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Council Building
2 High Street
Perth
PH1 5PH

19/07/2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 28 July 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 Rhona Brock
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Tom McEwan
Councillor Crawford Reid
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 28 July 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 29 JUNE 2021 FOR APPROVAL (copy herewith) 7 - 28
- 4 DEPUTATIONS
- 5 APPLICATIONS FOR DETERMINATION
- 5(1) MAJOR APPLICATION
- 5(1)(i) 21/00235/FLM - PERTH - INSTALLATION OF A 49.9MW ENERGY STORED FACILITY COMPRISING 50 BATTERY STORAGE CONTAINER UNITS, ANCILLARY EQUIPMENT, ERECTION OF A CONTROL BUILDING, SITING OF 2 CONTAINER UNITS FOR OFFICE/STORE USE, FORMATION OF BOUNDARY TREATMENTS, LANDSCAPING, PARKING AND ASSOCIATED WORKS, LAND 90 METRES SOUTH WEST OF NOAH'S ARK, OLD GALLOWS ROAD, PERTH 29 - 52

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/115)

5(2) LOCAL APPLICATIONS

- 5(2)(i) 20/00359/FLL - WEST KINFAUNS - ERECTION OF 15 DWELLINGHOUSES AND ASSOCIATED WORKS, LAND NORTH EAST OF HIGHLAND DISTILLERIES, KINFAUNS HOLDINGS, WEST KINFAUNS** **53 - 72**

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/116)

- 5(2)(ii) 20/01433/FLL - GARTH - ERECTION OF A DWELLINGHOUSE (IN PART RETROSPECT), NEW HOUSE, GARTH, FORTINGALL, ABERFELDY** **73 - 96**

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/117)

- 5(2)(iii) 21/00580/FLL - KINNESSWOOD - ERECTION OF A DWELLINGHOUSE, LAND NORTH OF BONALY COTTAGE, MAIN STREET, KINNESSWOOD** **97 - 116**

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/117)

5(3) PROPOSAL OF APPLICATION NOTICE (PAN)

- 5(3)(i) 21/00010/PAN - BLAIRGOWRIE - ERECTION OF A SPORTS FACILITY TO INCLUDE SWIMMING POOL, EXTERNAL SPORTS PITCH, VEHICULAR ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS, BLAIRGOWRIE RECREATION CENTRE, BEECHES ROAD, BLAIRGOWRIE** **117 - 126**

Pre-Application Report by Head of Planning and Development
(copy herewith 21/119)

- 5(3)(ii) 21/00011/PAN - BRIDGE OF EARN - RESIDENTIAL DEVELOPMENT, ACCESS, LANDSCAPING, SUDS AND ASSOCIATED WORKS AT LAND 150 METRES SOUTH WEST OF KINTILLO CEMETERY, BRIDGE OF EARN (LDP2 SITE H14)** **127 - 136**

Pre-Application Report by Head of Planning and Development
(copy herewith 21/120)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 29 June 2021 at 10.00am.

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

In Attendance: D Littlejohn, K Smith, A Condcliffe, A Findlayson, S Panton, J Scott, D Salman, L Reid, G Bissett and C Stewart (all Communities); G Fogg, L Brown, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R McCall and T McEwan.

Councillor B Brawn, Vice-Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener 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 1 June 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

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

Planning Application No.	Item No.
21/00383/IPM	5(1)(i)
21/00624/FLL	5(2)(i)

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **21/00383/IPM - S42 application to modify Condition 8 (sustainable development) and Condition 16 (residential occupation) of permission 15/01157/IPM, land adjacent to Huntingtowerfield and Ruthvenfield – Report 21/105 – Almond Valley Limited**

Mr Wood, agent on behalf of the applicant, addressed the committee via audio conference and answered members questions.

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

Conditions

1. Plans and particulars of the matters set out in the subsequent conditions shall be submitted for consideration and approval by the planning authority as specified below and the development shall be carried out in accordance with those approvals.
Reason: To ensure that the matters referred to are given full consideration.
2. The site layout plan, phasing plan and housing numbers submitted as part of permission 15/01157/IPM are purely indicative and are not approved at this stage.
Reason: The application is for planning permission in principle only at this stage.
3. The submitted Delivery Strategy (Plan 17) is hereby approved. Notwithstanding this approval, no further development beyond Phase 1A shall commence on any further Phase or development approved as part of any application for Approval of Matters Specified in Conditions, until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan unless otherwise agreed in writing by the Planning Authority.
Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring appropriate economic and social benefits to the area.
4. As soon as possible after each of the phases of the development approved under condition 3 above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.
Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
5. No development shall commence on each phase until further plans and particulars have been submitted and approved in writing by the Planning Authority in respect of

the following matters to coincide with the delivery plan to be secured under the legal agreement:

- a) The delivery of the development in phases associated with the areas prescribed in the submitted Masterplan/delivery plan.
- b) Details of all cut and fill operations.
- c) Full details of the proposed means of disposal of foul water to serve the development.
- d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- e) The siting, design, height and external materials of all buildings or structures.
- f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
- g) Details of any screen walls/fencing to be provided.
- h) Details of all landscaping, planting including structural planting and screening associated with the development.
- i) Details of play areas and the equipment to be installed.
- j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide).
- k) Detailed specification of all street and footpath lighting.
- l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A85 and Cross Tay Link Road.
- m) Detailed plan of public access across the site (existing, during construction and upon completion).
- n) Detailed flood risk assessment at each phase as specified in the delivery plan. The development shall be implemented in accordance with these approved details.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

6. In pursuance of condition 5 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul drainage system shall be submitted to and approved in

writing by the Council as Planning Authority in consultation with Scottish Water, Scottish Environment Protection Agency and Nature scot. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

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

7. In pursuance of Condition 5 d), disposal of surface water:-

- a) All storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
- b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in Appendix 9.2 (Scheme Drainage Strategy) of the Environmental Statement (forming part of planning application 15/01157/IPM). The agreed detail shall thereafter be implemented prior to the completion of the development.
- c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
- d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the River Almond and East Pow Burn. The discharge of any surface water drainage to the Perth Town Lade will be limited to 50% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.

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

8. In pursuance of condition 5 f), each application for the Approval of Matters Specified in Conditions involving buildings, shall include a detailed scheme demonstrating 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 approved scheme has been installed and operating.

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

9. In pursuance of condition 5 j), each application for the Approval of Matters Specified in Conditions or for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

10. In pursuance of condition 5 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the applications for the Approval of Matters Specified in Conditions for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables and pipelines substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the

development, in the opinion of the 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.

11. In pursuance of Condition 5 h) no works in connection with any phase of development hereby approved shall take place until such time as the structural landscaping works relevant to that phase as shown on the structural planting plan have been completed in full, prior to each phase.

Reason: To ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the amenity of the area and existing residents.

12. In pursuance of condition 5 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
- c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all ability users etc.
- d) Any diversions of paths – temporary or permanent – proposed for the purposes of the development.
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

Reason: In the interest of sustainable transportation.

13. In pursuance of condition 5(n) a detailed flood risk assessment should be submitted with the details of the first and subsequent phases of development, or as part of each application for the Approval of Matters Specified in Conditions, for the approval of the Planning Authority.

Development should only commence subject to an acceptable level of risk and specification of the appropriate mitigation, specifically the avoidance of built development within any areas assessed as at risk, based on up-to-date flood statistics, design flood estimation techniques, design flow statistics and channel configuration. The approved mitigation shall be implemented prior to the completion of the approved

phase of development and retained thereafter to the satisfaction of the Planning Authority.

Reason: To secure an up to date assessment of flood risk and the appropriate mitigation given that phases of development are programmed over 17 years, as best practice in flood risk assessment and mitigation may change over this time and as some aspects of risk can only be assessed at the detailed planning stage.

14. Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, the number of residential (Class 9) dwellings constructed shall not exceed 1,500 units.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

15. Prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by the Planning Authority, in consultation with the Council Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into use of the approved phase of development.

Reason: To ensure the technical specification of the drainage system for the site accords with Perth and Kinross Local Development Plan.

16. The occupation of residential units is restricted in line with the following transport and access infrastructure requirement trigger points:

a) No development shall be occupied until a scheme of enhanced active speed limit signing and speed reduction measures has been implemented on the A85 in the vicinity of the existing Tibbermore Crossroads. The details of this scheme will require to be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland, and thereafter implemented to the satisfaction of the Planning Authority.

b) No residential units within Plot H5 (Phase 1B) or operation of the 'Local Centre' and no more than 90 residential units are permitted to be occupied until a new active travel lane crossing, as approved in writing, to an agreed design and specification of the Planning Authority, in consultation with the Council Structures team is delivered, connecting to all elements of the occupied site.

- c) No residential units within Plot H5 (Phase 1B) and no more than 340 residential units are permitted to be occupied until the new vehicular lane crossing as approved in writing, has been delivered to the satisfaction of the Planning Authority, in consultation with the Council Structures team.
- d) No more than 200 residential units are permitted to be occupied until such time as a detailed design and specification for the following works has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland:
 - i) pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85;
 - ii) new roundabout on the A85 connecting to the site and the Tibbermore Road;
 - iii) closure of the north and south minor road approaches to the existing A85 Tibbermore crossroads.
- e) No more than 403 residential units, comprising 340 units within Phase 1/1 A and a further 63 units within Phase 1B (Plot H5), are permitted to be occupied until the following works, as approved in writing under Condition 16 d) have been delivered to the satisfaction of the Planning Authority, in consultation with Transport Scotland:
 - i) pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85;
 - ii) new roundabout on the A85 connecting to the site and the Tibbermore Road;
 - iii) closure of the north and south minor road approaches to the existing A85 Tibbermore crossroads.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 17. No more than 700 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Perth and Kinross Local Development Plan, has been designed, approved and contract let to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport

Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

18. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to the junction in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

19. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

20. Prior to approval of further applications for the Approval of Matters Specified in Conditions for the southern portion of the application site; details of the lighting within the site likely to impact on the A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reasons: To ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished.

21. Prior to approval of further detailed applications for the Approval of Matters Specified in Conditions for the southern portion of the application site; details of the barrier/boundary fencing and frontage landscaping treatment along the A85 trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

22. No more than 300 residential units of the Almond Valley Village Development approved by virtue of this planning permission in principle shall be occupied prior to the delivery of a new local centre unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure delivery of infrastructure essential to serve the development is provided in a timely manner.

23. Castle Brae East shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity and protection of Huntingtower Castle.

24. Prior to approval of further applications for the Approval of Matters Specified in Conditions, a Public Transport Plan shall be submitted for written approval to this Council as Planning Authority and fully implemented to the satisfaction of this Council prior to the occupation of the 50th dwelling. The Public Transport Plan will set out what additional services will be provided, how the contribution funding will be used and how the developer will seek to promote sustainable travel.

Reason: In the interest of sustainable travel.

25. Prior to the completion of 1,000 dwellings and every 6 months during construction, the River Almond, East Pow Burn and Perth Town Lade for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development shall be inspected and cleared of any impediments arising as a result of the development likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.

