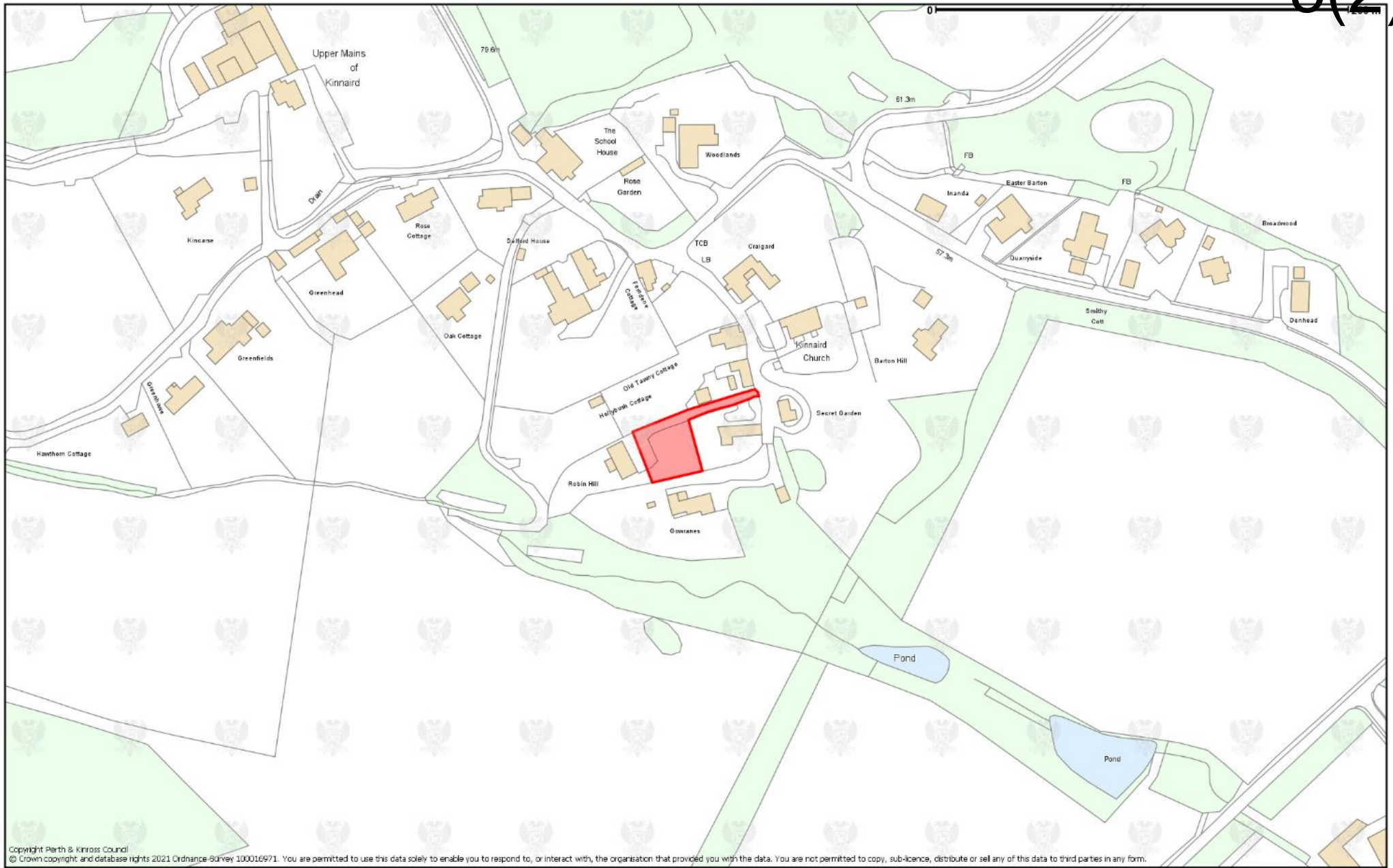
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20/01830/FLL

Erection of a dwellinghouse, land east of Robinhill, Kinnaird, Inchture





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20/01830/FLL

Erection of a dwellinghouse, land east of Robinhill, Kinross,
Inchture



Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/45)