Reason: To reduce the risk of flooding.

26. No works shall take place within 25 metres of any flood apparatus constructed as part of the Perth Flood Prevention Scheme or Almondbank Flood Protection Scheme without the prior written approval of Perth & Kinross Council Flooding Team.

Reason: To maintain the integrity of the Perth Flood Prevention Scheme defences.

27. Unless otherwise agreed in writing by the Planning Authority, the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

28. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

29. Prior to the commencement of development, the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Council's Flooding Team.
Reason: To reduce the risk of flooding.
30. A 5m maintenance strip must be retained either side of any flood protection apparatus and the watercourses along the River Almond, East Pow Burn and Perth Town Lade.
Reason: To allow suitable access to the watercourse and flood protection apparatus for maintenance purposes.
31. Mitigation measures submitted as part of the Environmental Statement supporting planning application 15/01157/IPM shall be incorporated into subsequent applications for the approval of matters specified in conditions attached to this consent and thereafter fully implemented.
Reason: To ensure environmental impacts are satisfactorily mitigated.
32. The Ecology and Habitat Surveys undertaken in respect of the Environmental Statement and associated Environmental Impact Assessment Addendum submitted with this planning application and application 15/01157/IPM shall be updated and resubmitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
33. As part of each phase of development, the mitigation measures specified in Appendix 11.5 (Report to Inform Habitat Regulations Appraisal) of the Environmental Statement submitted with planning application 15/01157/IPM and associated updated Habitats Regulations Appraisal (Plan 14 dated March 2021) supporting this application shall be fully implemented and updated as required.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
34. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall

be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

35. As part of each application for the Approval of Matters Specified in Condition or phase of development, the recommendations contained within the Tree and Woodland Survey submitted with the Environmental Statement (Chapter 15) shall be adhered to in full. In particular the recommendations for Root Protection Area (RPA) and dwelling standoff distances shall be followed.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
36. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan (SAMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency, Transport Scotland and Nature Scot as required. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
Reason: In the interest of protecting environmental quality and of biodiversity.
37. Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed by the developer at its expense as the ECOW ('Ecological Clerk of Works') for the site. This appointment shall be subject to the prior written approval of the Planning Authority. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage. The ECOW shall oversee in consultation with the Planning Authority and Nature Scot, the implementation of all

ecology related planning conditions throughout the construction of the development. The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) In the event that any protected species are found on site to ensure that work is suspended in that location and that a species protection plan is implemented.
- d) Notification to the Planning Authority if there has been a requirement to stop or alter works in relation to this condition.
- e) Submission of a monthly report for the review of the Planning Authority in consultation with the Scottish Environment Protection Agency and Nature Scot during construction operations.
- f) Amendment of the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

38. As part of any application for the Approval of Matters Specified in Conditions or for each phase of development, following consultation with Perth and Kinross Heritage Trust and Historic Environment Scotland, a plan detailing the sensitive design of the development to protect and maintain the setting of the scheduled monument at Huntingtower Cairn shall be submitted to and approved by the Planning Authority in agreement with Perth and Kinross Heritage Trust and Historic Environment Scotland.

Reason: In order to maintain the setting of a Scheduled Monument at Huntingtower Cairn.

39. As part of any application for the Approval of Matters Specified in Conditions or for each phase of development 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: In the interest of protecting archaeological interest within the site.

40. Prior to the commencement of works on site, and in support of any application for the Approval of Matters Specified in Conditions, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. As a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify; a) The nature, extent, and type(s) of contamination on the site. b) Measures to treat/remove contamination to ensure the site is fit for the use proposed. c) Measures to deal with contamination during construction works. d) Condition of the site on completion of decontamination measures. Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

41. Prior to commencement of any development works, a Radiological Walkover Survey report shall be submitted for the consideration of the planning authority and shall be carried out to a methodology submitted and approved in consultation with SEPA.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

42. As part of each application for the Approval of Matters Specified in Conditions, a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

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

43. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

44. No development shall take place at the eastern end of Phase H16 as shown in the submitted Masterplan of planning application 15/01157/IPM until the results of a detailed noise assessment and mitigation are known and agreed by the Planning Authority.

Reason: To prevent potential noise pollution of future residential properties and protect the amenity of existing business operations.

45. A scheme of mitigation to minimise impact on air quality shall be submitted to the Planning Authority as part of any application for the Approval of Matters Specified in Conditions. The approved scheme shall be implemented before the occupation of that phase of the development all to the satisfaction of the Council as Planning Authority.

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

46. For each application for the Approval of Matters Specified in Conditions or for each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: In the interests of the sustainable disposal of waste.

47. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection. Bin Dimensions: Capacity (240 litres), Width (580mm), Height (1100mm), Depth (740mm).

Reason: In the interests of the sustainable disposal of waste.

48. Prior to the commencement of development, an Energy Statement shall be submitted in writing for the approval of the Planning Authority. This statement shall include a review of the potential for the provision of, and/or

extension to, a heat network to serve the development, including the possibility of linkages to LDP2 allocated sites M70 and H319.

Reason: To investigate the potential for district heating opportunities for the development in association with neighbouring strategic sites, in satisfying the site allocation requirements of Perth and Kinross Local Development Plan 2019 (LDP2).

Justification

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

Procedural Notes

The existing Section 75 tied to planning permission 15/01157/IPM is required to be updated and/or modified in respect of the 90 dwelling unit threshold originally consented in advance of the required delivery of the A85 roundabout. Consent shall not to be issued until the Section 75 Agreement has been modified, 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 and could be ultimately recommended for refusal under delegated powers.

Informatives

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. Display of notice: A notice must be displayed on or near the site while work is carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
3. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.

4. The applicant should take note of the information and advice contained within the consultation responses from Scottish Water.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. 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.
7. 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.
8. This permission continues to require to be tied by a Section 75 legal obligation associated with this planning permission, which relates to:
 - Delivery of a site for a 2 stream primary school;
 - Primary school financial contributions;
 - Transport infrastructure contributions;
 - Public transport improvement;
 - Delivery of key transport infrastructure (including the new A85 roundabout);
 - Affordable housing provision;
 - Open space provision and maintenance;
 - Sports pitches and pavilion provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery; and

- Delivery of associated community facilities including community woodland

A copy is available to view on the Council's [Public Access portal](#) or at the Registers of Scotland www.ros.gov.uk.

9. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

Environmental Impact Assessment (Eia) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
3. The EIA addendum provides a brief summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM and two AMSC planning submissions 19/01430/AMM and 19/01433/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.
4. The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submission (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable

significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.

6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

(2) Local Applications

- (i) 21/00624/FLL - Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period), Dunkeld and Birnam Railway Station, Birnam – Report 21/106 – The Craft Diner**

Mr Cevik and Mrs Schmid, applicants, address the Committee via audio conference 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 development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
Reason: In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.
3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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.

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

5. No advertising shall be displayed adjacent to the A9 trunk road.

Reason: To ensure that there will be no distraction to drivers on the A9 trunk road and that the safety of the traffic on the A9 trunk road will not be diminished.

6. Prior to the completion or bringing into use of the development, whichever is the earlier, the container shall be coloured Pantone 3537C (Dark Green) or similar, as shown on plans 05 and 06 hereby approved. Thereafter, the colouring shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of protecting the special character of the Listed Building.

7. Permission is hereby granted for a limited period until 30th June 2024 and after this date the container and decking area shall be removed and the site shall be reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority.

Reason: In view of the nature of the proposed development.

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. 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.

2. 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.
3. An application for Building Warrant may be required.
4. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
5. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
6. 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.
7. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.
8. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the colouring of the container.
9. The applicants should make themselves aware of the proposed alignment options and current status of, and associated alterations to access arrangements that would be brought about by, the A9 Dualling Pass of Birnam to Tay Crossing Scheme.
More information may be found at:
<https://www.transport.gov.scot/projects/a9-dualling-perth-to-inverness/>

(3) Proposal of Application Notices (PAN)

- (i) **20/00007/PAN - Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works, land south of Newhouse Farm, Perth – Report 21/107**

Councillor Illingworth requested that screening be taken into consideration.

Councillor James requested that security be taken into consideration, along with access for fire and rescue services.

Councillor Wilson requested that visual impact and landscape, scale design and layout, relationship with nearby land uses, construction and operational noise, traffic during the construction stage, transport implications, servicing and maintenance, and noise and light pollution all be taken into consideration.

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

(ii) 20/00008/PAN - Formation of A9 slip road and junction to B8062 road infrastructure including landscaping, drainage and associated works at land north east of Shinafoot House, Auchterader – Report 21/108

Councillor Simpson requested that consideration be given to the safety and convenience of other road users. Councillor Gray also requested that consideration be given to road safety.

Councillor Wilson requested that consideration be given to visual impact, scale design and layout, landscape, transport implications, volume of traffic, and impact on agriculture in the area.

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

Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/115)

PROPOSAL: Installation of a 49.9MW energy storage facility comprising 50 battery storage container units, ancillary equipment, erection of a control building, siting of 2 container units for office/store use, formation of boundary treatments, landscaping, parking and associated works

LOCATION: Land 90 Metres South West of Noah's Ark Old Gallows Road, Perth

Ref. No: [21/00235/FLM](#)

Ward No: P9 - Almond and Earn

Summary

This report recommends approval of the application, subject to a suite of planning conditions. The development is acknowledged to not fully comply with the relevant provisions of the Development Plan. There are however material considerations which outweigh those provisions of the Development Plan and justify a recommendation of approval.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site (c.1.1 hectares (ha)) is located directly west of the A9(T) and south of Old Gallows Road, on the site of the former Perth Equestrian Centre. Further to the west are the residential areas of the 'Western Edge'. Additionally, the Burghmuir Substation, which would provide a connection to the electricity grid, is located across the A9 on Old Gallows Road. The Noah's Ark centre is directly east, with the former Glendevon Farmhouse approximately 65m to the south-east. Perth Caravan Park is located to the north. The closest residential properties are 1 and 2 Glendevon Farm Cottages, located 105m north-east.
- 2 The site is considered 'brownfield', reflecting the former use as an equestrian centre, and is primarily characterised by hardstanding with peripheral bunding and disused structures such as floodlights around the edges. The site is allocated within the Perth and Kinross Local Development Plan 2019 (LDP2) as: MU70 'Perth West' (262ha), all identified for mixed uses. The site is also located to the north of a site subject to a recent application for Planning Permission in Principle (reference: 20/00667/IPM), which related to the southern part of 'Perth West'.
- 3 The application seeks planning permission to site the following electrical energy infrastructure elements (and supporting infrastructure) for a 50 year period, all to store and supply electricity of up to 49.9 megawatts (MW) (reflected in submitted plans 3 and 10):

- Up to fifty energy containerised storage units (each unit 12.2m long x 2.44m wide x 2.9m high, positioned on concrete pads up to 0.4m above ground level);
 - Electricity Control/substation building (10m x 10m x up to 4.99m);
 - Two 33 kilovolt (kV) transformers (each unit measuring 5.455m x 4.98m x 4.27m);
 - Up to twenty-five 11kV transformers, each supporting two energy units (each 2.05m x 1.98m x 2.679m max);
 - Boundary fencing, including deer fencing beyond the landscaped boundaries, acoustic fencing and double leaf acoustic access gate. The acoustic fence will be up to 4m in height, faced in timber;
 - Up to five CCTV columns (maximum height of 3.1m);
 - Boundary landscaping on southern and western boundaries, identified as native species, extending to approximately 1,200sqm.
- 4 The main operational site area extends to 7,728sqm, which will be re-surfaced with a membrane and topped with a permeable stone surface before the infrastructure elements are sited.
- 5 In terms of construction and general site access, the intention is to use the existing access from Old Gallows Road, for all traffic. Access is most likely to originate from: the A9, A93 and Perth area.
- 6 The project is described as seeking to directly support the flexible operation of National Grid and decarbonisation of electricity supply, by balancing electricity supply and demand. The intermittent nature of renewable energy creation explained to be such that, depending on site specific conditions, electricity produced can be lost if demand is low or it is not produced during peak demand times. This energy storage facility is identified to have the potential to provide a rapid-response electrical back-up to the Grid.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

- Transport
- Flood risk and drainage
- Landscape and visual impact
- Ecology
- Sustainability
- Light and noise impact.