PROPOSAL: Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works

LOCATION: Land south of Walker Court, Rie-Achan Road, Pitlochry

Ref. No: [20/01967/FLL](#)

Ward No: P4- Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the change of use and alterations to carpark to site 2 railway carriages to form a restaurant/takeaway (class 3), the formation of a raised decking area and associated works, all within the Rie-achan Road Carpark in Pitlochry.
- 2 The carpark is located within the town centre of Pitlochry in an area characterised by a mix of commercial, residential uses and transport uses. The site is bound by the railway line and a treed landscaping strip to the south. The Network Rail access and gate is located to the east. To the north and west are parking spaces and the car park access road. The application site currently comprises of 11 parking bays which includes two accessible parking bays and also a small landscaped area accommodating a lighting column.
- 3 The proposal is to site two railway carriages for use as a restaurant with an associated takeaway facility, however there are some more permanent changes required to facilitate the development. The proposal involves the removal of 6 trees, relocation of a lighting column and loss of 11 parking bays. The site is not level so a levelled track bed is to be formed, onto which recycled tracks and sleepers will be placed for the siting of the carriages. A lift access, stepped access with queuing area, raised deck, bin storage and cycle stand are also proposed.

PRE-APPLICATION CONSULTATION

- 4 The applicant sought pre-application advice on the proposal which highlighted concerns with the loss of parking and road safety issues.

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 2014

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

Scottish Planning Policy 2014

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

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

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

- Sustainability: 24 – 35
- Placemaking: 36 – 57
- Promoting Town Centres 58 - 73
- Supporting Business and Employment 92 - 108
- Valuing the Historic Environment 135 - 151
- Promoting Sustainable Transport and Active Travel 269 - 291

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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 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 and 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 policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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.

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 14 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. 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."

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice for Investment
 - Policy 5: Town Centre First
 - Policy 9: Developer Contributions

Perth and Kinross Local Development Plan 2 (2019)

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

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 10: City, Town and Neighbourhood Centres
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

SITE HISTORY

- 18 No site history

CONSULTATIONS

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

External

- 20 **Pitlochry And Moulin Community Council:** Comments raised noting safety in the car park, impact on residential amenity, loss of parking, loss of trees/landscaping.
- 21 **Scottish Water:** No objection. Advise that there is currently water capacity and public wastewater infrastructure available within the vicinity of the development site.
- 22 **Network Rail:** No objection but condition/informative required to highlight proximity to rail line.

Internal

- 23 **Enterprise Team:** Comments received on economic benefits of the proposal.
- 24 **Structures and Flooding:** No objection to proposal.
- 25 **Biodiversity/Tree Officer:** No objection. Replacement planting requested and bird breeding informative recommended.
- 26 **Environmental Health (Noise Odour):** No objection. Conditions required to cover lighting, servicing, noise and odours.
- 27 **Commercial Waste Team:** Waste requirements advised.
- 28 **Transport Planning:** Objection to proposal due to loss of parking and road safety concerns.
- 29 **Development Contributions Officer:** No contributions required.

REPRESENTATIONS

- 30 A total of 47 letters of representation have been received in respect of the current application including comments from Pitlochry Community Council. 19 objecting to the proposal and 27 supporting the proposal. The main issues raised within the representations are:

Objections

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate land use
- Excessive Height
- Lack or loss Of Car parking
- Noise Pollution

- Out of Character with the Area
- Over Looking
- Road Safety Concerns/Pedestrian Safety
- Traffic Congestion
- Light pollution
- Loss of open space
- Over intensive development
- Loss of trees
- Negative impact on Conservation Area

Support

- Enhances character of the area
- Increase visitors
- Tourism benefits
- Job opportunities
- Supports economic development
- Result in environmental improvements

- 31 These issues are addressed in the Appraisal section of the report.
- 32 The following are not material planning considerations. A number will be out with the control of the Planning Authority or covered by other consents/legislation.
- Over provision of restaurants/competition
 - Inappropriate Housing Density
 - Littering
 - Anti-social behaviour
 - Land ownership/lease agreements
 - Human behaviour leading to accidents, etc

ADDITIONAL STATEMENTS

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

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 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

- 34 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 35 The site is located within the settlement boundary of Pitlochry within the town centre zoning and lies within Pitlochry Conservation Area.
- 36 Policy 10: City, Town and Neighbourhood Centres encourages uses within Class 1 and also Class 2 and 3 of the Town and Country Planning (Use Classes)(Scotland) Order provided that they contribute to the character, vitality and viability of the retail area and satisfy all of the noted criteria. The criteria include a high and continuous degree of public contact involved in the normal day to day running of the use, an attractive shopfront is provided, residential amenity is protected and that there are no adverse effects on the integrity of the River Tay Special Area of Conservation. The nature and detail of the proposed development meets these criteria therefore it is considered that the principle of providing a restaurant use within this town centre site complies with Policy 10.
- 37 Whilst the proposal in principle complies with Policy 10, the application site is within an existing carpark land use. Policy 60 Transport Standards and Accessibility Requirements outlines criteria for the assessment of proposals. Policy 60A relates to existing infrastructure and states that encouragement will be given to the retention of these existing facilities. Policy 60B also notes that proposals shall be designed for the safety and convenience of users. It also states that developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision. In this case, the proposal does not provide any car parking and results in the loss of 11 parking bays. It is detailed more in the Roads and Access section why the proposal is considered to be contrary to this policy.

Design and Layout

- 38 The application site comprises a row of car parking bays with screen planting. The proposal is to clear the site, removing the planting buffer and locate the two railway carriages on laid track and interlink them providing a restaurant/kitchen with ancillary takeaway.
- 39 The proposed railway carriages are Mk.111 HST coaches built between 1976 and 1982. The railway carriage closest to the car park will provide the main restaurant welcome desk, restaurant seating for 44 covers (including 1 accessible cover). The railway carriage closest to the railway boundary will

provide a takeaway facility (food counter and seated waiting area), the kitchen and additional restaurant seating for 16 covers. The carriages colour finish will be blue and grey.

- 40 The application site is not level and therefore a track bed is to be formed, onto which recycled tracks and sleepers will be placed for the railway carriages to sit. The carriages have a tilt design so they will also be chained to the ground to avoid movement during bad weather.
- 41 The existing boundary treatment to the railway line will comprise the retention of the existing 1.8 m high post and chain link fence. At the access point of the carriage it is proposed to provide a vertical glazed protective barrier for pedestrian safety.
- 42 A platform entrance area is annotated on the plans, no outdoor seating is proposed as part of this planning application.
- 43 The development is to provide a themed restaurant in a carpark location alongside a railway line. The design and finishes of the carriages are considered appropriate for the location.

Residential Amenity

- 44 The nearest residential properties are 1 and 3 West Lane and more recent flatted developments to the north side of West Lane and Rie-Achan Road which are separated from the site by the operational carpark.
- 45 There are residential properties in the vicinity of the proposed site so there is the potential for noise and/or odours from the proposed development to affect residential amenity. Environmental Health have been consulted and note the closest neighbouring property is approximately 30m away from the site.
- 46 The proposal has the potential to affect residential amenity. Noise sources will be from plant equipment and operational noise such as patron noise, emptying of bins, music etc. If this is not controlled, it could have a detrimental impact on those residential properties. The plans show a raised decking area but there is nothing in the plans to indicate that this area will be utilised as an outdoor seating area.
- 47 Control of cooking odours and any proposed lighting must also be considered to ensure residential amenity is not adversely impacted.
- 48 The intended operational hours are 10:00 – 16:00 Monday – Saturday during the Winter period and 09:00 – 22:00 Monday – Sunday during the Summer months. Further operational time is noted to allow cleaning, cooking and opening/closing procedures the maximum operating time proposed is 08:00 – 22:30.
- 49 The agent has confirmed in their statement that a limited menu will be available for takeaway via a separate entrance to the rear of the railway carriage closest to the railway land boundary (this is where the small area of decking is shown).

The principal use will therefore be a restaurant falling within Class 3 with ancillary takeaway.

- 50 Environmental Heath confirm they have no objection to the application, but to protect the residential amenity of nearby properties they recommend, if permission is to be granted, conditions to cover servicing, plant noise, operating noise, ventilation and lighting.