Pre-Application Consultation

- 10 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed. The applicant was therefore required to undertake formal pre-application consultation with the local community. The approach followed current Scottish Government guidance, including an online event with a live presentation and question and answer session, hosted on the applicant's website. The Planning Authority asked that the local Councillors, MSP and MP were also advised of the event, alongside relevant material being made available, both before and beyond the proposed online event, all to give the public the best possible opportunity to have input.
- 11 The submitted Pre-Application Consultation (PAC) Report identified that only two members of public attended the online consultation event and that no written feedback was received. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

National Policy and Guidance

- 12 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

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

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 14 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Supporting Business and Employment: paragraphs 92 – 108
- Delivering Heat and Electricity: paragraphs 152 – 173
- Managing Flood Risk and Drainage: paragraphs 254 – 268.

Planning Advice Notes

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

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport
- The Future of Energy in Scotland: Scottish Energy Strategy (December 2017).

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 7: Energy, Waste and Resources.

Perth and Kinross Local Development Plan 2

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

The principal relevant policies are, in summary;

- Policy 1: Placemaking;
- Policy 7B: Mixed Use Sites;
- Policy 15: Public Access;
- Policy 26: Archaeology;
- Policy 30: Protection, Promotion and Interpretation of Historic Battlefields;
- Policy 33: Renewable and Low Carbon Energy;
- Policy 35: Electricity Transmission Infrastructure;
- Policy 39: Landscape;
- Policy 40: Forestry, Woodland and Development;
- Policy 41: Biodiversity;
- Policy 53: Water Environment and Drainage;
- Policy 55: Light Pollution;
- Policy 56: Noise Pollution;
- Policy 60: Transport Standards and Accessibility Standards.

LDP2 Allocation

MU70 Perth West (mixed use)

- 21 This allocation sees an overall site area of 262 ha, the following uses and quantum of development are specified:
- Up to 3453 dwellings;
 - In excess of 25 ha employment land;
 - 2 local employment and community focused centres;
 - Land set aside for medical centre;
 - Land set aside for 2 double stream primary schools;
 - Land set aside for cemetery provision.

Site History

- 22 [20/00011/PAN](#) A related Proposal of Application Notice (PoAN) was submitted outlining the formation of an energy storage facility comprising battery storage container units, ancillary equipment, boundary treatments, landscaping and associated works. The proposed approach to consultation was accepted by PKC on 11 December 2020.

CONSULTATIONS

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

External

- 24 **Historic Environment Scotland:** No objection. Advise that account should be taken of local cultural heritage considerations.
- 25 **Transport Scotland:** No objection. Advise that if permission is granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all their necessary permissions are obtained.
- 26 **Methven Community Council:** No response.
- 27 **Scottish Water:** No objection. Advise there is sufficient capacity for clean water supply and foul water discharge.
- 28 **Perth And Kinross Heritage Trust (PKHT):** No objection, subject to an archaeology condition.
- 29 **Scottish Environment Protection Agency:** No objection or comment, clarifying there is no longer a requirement to consult SEPA.
- 30 **Health and Safety Executive:** No objection or comment, clarifying there is no requirement for the HSE to be consulted.

Internal

- 31 **Environmental Health (Contaminated Land):** No objection, advise that records identify no contamination risks.
- 32 **Environmental Health:** No objection, subject to conditions to control noise and light impacts.
- 33 **Transport Planning:** No objection, subject to a condition to control construction traffic.
- 34 **Development Contributions Officer:** Advise that no contributions are required.
- 35 **Biodiversity/Tree Officer:** No objection, subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.
- 36 **Structure and Flooding:** No objection, subject to conditional control related to SUDs.
- 37 **Planning & Housing Strategy:** Advise the proposal lies within LDP2 allocated Site MU73, Perth West. Noting that the absence of a masterplan covering the overall allocation is contrary to site specific requirement within LDP2 but consider that this omission can be set aside through weighting of other relevant policy considerations.

Representations

- 38 One representation was received, issues raised are summarised as follows:
- Proposal considered directly contrary to the current Local Development Plan, with the site allocated for housing and related uses.
- 39 This representation is addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Preliminary Ecological Appraisal Report (PEAR) Other statements submitted as part of a Planning Statement

APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance and the Scottish Government's Scottish Energy Strategy: The future of energy in Scotland (December 2017) (SES).

Principle and Site Selection

- 41 It is appropriate to first consider the LDP2 allocation. As noted above, including in the representation, the application site lies within and forms part of the allocated site MU70 Perth West, which is allocated for mixed use development. In this context the application site itself constitutes less than 0.5% of that overall MU70 allocation. The allocation detail in LDP2 sets out appropriate land uses and, while not specifically mentioned, an energy storage facility is considered to remain compatible and broadly in accordance with the MU73 allocation.
- 42 The allocation detail within LDP2 also intimates that a comprehensive masterplan for the whole of MU70 is required, however such a document is not available at this point. This technically makes the application as submitted a departure from the development plan. A comprehensive masterplan document

could also include for the proposed development of a battery storage unit. The implications of this departure and what this means for site MU70 must be considered alongside other material considerations.

- 43 The LDP team advise that the current Noah's Ark recreation area is identified as a potential future 'strategic node' within the MU70 site, critical to the wider site's connectivity with Perth along Old Gallows Road. This may include for a principal spine road connecting the northern and southern areas of Perth West, routed in the vicinity of the application site. On this the indicative masterplan framework, prepared to inform the Main Issues Report for LDP2, identified this node area as including for a local centre with civic space, with the main spine road passing through. However, that masterplan framework was not ultimately adopted as Supplementary Guidance and as such is not a significant material consideration. The placemaking, visual and amenity impacts of the proposed energy storage site are however important considerations, to ensure the proposed development is compatible with and not prejudicial to any proposed land uses at Perth West.
- 44 In addition, elsewhere in LDP2, Policy 7B promotes the integration of employment generating opportunities with housing and allows for a range of uses to be developed on a mixed-use site, provided they are compatible with the amenity of adjoining uses.
- 45 The proposed energy storage facility and the other surrounding uses proposed at Perth West would all form part of the same mixed-use development. All uses therefore require to be compatible with each other. In this context the principle of the proposed development is considered a compatible use and compliant with LDP2 Policy 7B.
- 46 Of further relevance to the development proposed in this application, Policy 33 further sets out that: *"Proposals for the utilisation, distribution and developments of renewable and low-carbon sources of energy will be supported"* subject to siting and land use compatibility criteria.
- 47 The Plan's key objectives in respect of achieving 'low-carbon' include:
 - ensuring that development and land uses make a positive contribution to helping minimise the causes of climate change; and
 - promotion of the sustainable development of electricity generation from a diverse range of renewable and low-carbon energy technologies.
- 48 While the proposal is not itself categorised as a renewable energy generator, its role in enabling better and more efficient use of energy and renewable technologies is acknowledged. This approach accords with the above objectives, in terms of minimising the causes of climate change through assisting with the efficient use of the energy generation from renewables and enabling the temporary storage of surplus energy generated from a diverse range of technologies.
- 49 LDP2 Policy 33A implicitly supports the principle of energy storage as a means of assisting grid balancing, subject to several criteria. Relevant to this site are:

visual amenity, noise and landscape impact. Overall, it is considered that the proposal will contribute towards meeting carbon reduction and renewable energy generation targets.

- 50 In terms of the specific locational need for an energy storage facility, it is accepted that available site locations are largely dependent on proximity to existing grid infrastructure. In this case the principal site selection reason is its proximity to the existing Burghmuir substation, which offers a nearby grid connection. The development also provides an opportunity to effectively reuse a brownfield site.
- 51 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets, supporting the strategic principles of SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required. Energy storage facilities such as that proposed could help reduce reliance on non-renewable resources, decreasing CO₂ emissions.
- 52 In conclusion it is accepted that there is a specific, locational need for the proposed development due to the proximity to Burghmuir substation. This development addresses LDP2 Policy 33 and national policy objectives for development of this type to help make more efficient use of the energy generated by renewables. In principle, it is accepted that the development can be integrated within the wider Perth West development and would not be prejudicial to a suitable masterplan framework coming forward. Both these factors represent robust material considerations in respect of supporting a departure from the site-specific requirements of the MU70, in respect of a comprehensive masterplan.

Design and Layout

- 53 The proposed design and layout primarily reflect the physical and engineering requirements to deliver and service an energy storage facility of this scale. The specification of the development is consistent with industry standards and other approved battery storage sites in Perth and Kinross. In physical terms, the structures and engineered boundary treatment are primarily below 4m in height (with the exception of two 33kw transformers and the control building roof). The resultant horizontal massing is therefore more significant than vertical impacts. These visual impacts are further considered in the Landscape Impact and Visual Amenity section below. Internally within the site, separation between each container is maintained for installation and maintenance purposes. The final detailing, colour and material finishes of the proposed infrastructure, including landscape boundary details are proposed to be controlled via conditions (Conditions 11 and 16). Subject to verification of this final detail, the proposed development is considered consistent with LDP2 Policy 1.

Residential Amenity

- 54 In respect of residential amenity, LDP2 Policy 55 relates, this seeks to avoid proposals which result in lighting with obtrusive and/or intrusive effects.

Additionally, Policy 56 sets a presumption against siting of development proposals involving elevated levels of noise in the locality of existing or proposed noise sensitive land uses. The context sees the closest residential properties (1 & 2 Glendevon Farm Cottages) some 183m away, both are within the applicant's ownership. Compatibility of future land uses within the MU70 allocated in site also needs some consideration.

- 55 Generally, the potential for impacts on neighbouring residential amenity arising from proposed development should include noise, odour and artificial lighting. In this case the potential for impacts from noise would arise from mechanical noise generating sources including air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise, resulting in potential for:
- a steady hum from transformers;
 - instantaneous noise events from switchgears; and
 - reactor noise with a higher tonal content.
- 56 The applicant has not submitted a detailed Noise Impact Assessment to support the application but does refer to the potential noise sources within the supporting statement. Recommendations within the supporting statement includes installing 4 metre acoustic fencing around the perimeter of the compound, to ensure compliance of Noise Rating (NR) 30 during the daytime and NR 20 evening within nearby neighbouring properties. However, PKC Environmental Health (EH) advise that these levels would be more relevant and achievable within areas where the background levels are generally very low. As such, with the proposed development being located on the western edge of Perth, EH suggest that higher ratings, of NR 35 daytime and NR 25 night-time, are more appropriate. This reflects the location and proximity to the A9 and the related road traffic noise (Condition 3). In respect of lighting, this is proposed to be limited to sources within the site compound and Environmental Health recommended this be subject of further control (Condition 7).
- 57 Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and lighting impact on residential properties (Conditions 3 – 7). The proposal is therefore considered to comply with LDP2 Policies 55 and 56, with no unacceptable impact on the amenity of residential properties or compatibility with future land uses identified in site allocation MU70 anticipated.

Landscape Impact and Visual Amenity

- 58 LDP2 Policy 39 seeks to safeguard and enhance landscape character and green infrastructure. In this instance, the proposed utilitarian design is largely set by technical requirements, type of equipment and infrastructure required for electricity storage, including high acoustic fencing required to offset any adverse noise impacts. This context making calculated landscape and visual impact inevitable. In association, Policy 1B requires consideration to be given to a proposal's visual impact and landscape setting. In terms of enhancement and mitigation, LDP2 Policy 40 supports planting of new trees and woodlands.

- 59 As mitigation a belt of landscape planting, extending to 1200sqm, is proposed around the western and southern boundaries of the site to enhance the existing landscape amenity whilst mitigating the visual effects of the required acoustic fence. The full detail of this landscaping scheme and its delivery can be secured (Condition 10). This identified landscape buffer is considered appropriate and proportionate along these boundaries.
- 60 To ensure no conflict or ongoing compatibility issues associated to the proposed development, with respect to the visual amenity for future land uses on the MU70 site, it is considered appropriate to also secure additional landscaping to the northern and eastern boundaries. This additional landscaping would allow for visual mitigation, as providing for a landscape buffer and screen with associated ecological benefits. This approach is supported by PKC's Biodiversity Officer. It is highlighted that the adjacent land required is in the same ownership, which ensures that this matter can be addressed (Condition 11).
- 61 Subject to the proposed conditions, the proposals are therefore considered to satisfy the terms of LDP2 Policies 1, 39 and 40.

Natural Heritage and Biodiversity

- 62 LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. A Preliminary Ecological Appraisal Report (PEAR) was submitted with the application, which has been reviewed by PKC's Biodiversity Officer. The PEAR is considered in accordance with best practice. The site itself is brownfield, with various previously developed areas, including hardstanding, with otherwise rough grassland and some scrub. There is no evidence of protected species and the habitats present are extremely common locally and regionally. The PEAR proposes various mitigations, and it is accepted that, subject to planning conditions to deliver these, the proposal complies with LDP2 Policy 41 (Conditions 13 & 14).

Roads and Access

- 63 LDP2 Policy 60 requires that local road networks and accessibility requirements are sufficient and capable of absorbing traffic generated by development, and also that satisfactory access is provided. This matter was highlighted by Committee at the PoAN stage. Neither Transport Scotland nor PKC Transport Planning have raised concerns in relation to transport or access arrangements, either during construction or during operation. However, it is recommended that construction traffic be controlled to ensure suitable arrangements and routes are in place (Condition 2). Subject to compliance with this condition, the proposals are considered to remain in accordance with LDP2 Policy 60.

Drainage and Flooding

- 64 In respect of the water environment and drainage, there are no flooding concerns identified within the site. The requirements for sufficient surface water

and SUDs detailing can also be addressed in advance of development commencing (Condition 15). The proposals are therefore considered to satisfy LDP2 Policy 53.

Waste Collection

- 65 There is minimal or no ongoing waste collection requirements anticipated post construction.

Conservation Considerations

- 66 In relation to relevant cultural heritage policy considerations, specifically Policy 26 and 30 regarding above and below ground conservation considerations, HES and PKHT have been consulted. They advise that in general the inter-visibility will be limited and not considered to cause adverse impact on the setting of listed buildings or associated cultural heritage assets in the wider area. The location is, however, considered archaeologically sensitive, being on the periphery of key cultural heritage receptors. HES refer to this location and the relationship with the Battle of Tippermuir (BT39), whilst PKHT additionally refer to a Cist Burial site (MPK 15392) located 50 metres south. HES advise that there is no national significant impact via the proposals but, consistent with the policy intention of Policy 30, the installation of interpretation panel material, with a consistent approach to interpretation across the battlefield and wider Perth West MU70 site welcomed. To ensure no adverse impact on qualifying interests, PKHT recommend that a programme of archaeological work is undertaken (Conditions 8 and 9). Subject to these conditions the proposals are considered to remain compliant with Policy 26 and 30 of LDP2.

Developer Contributions

- 67 No developer contributions are required for this type of development.

Economic Impact

- 68 In the short term, construction will create jobs with scope for local employment. Beyond this, local employment opportunities will be limited. Holistically, however, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would directly support local renewable energy generation, by helping balance fluctuations of intermittent energy generation and more widely, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross Area.

Lifespan of Facility

- 69 Infrastructure developments of this nature tend to have a particularly long lifespan, and consideration should be given to the long-term maintenance and eventual decommissioning of the proposal, including removal with site restoration when not viable or obsolete.

- 70 The lifespan of the facility has been proposed by the applicant to extend to 50 years. As such, a condition is proposed that places a simple requirement on the operator/landowner that the site will be decommissioned and re-instated should the energy storage facility (as approved) not be in use for a continuous period of 12 months (Condition 17).

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 71 None required.

DIRECTION BY SCOTTISH MINISTERS

- 72 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

- 73 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 broadly complies with LDP2. It is accepted that the proposed development does not include a comprehensive masterplan for the entire MU70 site allocation, thus is a departure from LDP2. However, it is acknowledged that this requirement would be disproportionate to this scale of development, where the proposal is otherwise considered to be compatible with both existing and any future neighbouring land uses, subject to enhanced boundary landscape treatment. The proposal will directly contribute towards meeting carbon reduction and renewable energy generation targets. Account has been taken of the relevant material considerations and is considered appropriate to justify overriding the adopted Development Plan in this respect.
- 74 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

General

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

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

Roads and Access

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

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

Reason: In the interests of road safety.

Residential Amenity

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

4. Noise from the battery storage compound shall not exceed 5dB(A) Leq above the background (LA90), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics, when measured at any residential property in accordance with BS4142:2014.

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

5. A continuous acoustic barrier shall be constructed in the location identified in Drawing No. EW/01/04 (Plan 11). Notwithstanding Plan 11, prior to commencement of the development, a detailed scheme for the acoustic barrier shall be submitted for the further approval of the Council as Planning Authority and shall be implemented in full in accordance to approved plan. The detailed plan shall include full material specifications, thickness, heights across the length of barrier and all sound reduction calculations.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ an independent consultant, approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 3 and 4. The assessment will be carried out to an appropriate methodology, agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 3 and 4, noise mitigation measures shall be included with the noise assessment, specifying timescales for implementation of the required mitigation and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation measures shall thereafter be implemented in accordance with the approved scheme and timescales.

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

7. Prior to the installation of any external lighting, a scheme for the details of all external lighting shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and shall be controlled to only be triggered by motion within the fenced boundaries of the site. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

Cultural Heritage

8. 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 safeguard and appropriately record archaeology in the area.

9. In association with condition 8; prior to the commissioning and operation of the development, scope for Battlefield interpretation material (consistent with approach being pursued through the wider Perth West MU70 allocation), shall be investigated and submitted by the applicant for agreement in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Any agreed interpretation recommendations shall thereafter be undertaken and/or implemented within 6 months of the operation of the development, to the satisfaction of the Council as Planning Authority.

Reason: To ensure appropriate preservation, recording and enhancement of the historic environment.

Landscape

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

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

11. Prior to the commencement of the development hereby approved, and in association with Condition 10, additional enhanced boundary landscape treatment proposals for screen planting beyond the eastern and northern extents of the site boundary (on land within the landowners control) shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or

bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained by the site operator.

Reason: In the interests of visual amenity, biodiversity enhancement and to ensure long term compatibility with the wider MU70 Perth West site designation future land uses.

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

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

Biodiversity

13. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 3: Results, in the submitted Preliminary Ecological Appraisal Report, IMTeco Ltd, June 2021.

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

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

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

Drainage

15. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further 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 appropriate and effective drainage for the site.

Finishes

16. 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.

Project Lifespan and Site Aftercare

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

Reason: To ensure the facility is removed from the site at the end of its operational life, to ensure no adverse impact on the visual amenity of the area and a satisfactory standard of local environmental quality.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. This 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 four months to consider the information. You should therefore submit the required information more than 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. An application for Building Warrant may be required.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is reminded that, should any protected species be present a licence may be required from 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.
8. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
9. 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.
10. 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.