Roads and Access

- 51 The proposal will result in the loss of 11 car parking bays to facilitate the installation of the railway carriages.
- 52 The site is close to a number of transport modes, with the railway station a short walk from the site, the main coach park for Pitlochry is adjacent to the Rie-Achan Road Car Park used by a number of tour operators with local buses passing through to use the Bus Stop provision within the coach parking area. The site is a short distance, approximately 100 metres, from the National Cycle Network Route 7, which passes along Atholl Road.

Parking

- 53 The proposed installation of railway carriages within Rie-Achan Road Car Park will result in a reduction in the car parking provision within Pitlochry. The siting of the railway carriages will require the removal of nine standard car parking bays and two accessible parking bays. It is acknowledged that the applicant has been unable to undertake surveys during COVID-19 which is the same issue for Perth & Kinross Council. Without this information it is difficult for the applicant to justify the statement that there “is not a real parking issue in Pitlochry but a perceived one” Planning Supporting Statement (Plan ref 22, Page 11).
- 54 The applicant has advised that there are 323 car parking bays in Pitlochry. This figure includes a number of public car parks operated by Perth & Kinross Council and car parks provided by private operators. The figure also includes private car parks operated by the Co-operative shop and ScotRail at Pitlochry Railway Station.
- 55 Transport Planning have advised that Perth & Kinross Council are actively seeking to increase the parking provision within Pitlochry, with sites being investigated for this purpose and to lose car parking bays, is at odds with that project being investigated by the Traffic & Network Team. Notwithstanding these comments, it has not been determined in the application that the car parking bays to be lost are surplus to requirement. As a result, Transport Planning consider the loss of car parking bays cannot be supported at this time.
- 56 The proposal involves the loss of two accessible parking bays and the applicant has requested that the timing of providing replacement accessible parking spaces is not tied to any planning permission. If the proposal is supported, then this will require further discussion to reach an agreement. It should be noted that due to the required width for accessible bays, 3 standard parking

bays elsewhere within the carpark will require to be altered, thus resulting in the loss of an additional parking bay. Due to the adjacent land being out with the control of the applicant this could not be secured by planning condition and would need to be agreed with the landowner.

- 57 Loss of parking is considered an important issue in Pitlochry at this current time, particularly due to the Covid pandemic, increased demand for parking is anticipated as staycations increase. The multi-agency Perth & Kinross Visitor Management Group are currently preparing for a significant increase in visitor numbers to destinations such as Pitlochry. This is in line with a national approach being led by VisitScotland, where pressures on facilities such as car parking in popular visitor destinations is needing to be addressed. In many cases, additional parking is required to ensure some of the adverse impacts on communities experienced in the 2020 season are minimised and the economic benefits to the whole community are realised. At this time, the management group considers the loss of any existing car parking in tourist destinations such as Pitlochry should be avoided for these reasons.
- 58 In addition to the loss of spaces, there is also the trip attraction to the site which has not been fully considered within the applicants submission and it is anticipated that this could have a further impact on the use of the Rie-Achan Road Carpark. This has been further highlighted in the agent's most recent supporting statement which emphasises that the restaurant will also be a tourist attraction. Although the agent states many visitors would be local or arrive by train thus not relying on the use of the carpark however this cannot be quantified.
- 59 The agent's supporting statement notes that from a national level down, planning policy is all about sustainable development aimed at reducing the use of the private car. However, it is not stated that town centre parking shall be reduced to support this and there is an acceptance that rural tourism still relies heavily on private car use. In this case, the sustainable transport argument does not provide adequate justification to lose existing parking bays.
- 60 Policy 60: Transport Standards and Accessibility Requirements covers both existing infrastructure and new development proposals. The carpark is considered an existing infrastructure and the development will reduce parking as well as utilise further parking potentially for staff and patrons of the business. Policy 60A encourages the retention of existing transport infrastructure and it is considered that, at this time, the Council does not have adequate evidence to justify the loss of the parking bays.
- 61 Policy 60B highlights that in rural areas parking provision differs to an area which is well served by sustainable transport modes and different standards may be applied. The policy also states that in town centre sites, developers will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision. The proposal provides no parking which, for a business located within a town centre is not usually a significant issue, however, this proposal has an additional consequence as it results in the loss of 11 parking bays from a well-used carpark as well as potentially increasing the demand for parking.