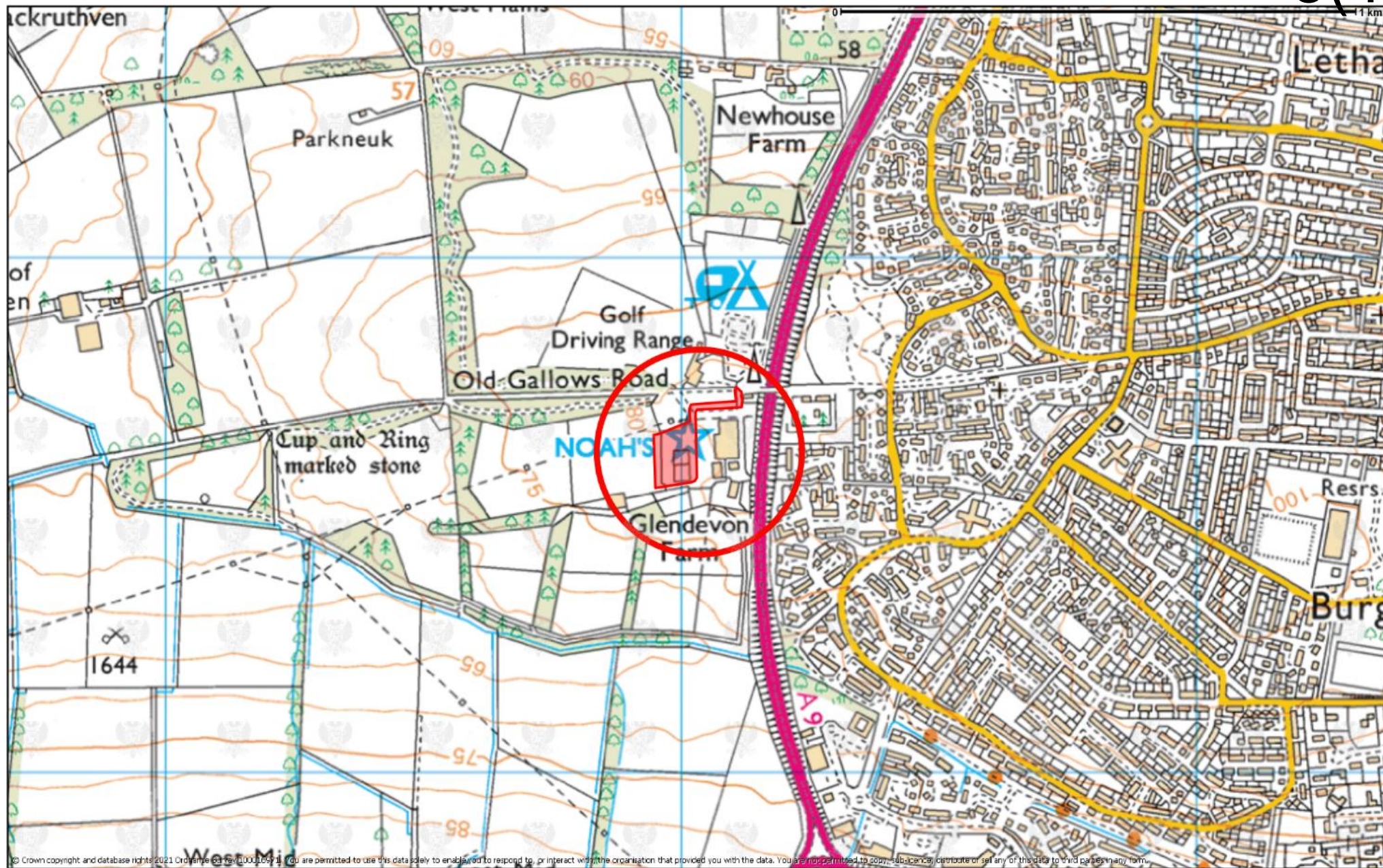
Background Papers: 1 letter of representation
Contact Officer: Callum Petrie
Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:10000



21/00235/FLM

Installation of a 49.9MW energy storage facility comprising 50 battery storage container units, ancillary equipment, erection of a control building, siting of 2 container units for office/store use, formation of boundary treatments, landscaping, parking and associated works





Installation of a 49.9MW energy storage facility comprising 50 battery storage container units, ancillary equipment, erection of a control building, siting of 2 container units for office/store use, formation of boundary treatments, landscaping, parking and associated works



Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/116)

PROPOSAL: Erection of 15 dwellinghouses and associated works

LOCATION: Land NE of Highland Distilleries, Kinfauns Holdings, West Kinfauns

Ref. No: [20/00359/FLL](#)

Ward No: P1- Carse Of Gowrie

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is a vacant, level and almost rectangular area of ground located to the north of the River Tay at Kinfauns. It was formerly used as an overspill car park for an adjacent commercial office. The site is bounded by a modern office complex to the west, and by a crescent of traditional estate cottages to the east which is based around an area of open space. To the north is a public road and to the south is open pasture with the Dundee-Perth railway line, and then the Tay further beyond.
- 2 A reserved matters permission was granted in 2010 for 37 dwellinghouses on the site which comprised four detached and 33 terraced units, with accommodation provided within the roofspace. As works commenced in relation to that permission within the prescribed timescales, that permission remains live.
- 3 This planning application seeks to reduce the number of dwellings from 37 to 15. Five dwellings will be accessed directly off the public road, with the remainder accessed via a new adopted road. All the proposed dwellinghouses are detached with two levels of accommodation provided via a mix of full two storey elements, and upper levels contained within the roof space.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Enabling Delivery of New Homes: paragraphs 109 – 134.

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 68 Design Statements.

Creating Places 2013

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

Designing Streets 2010

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor

vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

- 14 There are no specific policies contained in the TAYPlan which are applicable to this proposal.

Perth and Kinross Local Development Plan 2 (2019)

- 15 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The 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.
- 16 The site located within the settlement of Kinfauns and is 'white land', where the following policies are applicable,
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 14: Open Space within New developments
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 32: Embedding Low and Zero Carbon Generating Technologies
 - Policy 38: Environmental and Conservation
 - Policy 41: Biodiversity

- Policy 47: River Tay Catchment
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance 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.

Placemaking Guide Supplementary Guidance 2020

- 18 This document sets out the Council's policies on Placemaking Standards.

Open Space Provision for New Developments Supplementary Guidance 2021

- 19 This document offers guidance on Open space for new developments.

SITE HISTORY

- 20 [09/01845/AML](#). Erection of 37 dwellinghouse (Approval of Matters Specified in Conditions). Approved 26 July 2010.

CONSULTATIONS

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

External

- 22 **West Carse Community Council** – Objection on the grounds of impact on visual amenity due to inappropriate layout/house types, road safety concerns and lack of public transport.
- 23 **Scottish Water** – No objection.
- 24 **SEPA** – Initial objection raised by SEPA but this was removed following further discussions with the applicant, and an amended drainage strategy being put forward.

Internal

- 25 **Transport Planning** – No objection to road related matters.
- 26 **Structures & Flooding** – No objection in terms of flood risk and surface water drainage.

- 27 **Development Negotiations Officer** – No requirement for any developer contributions or affordable housing provision.
- 28 **Environmental Health** – No objection in terms of noise or contaminated land.

REPRESENTATIONS

- 29 The following points have been raised in 11 objections,

- Contrary to Development Plan Policy
- Impact on visual amenity
- Impact on residential amenity
- Inappropriate layout / density / house types
- Loss of open space & trees
- Noise pollution
- Road safety concerns and lack of public transport
- Drainage / flooding.

- 30 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

31

Screening Opinion	Not EIA development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	No direct impact on the River Tay therefore not required.
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flooding and Drainage information, Tree Survey and ecology report

APPRAISAL

- 32 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.
- 33 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contribution and Affordable Housing 2020, Placemaking Guide 2020 and the sites planning history.

Principle

- 34 Detailed planning permission exists on the site for 37 dwellings, and that permission remains live. In the LDP2, the site remains within the settlement boundary of Kinfauns where a residential infill development at a density which represents the most efficient use of a site, while respecting its environs is generally encouraged. Through the extant permission, the principle of a residential development on this site is established, and the main land use issues for this planning application is whether or not the reduced density, amended layout and revised house types are acceptable.

Design and Layout

- 35 The applicant has significantly reduced the density from 37 to 15, which in turn has influenced the layout and design of the development proposed.
- 36 The proposed layout comprises detached units only, with a series of varying house types. As per the extant permission, a small number of these units (5) will be accessed directly from the public road, whilst the remainder (10) will be accessed from a new access leading to a cul-de-sac proposed for Local Authority adoption. The layout is acceptable from a road's perspective and accords with the principles contained in the National Roads Development Guide. The layout also conforms with the standards set out in the Council's Placemaking Guide in terms of amenity space for occupiers, and separation between plots and provides areas of usable open space which are to be privately maintained.
- 37 In terms of the house types, the house types now proposed are more standardised than those which were brought forward as part of the previous permission. Nevertheless, they are comparable in their heights and scale to the house types of that extant permission. Whilst the majority of the existing buildings in Kinfauns are single storey (although not exclusively), there are no specific restrictions on new build developments within the area in terms of heights within the framework of LDP2, only that the character, amenity and density of the local area should be protected, and if possible enhanced. This site is located adjacent to a large modern office building, and this relationship, as well as the applicant incorporating local features of existing dwellings (such as hipped features and high roof to wall ratios) into some of their house types, results in a development that is considered to be in keeping with the character of the existing area. The revised density, layout and design are all considered to be acceptable.

Visual Amenity

- 38 The principal visual impact of the proposal will be from the 5 detached units which are positioned along the frontage next to the public road. These dwellings will introduce a new entrance feature when entering the village from the west, and although they may be larger than the majority of the single storey dwellinghouses in the village, they are not out of character with the area and would be similar to what already benefits from the existing permission in terms of their size, scale and roof heights. The proposal is therefore considered to be

acceptable from a visual amenity point of view, and there would not be a detrimental visual impact arising from this development. Clarification on both external finishes and landscaping will be requested. (Conditions 3 and 4).

Residential Amenity

- 39 Although the application has generated a substantial number of objections, there are no residential properties which are directly affected by this proposal in terms of overlooking or loss of privacy. The closest properties to the north of the site are separated from the development by the public road, and the separation distance between the existing residential properties and those proposed is around approx. 27m at its closest point which is considered acceptable to protect existing residential amenity. Likewise, existing properties to the south east are at a distance (approx. 39m) which will not generate any direct overlooking or loss of privacy.
- 40 In terms of being able to provide an acceptable level of residential amenity for potential occupiers, appropriate levels of amenity space and internal separation between dwellinghouses are proposed. Noise nuisance from both the adjacent railway and the A90 have been addressed in a noise impact assessment which concludes that suitable mitigation measures via glazing and ventilation specification will reduce the noise transmissions to an acceptable level and this will be delivered before any house occupation (Condition 2).

Roads and Access

- 41 The proposed junction with the public road, internal road layout and individual parking/turning areas are all acceptable. A standard compliance condition will be attached to the permission to ensure that all road related matters are completed to the Council's standards before the development is completed (Condition 12). It is noted that concerns have been raised within the objections about the level of additional traffic on local roads. Permission already exists for 37 dwellinghouses on the site so the proposed reduction to 15 would result in less movements being generated. In any event, the local road network is capable of accommodate the likely increase without jeopardising road and pedestrian safety.
- 42 The lack of public transport provision in the area has been raised by the Community Council, and objectors. There are very few public buses in the area, however with the delivery of a footway along the site's frontage and continuing in a westerly direction to link up with existing formalised footways, this would give residents the opportunity to walk to Dundee Road where there are more frequent services. With more residents and potential customers, local bus operatives might also opt to divert more local services into the area. The delivery of the footway and also minor alterations to the edging of the existing bus stop at Walnut Grove will be secured by conditions (Conditions 14 and 15).

Flooding

- 43 The site is in close proximity to the River Tay, however the topography of the land between the Tay and the site is such that flood risk to the proposed

dwelling is not an issue. A flood risk assessment has been undertaken which is considered to be comprehensive and its content and conclusions are acceptable to the Council's Structures & Flooding Team.

Drainage

- 44 Scottish Water have confirmed that there are no public sewers within the vicinity of the site. On this basis, the principle of a private system (as proposed) is a valid option under the terms of Policy 53B of LDP2. This policy allows for private systems in settlements when there are no public connections available providing that there is not an adverse impact on the natural or built environment, and the design accords with the Scottish Governments Domestic Technical Standards. In addition to this, any private system(s) must accord with SEPAs regulations and would be subject to CAR authorisation. SEPA have confirmed that the amended drainage strategy which involves a combined system as opposed to a series of individual systems is now potentially consentable under the CAR process, and they have no objections at this stage. The system will also have to comply with the Building Standards requirements. It is however recommended that the final technical details of the system, and confirmation that a CAR authorisation is in place are both submitted at the appropriate stage (Conditions 9 and 10). In addition to this, as per the requirements of Policy 53B of the LDP2 the applicant will also be asked to demonstrate suitable long term maintenance arrangements for the communal system (Condition 10).
- 45 With regards to surface water, the principles of what is proposed are considered acceptable to the Council's Structures & Flooding Team and would ensure that surface water run off does not affect neighbouring land. However, as per the foul details it is considered reasonable to attach a pre-commencement condition to have the finalised specification agreed with the Council, in consultation with the Structures and Flooding team (Condition 9).

Waste Collection

- 46 The internal road has been designed to accommodate HGV so the collection of waste and recycling will be at the driveway ends of the individual dwellinghouses.

Conservation Considerations

- 47 The proposal does not affect any listed building, conservation area or local / scheduled archaeology.

Natural Heritage and Biodiversity

- 48 There are no known protected species on the site, and the site is more than 30m away from the Tay which negates the need for an otter survey. However, as the site has been vacant for some time and some self-seeded small trees and bushes have established, a walk over pre-construction biodiversity survey is recommended before any development commences (Condition 11).

Impact on trees

- 49 There are trees within the site which are to be removed. These are largely self-seeded and are not of a high visual amenity value. A large grouping of trees on the western boundary is proposed to be retained and protected during construction (Conditions 7 and 8).

Contaminated Land

- 50 The site has previously had uses, which could have resulted in land contamination, such as its use as a former bus depot. Some survey work has been undertaken in relation to the earlier permissions, however there is still the need for some further work and verification of measures previously proposed. To this end the Council's standard contaminated land condition is recommended to be attached to this permission (Condition 5).

Lack of Demand for Housing in the Area

- 51 Some concerns have been raised within the representations that there is no demand for more housing within the local area at the present time. The planning system should not become involved in market forces but should limit itself to dealing with proposals on face value in the context of the Development Plan and other material considerations. The demand (or perceived lack of demand) is not a valid planning consideration in the determination of this application.

Core Path

- 52 There is a core path within the area. Space has been left to allow for a footway connection from the development to the core path to the east of the site which is welcomed. The delivery of this will be controlled through this permission (Condition 13).

Impact on the River Tay

- 53 The River Tay is environmentally sensitive for International, National and Local environmental designations. Private drainage will be advanced on this site, and what is proposed and likely to be advanced through a CAR authorisation application would not have a direct connection to the Tay. There is therefore not likely to be any direct adverse impact on the Tay from the proposed drainage arrangements as they advance and become finalised. As stated previously, the foul drainage will be subject to further negotiations with both SEPA and Building Standards and the final scheme will have to accord with all the relevant regulatory regulations. In terms of the potential for pollution to arise as a result of construction activities, due to the distance between the site and the Tay (and the railway line being in between) this is not likely to occur.

Climate Change

- 54 Policy 32 of LDP2 states that proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by

Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies, and that a statement will be required to be submitted demonstrating compliance with this requirement. This will be addressed fully through the Building Warrant process, however, a pre-commencement requirement for a statement of intent will be requested by the applicant (Condition 16).

Developer Contributions

- 55 As there is an extant permission in place on the site for a larger number of residential units, there is no requirement for any additional developer contributions. It was also the case that the extant permission did not require any Affordable Housing provision or developer contributions due to the implications of previous permissions being in place which pre-dated the relevant supplementary guidance on affordable housing and developer contributions.

Economic Impact

- 56 The proposal will have limited impact on the local economy, with the exception of the activities associated with the construction phase.

VARIATION OF APPLICATION UNDER SECTION 32A

- 57 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to house types (lowering of ridges and eaves) and a revision to the foul drainage arrangement in order to comply with SEPA's requirements.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 58 None required.

LEGAL AGREEMENTS

- 59 None required.

DIRECTION BY SCOTTISH MINISTERS

- 60 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

- 61 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, officers have taken account of the Local Development Plan and

material considerations and in this case, they are content that the development proposed does not conflict with the Development Plan.

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

RECOMMENDATION

Approve the planning application subject to the following conditions,

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

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

2. All mitigations measures as recommended in Section 8 of the Noise Impact Assessment 'West Kinfauns Perth' document reference 1535001JTv1 dated March 2020, shall be implemented into the design of the development and in place before the occupation of each residential unit.

Reason: In order to protect the residential amenity of the dwellinghouses hereby approved.

3. 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 order to ensure that the visual amenity of the area is protected.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In order to ensure that the visual amenity of the area is protected.

5. 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;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. 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 ensure that the site is fit for the use proposed and that verification measures are implemented.

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

Reason: In order to ensure that a satisfactory landscaping scheme is introduced.

- 7. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that existing trees are not unnecessary damaged during the construction phase.

- 8. Prior to the commencement of the development hereby approved, all trees along the western boundary of the site, and those that 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 that existing trees are not unnecessary damaged during the construction phase.

9. Prior to the commencement of the development hereby approved, final technical details of both surface water disposal and foul drainage arrangements shall be submitted to and agreed in writing by the Council as Planning Authority, and such details must include long terms maintenance provision. The approved details shall thereafter be implemented in full as the development progresses.

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

10. Development shall not commence until the applicant has submitted approved CAR licence(s) or registrations under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason: In order to ensure that the private foul drainage complies with the current environmental regulations at the time that its advanced.

11. Prior to the commencement of the development hereby approved, an updated walkover habitat survey shall take place within 6 months of the commencement of ground-breaking works and shall be submitted to the Council as Planning Authority. Any recommendations arising from that survey shall be implemented in full.

Reason: In the interest of ensuring that the site's bio-diversity position has not altered since the previous survey.

12. 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 order to ensure that road and pedestrian safety is not compromised.

13. Prior to the occupation of the 10th residential unit hereby approved, a footway connection to the existing core path shall be delivered and thereafter made available for public use. Details of the width and surface of the path shall be agreed in writing by the Council as Planning Authority, and the approved details thereafter implemented.

Reason: In order to ensure public path connectivity is achieved.

14. Prior to the occupation of any of the Plots 1, 2, 3, 14 or 15, a footway shall be installed between Walnut Grove and the dropped kerbs at the vehicle access to 'Caledonian House' to the west of the site. The footway shall be constructed to the standard and specifications required by the Council as Roads Authority.

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

- 15 Prior to the occupation of either Plots 14 or 15, dropped kerbs shall be installed on the east and west side of Walnut Grove to provide access to the existing bus stop located to the east of the application site. From east of the Walnut Grove vehicle access to the bus shelter, a section of footway shall be constructed. The footway shall be completed to the standard and specifications required by the Council as Roads Authority.

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

- 16 Prior to the commencement of the development hereby approved, a statement that demonstrates 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 shall be submitted for the written agreement of the Council as Planning Authority. In the event that this statement is revised during the Building Warrant process, it shall be resubmitted to the Council as Planning Authority.

Reason: In order to comply with Policy 32 of Perth and Kinross Local Development Plan 2.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 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 should be fully that the granting of this planning permission does not guarantee that the drainage system proposed will be acceptable to either SEPA or Building Standards, and that there is no guarantee that other regulatory permissions from both Building Standards and SEPA will be granted, and that further negotiations will be required.