- 62 It is considered that there is insufficient evidence to support the loss of car parking in Pitlochry, which is an extremely important tourist destination and particularly in a car park which provides parking bays adjacent to a railway station. In the long term, it is considered that if a parking study is done to establish that the provision of parking in Pitlochry could be reduced, then this issue could be reconsidered, but at this stage, due to the lack of information, the loss of bays cannot be supported.

Road Safety

- 63 The applicant advises that the much of the guidance within *the National Roads Development Guide (SCOTS: 2014)*, is not directly relevant. Whilst that may be the case, it does provide standards pertaining to the Horizontal Clearance, between the end of the carriageway and any vertical object, such as the proposed railway carriages. A minimum distance of 500mm must be provided or where the cross fall exceeds 4%, this clearance should be increased to 600mm. The plans do not show a minimum distance of 500mm between the road and the railway carriage as it abuts the road.
- 64 The agent has highlighted that this is guidance only and that there are a number of structures already existing in the carpark which are within 500mm of the carriageway. These obstacles, noted by the agent, include signs, parking meters, junction boxes etc however these cannot be considered to be comparable to a 23m long railway carriage. In the photos submitted, these obstacles are also set on raised kerbs which provide additional separation from the road which the carriages will not have.
- 65 The current car parking layout has been designed primarily for the manoeuvring of cars, this application is likely to introduce other vehicle types for the servicing and maintenance of the railway carriages, such as refuse collection vehicles and food delivery vehicles. It has not been demonstrated that the use can be serviced as there is a risk of collision between service vehicles and car park traffic, as there is no service area or turning facility for these vehicle types. The servicing of the railway carriage may restrict the movement of vehicles into the car park.
- 66 The Road Safety Team note that there is a lack of pedestrian facilities within the car park for non-car park users. Whilst the car park's primary function is for the manoeuvrability, the parking of cars and pedestrians returning to vehicles, this proposal will attract additional pedestrians into the car park. The likely levels are currently unknown but the agent has indicated that it is anticipated that it will have 30,000 visitors per year and it is likely that 70% will be visitors and residents already in the town. It is also noted that many will visit by train. Nevertheless, the car park currently has limited pedestrian facilities and the facilities that are provided, would not be suitable for anyone with limited or assisted mobility. This development introduces a risk to vulnerable members of society who may be going to the railway carriage for a meal or a takeaway. This concern has not been fully addressed. It should be noted that there are no dedicated walkways within the car park. In addition, when pedestrians are egressing from the proposed railway carriage restaurant into the car park access, there will be limited inter visibility between pedestrians and motorists

driving through the car park. Whilst much of the car park is a one way system, with access from Rie Achan Road and egress to Station Road, the area in front of the proposed railway carriages is part of the two way flow of the car park thereby increasing the concerns of road safety.

- 67 Any maintenance of the railway carriages will require to be carried out on the car park access and is likely to result in a reduced space for manoeuvring vehicles. Had there been a footway along the front of the carriages, similar to a shop front on a street, this would be less of a concern.
- 68 There is a concern that no separation has been provided between the carriage and the road, that servicing has not been adequately addressed and that there are concerns regarding the safety of pedestrians. The proposal is therefore contrary to Policy 60B a) as it is considered that the proposal has not been designed for the safety and convenience of all users.

Street Lighting

- 69 The proposal requires the relocation of an existing lighting column. If the application was to be approved, contact will be required with Perth & Kinross Council's Street Lighting Partnership for the relocation of this column.

Temporary Permission

- 70 The agent has noted the applicant's willingness to accept a temporary permission.
- 71 The proposal however involves some more permanent works including the removal of 6 trees, the relocation of a lighting column, new foul drainage connection and works to the existing site levels to form a levelled track bed onto which recycled tracks and sleepers will be placed for the siting of the proposed railway carriages. The proposal also requires the relocation of two accessible parking spaces. It is therefore considered, as these are permanent works, a temporary permission would be unsuitable.
- 72 The proposal cannot be considered in the same way for example as a mobile food truck which can be sited (parked) and removed. The granting of a temporary permission also does not address the reasons for refusal as there would still be a loss of parking bays and the road safety concerns outlined above.