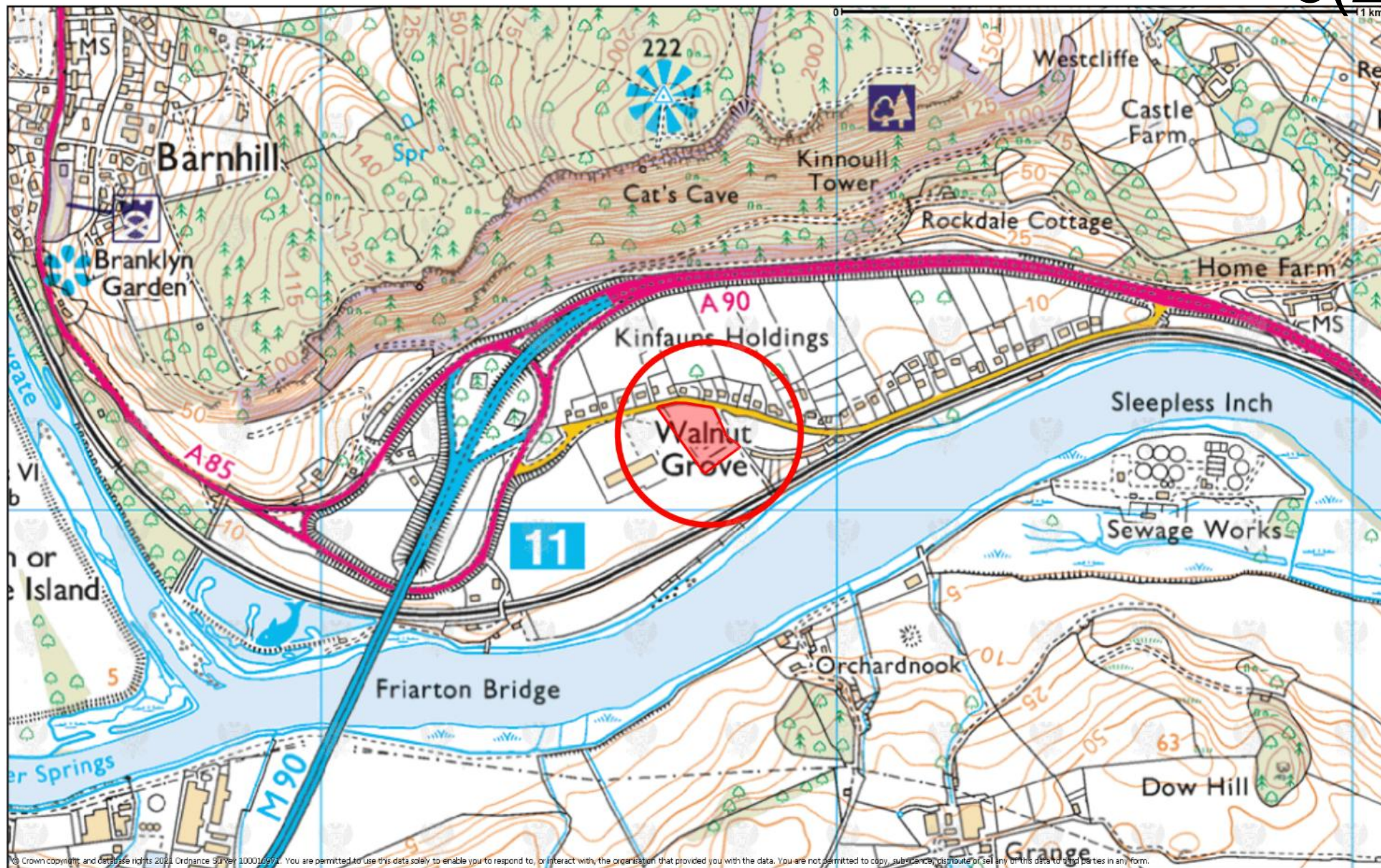
Background Papers: 11 letters of representation
Contact Officer: Andy Baxter 01738 475339
Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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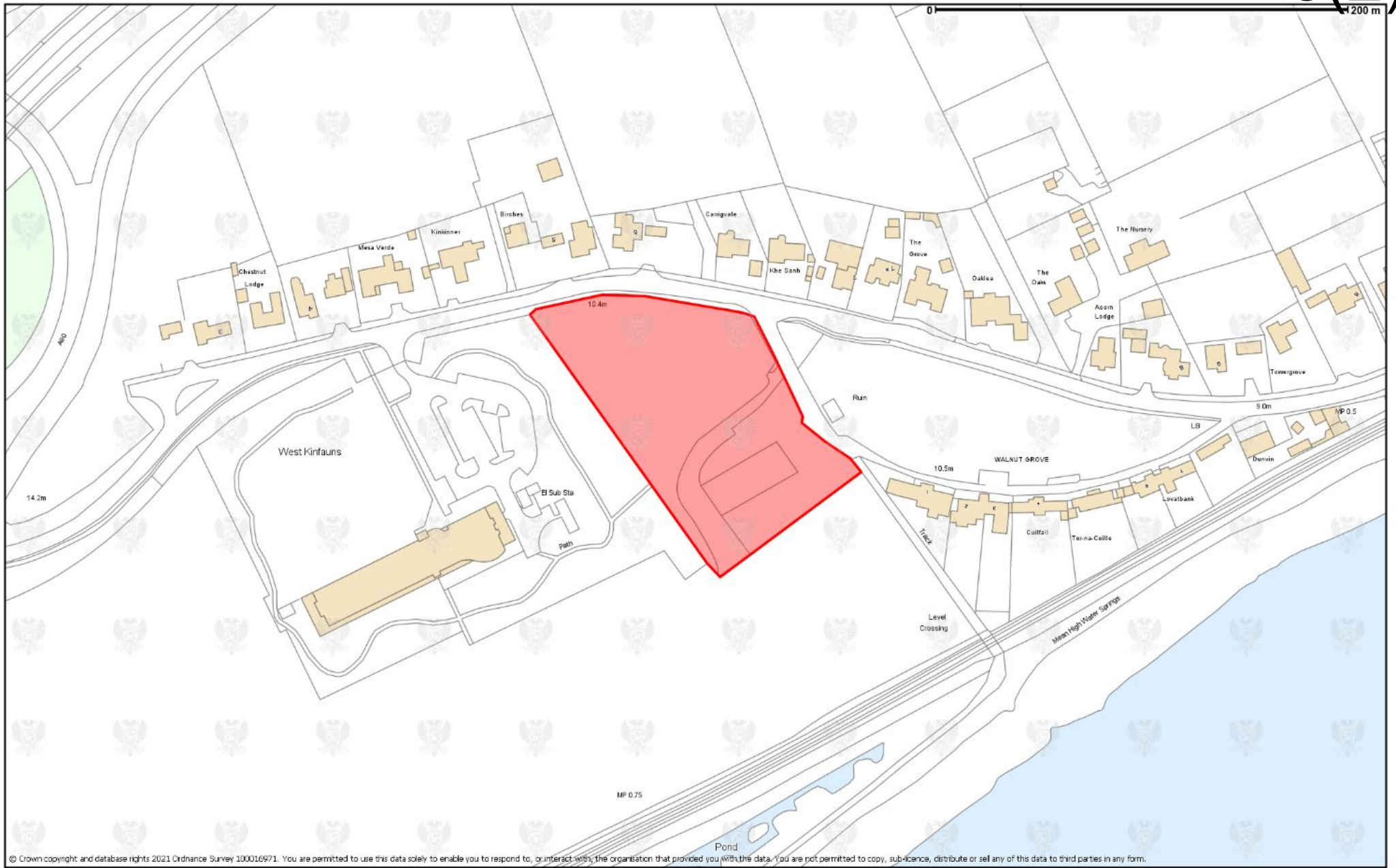
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20/00359/FLL

Erection of 15 dwellinghouses and associated works





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Scale 1:2500



20/00359/FLL

Erection of 15 dwellinghouses and associated works



Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/117)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: New House, Garth, Fortingall, Aberfeldy PH15 2LH

Ref. No: [20/01433/FLL](#)
 Ward No: P4 - Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for the erection of a dwellinghouse at the north western edge of Garth, an existing housing grouping, situated to the east of Fortingall. There is a disused single storey building on the site previously used as an egg store. This is to be demolished and a detached four bedroom dwellinghouse is to be erected on site.
- 2 Planning permission was granted for a dwellinghouse in 2006 (05/02263/FUL) at Development Control Committee following a previous refusal at Committee (05/01155/FUL). Works commenced on site in January 2011 with preliminary works to form a new drive being carried out. No further works were undertaken until 2020 when excavations to re-align the proposed drive to the house plot were undertaken. However, these works were not within the original red line site boundary but within the adjacent field and therefore constituted a breach of planning control. A revised planning application for the new drive and dwellinghouse was submitted in 2020 (20/00673/FLL) to regularise the position. That application was withdrawn for further survey work following objections including from Structures and Flooding who objected due to lack of information with regard to drainage and flood risk. The application now before Committee was submitted in October 2020 but determination has been delayed due to the requirement for a bat activity survey which was completed in May 2021.
- 3 The house design is as previously approved but the house position has been moved to the north east by around 5m and three trees previously to be retained are now to be removed. The site is close to Gentian, a Category B listed building, the listing of which post-dates the 2005 planning permission. The access to the site is along a private track around 400m from the C448 public road.

Pre-Application Consultation

- 4 No formal pre-application advice has been given however there were pre-application discussions with the applicant following unauthorised works being carried out at the site. This prompted the submission of a planning application that was subsequently withdrawn in August 2020. Following further discussions this current application was submitted in October 2020.

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.

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 7 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the historic environment paragraphs 135 – 142

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 69 Planning and Building standards Advice on Flooding

Designing Streets 2010

- 10 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

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

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 4: Homes
- Policy 9: Managing TAYplan's Assets

Perth and Kinross Local Development Plan 2

- 15 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.

- 16 The principal relevant policies are:

- Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 19: Housing in the Countryside
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: International Nature Conservation Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 59: Digital 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.

Housing in the Countryside Supplementary Guidance January 2020

- 18 This document sets out in detail how the Council will implement Local Development Plan Policy 19: Housing in the Countryside.

SITE HISTORY

- 19 [05/01155/FUL](#) - Planning Permission was refused on 23 September 2005 for the erection of a dwellinghouse and change of use from paddock to access road.
- 20 [05/02263/FUL](#) - Planning Permission was granted on 3 February 2006 for the erection of a dwellinghouse and change of use from paddock to access road.
- 21 [20/00673/FLL](#) – An application for Planning Permission was withdrawn on 21 August 2020 for the erection of a dwellinghouse (in part retrospect).

CONSULTATIONS

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

External

- 23 **Scottish Water:** No objection. Advise of capacity for public water supply, but that there is no Scottish Water wastewater infrastructure in the area. A private wastewater treatment system will be required.
- 24 **Glen Lyon And Loch Tay Community Council:** Object for the following reasons:
- Application is invalid as no change of use was ever given for the egg house;
 - Lack of foul drainage and water supply;
 - Impact on existing private water supply;
 - Out-dated house design contrary to policies 1A, 1B (placemaking), 27 (listed buildings) and 32 (low and zero carbon);
 - Access difficulties;
 - Flood risk;
 - Impact on trees; and
 - Impact on biodiversity.

Internal

- 25 **Environmental Health (Private Water):** No objection subject to condition to ensure existing infrastructure is safeguarded.
- 26 **Environmental Health (Noise Odour):** No objection subject to informative note with regards to woodburning stove.
- 27 **Transport Planning:** No objection.
- 28 **Development Contributions Officer:** No developer contributions required.
- 29 **Biodiversity/Tree Officer:** No objection, following initial concerns with regard to lack of information with regard to tree and ecological information. Following submission of such information the impact on trees and biodiversity is considered acceptable, subject to conditions.
- 30 **Structures And Flooding**
No objection subject to condition with regard to surface water drainage.
- 31 **Conservation Team:** No objection subject to sufficient landscaping.

REPRESENTATIONS

- 32 A total of 12 letters of representation have been received in respect of the current application including one from Glenlyon and Loch Tay Community Council. The main issues raised within the representations are:
- Traffic and road safety
 - Impact on access during building works /from construction traffic

- Impact on private water supply and drainage pipes
- Impact on trees
- Inadequate drainage – lack of information with regard to foul drainage
- Flood risk – both surface water and from burn
- Impact on residential amenity
- Impact on visual amenity and setting of listed building
- Design of dwellinghouse
- Impact on wildlife/biodiversity
- Legal issues with access to the east

- 33 The majority of these issues are addressed in the Appraisal section of the report however it is noted that legal issues with regard to access rights along the track are a civil matter and not a material planning consideration. The comment from the Community Council that the application is invalid due to no change of use to residential being approved is also not relevant to the consideration of this application.

ADDITIONAL STATEMENTS

34

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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Tree Survey Bat Survey Supporting Statement

APPRAISAL

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance namely the Housing in the Countryside Supplementary Guidance 2020 and the Placemaking Supplementary Guidance 2020.
- 36 Due to the proximity of the listed building, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

- 37 The site is within an area where Policy 19: Housing in the Countryside, of LDP2 and its associated Housing in the Countryside Supplementary Guidance (SG) applies. This supports housing development in the countryside where it supports the viability of communities, meets development needs in appropriate locations, safeguards the character of the countryside and ensures that a high standard of siting and design is achieved.
- 38 To that end the development of single houses or groups of houses which fall within at least one of the following categories will be supported:
- Building Groups
 - Infill site
 - New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
 - Renovation or replacement of houses
 - Conversion or replacement of redundant non-domestic buildings
 - Development on rural brownfield land.
- 39 Due to the proposal comprising the erection of a new house on the edge of an established group, the first category is of most relevance to the consideration of this application. This supports proposals which add to an existing group subject to the new housing respecting the character, scale and form of the existing group, being well integrated into the existing layout and building pattern and subject to a high standard of residential amenity being provided. In this case, the principle of development of a single house on the majority of the site has been accepted previously. At that time the site was considered to meet the terms of the housing in the countryside building group category. This category is still relevant and the site continues to be part of the Garth building group. Whilst the policy framework has changed with the adoption of the LDP2 the spirit and intentions with regard to the housing in the countryside policy are the same. The proposal is therefore considered to comply with the requirements of Category 1 of Policy 19: Housing in the Countryside, as expanded in the Supplementary Guidance.
- 40 The existence of an extant permission for a dwellinghouse on this site is also a significant material consideration. The erection of a dwellinghouse, on essentially the same site, was previously approved and has been secured by some works being carried out. The house design has not changed from that permission though the position of the house is to be moved to the north east by 5 metres and the driveway access extended to the south west.