Economic Impact

- 73 The economic benefits of this proposal have been noted within the submission and in letters of representation. The Council's Economic Development Team have provided comments on the proposal. They note that, although the proposal will create additional employment opportunities, it is unlikely these will be high value positions in terms of salaries. They also note that Pitlochry has an abundance of eateries and an additional one will likely displace custom from other venues as opposed to bringing additional people to the area.

- 74 It is further highlighted that they understand that there are vacant properties in Pitlochry that could be utilised for a new restaurant without the need to take valuable space within the car park.
- 75 It is therefore considered that whilst the proposal will create a number of jobs, it is unlikely to offer any significant economic benefits that outweigh the loss of the parking bays.

Conservation Area

- 76 The site lies within the Conservation Area. It is noted within the Conservation Area Appraisal for Pitlochry that the Victorian town is a superb example of a Highland holiday resort developed mainly during the last half of the nineteenth century. The Highland railway line came through in 1863.
- 77 Pitlochry has a strong Victorian influence, but this does not mean that all development shall be limited to this architectural style. The application site is not located adjacent to the listed Victorian railway station and the carriages to be sited have been in operation during the 1980s. It is therefore considered that the design and siting of the carriages in the carpark on the edge of the Conservation Area would not have a detrimental impact on its character or appearance.

Drainage and Flooding

- 78 The Flood Team have confirmed that the site is not within a Flood Risk Area.
- 79 The applicant has not provided any details for the rainwater run-off from the railway carriages. The Flood Team confirm that the site is within an existing carpark which would have surface water drainage in place and the development is not considered to significantly increase surface water run-off.

Trees

- 80 Six trees are to be removed to allow this development to be accommodated. The trees currently provide screening between the existing parking spaces and the railway line. It could be argued that the installation of the carriages would also provide some visual separation between the remaining carpark and the railway line. Soft Landscaping is proposed in the installation of four wooden planters, three on the platformed entrance and one on the eastern platform area. Whilst the planters do not provide replacement tree planting, they will contribute to the visual amenity of the area.
- 81 It is accepted that the loss of the 6 trees would be a consequence of the development and would not in itself justify refusal of the application. The Biodiversity Officer and the Community Council have requested compensatory tree planting however the applicant has no control over any further areas of land so this would not be a reasonable condition.

Biodiversity

- 82 The Biodiversity Officer has confirmed that the submitted Ecology Survey Report (plan ref 18) is in accordance with published best practice and confirms that the trees proposed to be removed do not contain bat roost potential.
- 83 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest.
- 84 Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive.

Waste collections/littering

- 85 The waste and recycle storage bins are proposed to be stored at ground level at the rear of the carriages. The Commercial Waste team considered that the provision provided originally was not adequate. The agent has revised the plans to provide the required bin storage and this is now considered acceptable to the Waste Team.
- 86 Littering does not fall under the remit or control of the Planning Authority.

Construction Process

- 87 The construction process is a temporary short-term impact. The agent has outlined how the works would be undertaken and what consents would be required.

DEVELOPER CONTRIBUTIONS

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 89 None required.

DIRECTION BY SCOTTISH MINISTERS

- 90 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

- 91 It is considered that in the absence of evidence either held by the Council or submitted by the agent, the Council cannot support the loss of parking at this location at this time. The proposal also raises road safety concerns which have

not been addressed within the submission.

- 92 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 93 Accordingly the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure of the Perth and Kinross Local Development Plan 2 (2019). This policy encourages the retention of existing transport infrastructure and the proposal will reduce parking within this well used carpark which will be compounded with the potential use of further parking for staff and patrons.
- 2 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019). Policy 60B a) states that all development proposals shall be designed for the safety and convenience of all potential users. It has not been demonstrated that the servicing of the railway carriage and pedestrian safety can be accommodated.
- 3 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019). This policy states in relation to Car Parking that developers of town centre sites will be required to contribute to overall parking requirement. It is considered that there is insufficient evidence to support the loss of car parking in Pitlochry, an extremely important tourist destination within the Perth & Kinross Council area.
- 4 The proposal is contrary to the National Roads Development Guide (SCOTS: 2014) in relation to standards pertaining to the Horizontal Clearance on Page 83. The development by virtue of the siting of the railway carriages adjacent to the carriageway does not provide the minimum clearance distance stated.

B JUSTIFICATION

The proposal is not 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

None

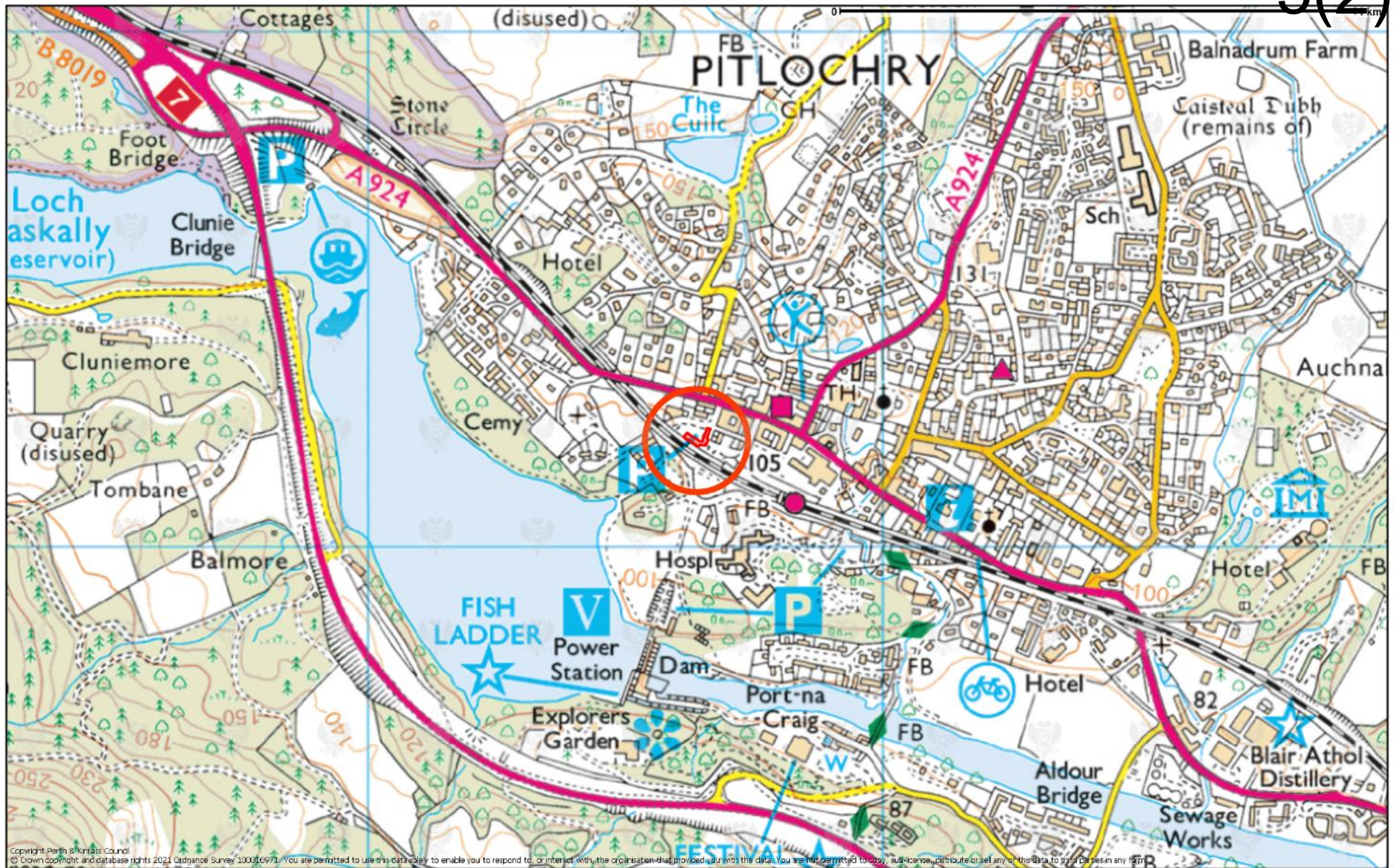
Background Papers: 47 letters of representation
Contact Officer: Joanne Ferguson
Date: 25 March 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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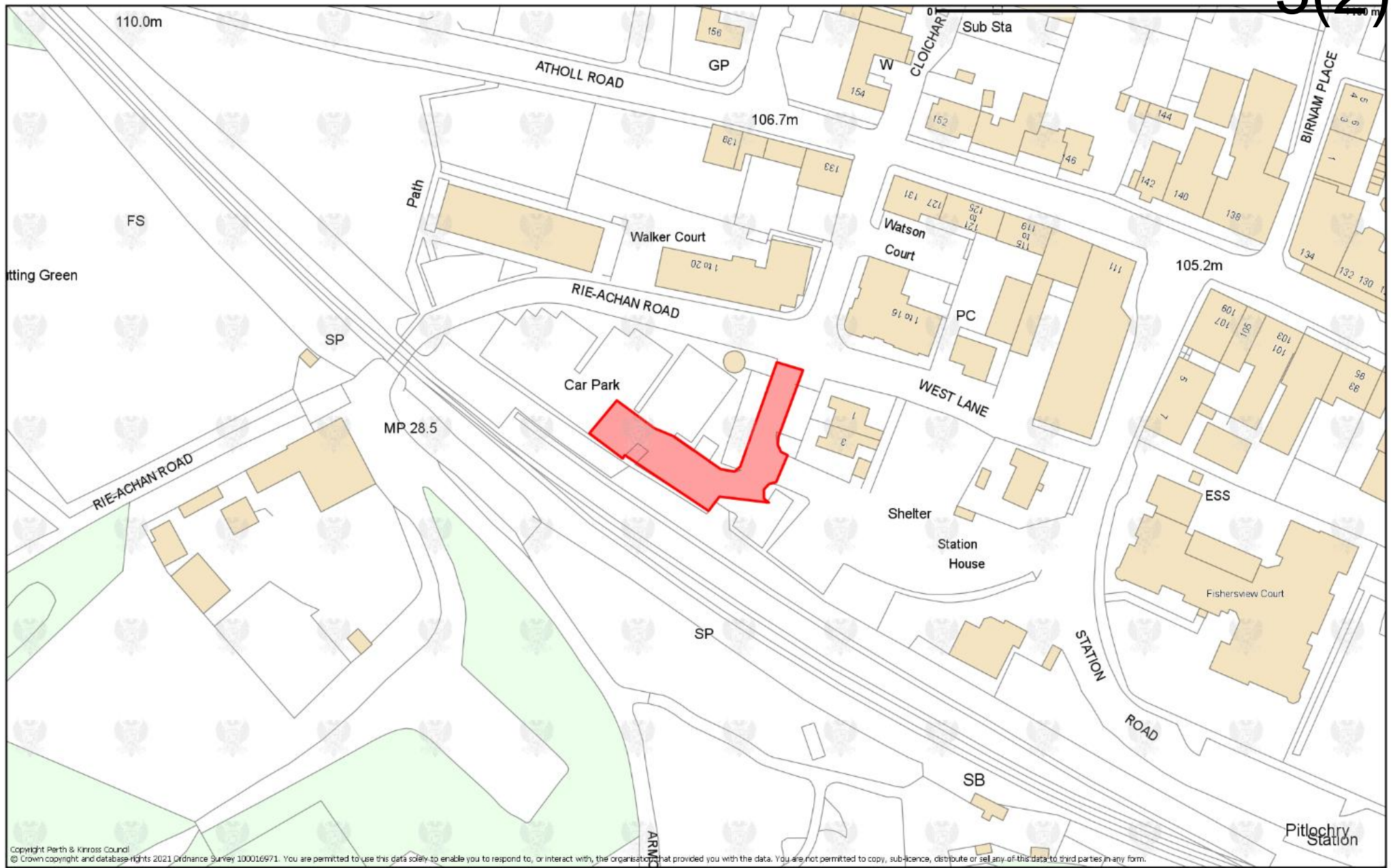
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20/01967/FLL

Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works





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20/01967/FLL

Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works