Design and Layout

- 41 Placemaking policies 1A and 1B seek to ensure that the design and scale of development respects its surroundings. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 42 The proposed house is traditional in form and massing, and is T plan in footprint. The four bed detached property provides accommodation over two levels along with an integral single garage. The agent has confirmed that finishing materials

will be as previously approved and includes render and timber to the external walls and a slate roof. The design has previously been considered acceptable and subsequently approved. The proposed house has a relatively narrow floor plan being around 7m wide with an additional 4.5m extended section to the rear. The proposed building is around 16m in length. It has been re-sited to around 5m to the north east from that previously approved. The finished ridge height of the proposed house will be around 1m above the roof ridge of Gentian which is some 25m to the south east. The distance between the properties is sufficient to ensure that this new house will not be over dominant and can be accommodated satisfactorily on the site. The development will not negatively impact on the setting of the listed building (Gentian) due to the retention of existing trees and proposed planting of new trees as well as the intervening distance between the properties.

- 43 The revised access is partly on the route approved under the earlier planning permission although the western section has been partially formed on land outwith the original red line planning site boundary and within the adjacent field, bringing the entrance to the proposed access immediately to the north of the shared access that comes up between buildings from the Old Fire Station. This leaves a small area to the east of the access that will become additional garden ground leaving the majority of the adjacent field undeveloped. The small additional area of existing field that is to be developed for the access does not significantly alter the overall acceptability of the proposed development. It is considered that the site is generally well contained by existing planting and the scale, form, design and siting are acceptable and accord with Placemaking policies and relevant SG.

Landscape

- 44 The site is within the Loch Tay Special Landscape Area (SLA). Policy 39: Landscape requires the landscape character of the area to be respected. Policy 40: Forestry, Woodland and Trees states that there is a presumption in favour of protecting woodland resources and that where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 45 There are a number of trees on the site and a tree survey was submitted to support this planning application. Since the previous approval three trees that were to be retained have grown to a size that would not be conducive to construction of a house in the previously approved position. As these trees, two sycamores and an ash, would need to be removed to build the approved house, the opportunity was taken to re-position the house to the north east away from trees to the south west so that these could be retained and protected during construction. Additional tree planting is proposed to compensate for the loss of the trees with 6 new trees to be planted including 2 rowan, 2 birch, 1 oak and 1 scots pine. The species mix is welcomed as being native to Scotland with enhanced biodiversity value. It is also noted that, whilst there is a Tree Protection Order (TPO) in place at Garth, the three trees to be removed are not covered by this TPO. Further information with regard to stock type/size of tree will be requested by condition (Condition 2). Conditions to replace any failed planting and to protect existing trees during construction will be added

(Conditions 3 and 4). The proposal is considered to comply with policies 39: Landscape and 40: Forestry, Woodland and Trees. The proposal does not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross as required by policy 39. Existing trees will be retained and protected with new planting to replace trees lost as a result of the development as required by policy 40.

Residential Amenity

- 46 The Council's Placemaking SG states that windows should be positioned to avoid, or otherwise minimise, overlooking adjoining houses and private gardens and that windows of habitable rooms should generally be a minimum of 9m from rear boundaries which they overlook to ensure privacy of neighbouring properties is maintained. The closest neighbouring dwellinghouse is Gentian where the distance from the front of the proposed house to the site boundary with Gentian is just over 9m. The distance to Gentian itself is around 22m to the south east. The ridge of the new house will be around 1m higher than Gentian, primarily due to it being on higher ground. The only first floor window on the south elevation that could potentially overlook the neighbouring property serves a bedroom. There are habitable rooms on the ground floor but the distance to boundary and intervening vegetation in the adjacent property's garden will ensure there is no adverse impact on residential amenity from overlooking or loss of privacy. The orientation of the properties means that there will not be any loss of daylight/sunlight due to the position and distances between the buildings. It is also noted that the house design has not changed since the previous approval although the position has moved 5m to the north east. The house benefits from ample private garden ground being set in a plot measuring over 1600sqm.
- 47 Environmental Health has been consulted as a flue serving a wood burning stove is proposed. Poor installation and maintenance of such appliances and inadequate dispersion of emissions can result in nuisance complaints with regards to smoke and smoke odour. In this case the flue exhaust for the stove will terminate above the roof ridge of the proposed dwellinghouse and emissions from the flue should disperse adequately protecting the residential amenity of neighbouring properties from smoke/odour. An informative note is recommended to highlight that smoke/odour could be further minimised using fuel recommended by the manufacturer (Note 5).
- 48 Overall, the development is considered to be acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the LDP2 where it relates to residential amenity.

Visual Amenity and Conservation Considerations

- 49 The site of the proposed development is to the north of Gentian, a category B listed building. The building was listed after the previous permission was granted. The application site is on higher ground and concerns have been raised that the new dwellinghouse would be more visually prominent than Gentian.,

- 50 In this respect, augmenting the landscaping of the site is of particular importance. While some removal of trees on the site is proposed to accommodate the dwellinghouse, the proposals include the retention and protection of the remaining mature trees and introduce compensatory planting in the north of the site. The Conservation Officer considers the approach to Gentian from the south west to be particularly sensitive, and notes that additional planting would be beneficial as this would provide a stronger visual separation between the properties. This could include additional beech hedging to help to mitigate the landscape impact of the proposed house. Subject to conditional control to agree details of the proposed landscaping, including numbers, species and size, the impact on visual amenity is considered acceptable and the setting of Gentian appropriately secured (Condition 2).

Roads and Access

- 51 Policy 60B: Transport Standards and Accessibility Requirements of LDP2 requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant as it provides detail on parking and access requirements. The hardstanding proposed in front of the house is sufficient for parking for at least two vehicles and turning space to allow cars to enter and leave the site in a forward gear is required by roads guidance. The retention of the space for these uses can be secured by condition (Conditions 5 and 6).
- 52 The site is served by a private access from the C448 public road that also serves a number of other properties. The access indicated on the planning application comes into Garth from the east, though there is also a western access. Both meet up at the property known as the Old Fire Station from where the access runs northwards for around 40 metres between buildings before reaching the application site. This section of the access is narrow and concerns were raised with regard to potential difficulties with large vehicles accessing the site such as for construction, service vehicles and emergency vehicles. There are existing properties served by the access and the addition of one house is not considered to be a significant addition in terms of capacity of the access. Transport Planning has raised no concerns in respect of the existing access or the access within the site and therefore, in terms of this planning application, the access is considered to be adequate. Disruption during construction will be temporary and minimal. A condition will be attached to ensure that surface water run-off during construction is controlled to protect the local water environment and neighbouring property (Condition 7).
- 53 There was also an objection on the grounds that the applicant does not have a legal right over the eastern access and further, that that access is unsuitable and that the western access should be used. Any legal dispute over access rights is a matter that is outwith the scope of the planning authority.

Drainage and Flooding

Flood Risk

- 54 There is a burn running along the north eastern boundary of the site. The Council's Flood Team was consulted and advised that there was a potential risk of flooding in the garden area if the burn was to overtop at a culverted inlet to the north east. A full flood risk assessment was not requested due to there being an extant permission on the site. However a revised site and section plan was submitted to show proposed lowering of ground levels to the rear of the house so that flows are encouraged away from any threshold into the property to reduce risk of issues arising from (potential) surface water ponding. This change to the plans do not affect finished floor levels or the finished height of the building. Flood resilient construction is advised for the development and will be required by condition (Condition 8) together with a requirement for a temporary surface water treatment facility to manage surface water during construction (Condition 7).

Drainage

- 55 Objections relating to the impact of surface water from the site which may have been exacerbated by works on the new access have been submitted. Following complaints, the applicant installed some measures within the field to direct surface water away from the existing access road. Structures and Flooding has requested that full details of surface water discharge including from the access road and other runoff such as from the roof be sought via condition (Condition 9).

Foul drainage

- 56 Although initially lacking, information on the foul drainage system is shown on the revised site plan. An area has been identified some 5m away from the dwellinghouse and further detail will be provided as part of the application for a building warrant. The provision of a wastewater treatment plant is covered by the building regulations and is dealt with as part of the technical assessment process. This will ensure the foul drainage is to an appropriate standard.

Private Water

- 57 There have been objections due to local issues with the quality and quantity of the water supply in the area. It is intended that the proposed development will use an existing private supply and objectors are querying whether the applicant is permitted to connect to the existing supply. The legalities of whether the applicant can connect to the existing water supply is not a planning consideration. The Council's Private Water team has been consulted and a suspensive condition (Condition 10) and informative notes will be attached to ensure that existing private water and drainage infrastructure is safeguarded as part of the development of the site and that the new house has an adequate and consistently wholesome supply of water (Notes 7 and 8).

Waste Collection

- 58 The application advises that details of facilities for waste and recycling provision will be provided at the building warrant stage. This is acceptable as the proposal only relates to a single house. An informative note to ensure the applicant is aware of waste service requirements will be added (Note 9).

Natural Heritage and Biodiversity

- 59 An initial Ecological Assessment and Bat Survey was carried out in February 2021. This was followed up with an Ecological Assessment and Full Bat Survey Report being carried out on the site in May 2021. This report contains a full assessment of the site and mitigation measures. The survey did not identify any major ecological constraints as no squirrel dreys, otter holts, badger setts or water vole burrows were identified. No significant impacts or disturbance issues relating to protected mammal species (other than bats) are therefore predicted as a result of the development subject to it being carried out in accordance with the report's recommendations. A condition to that effect is attached (Condition 11).
- 60 Due to the presence of bat roosts, no works can be undertaken before a derogation licence from NatureScot (formerly Scottish Natural Heritage) has been issued. The submitted Ecological Assessment and Full Bat Survey Report contains sufficient information for the planning authority to be satisfied that all three tests are likely to be met. The same tests need to be passed in order for NatureScot to issue a licence. All measures listed in Section 6 of the report: Bat Protection Plan must be adhered to in full.
- 61 Long Term Roost Compensation is required for the loss of one bat roost and allowing bats to access the completed dwellinghouse through integrated bat boxes, bat bricks and Morris slates is encouraged and would result in a positive contribution to biodiversity through this development.
- 62 A condition is recommended to ensure the conclusions and mitigation measures outlined within the survey (Document Ref. 15) are implemented on site (Condition 11). A further condition is recommended to ensure the provision of three swallow nest boxes on the site to enhance local biodiversity (Condition 12). Subject to the implementation of measures outlined in the report and controlled by condition the development is considered to comply with policy 40: Biodiversity.

River Tay Special Area of Conservation (SAC)

- 63 Policy 38A: International Nature Conservation Sites seeks to ensure that development does not impact on sites designated under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas). The River Tay Special Area of Conservation (SAC) is located approximately 350 metres to the south of the site. As mentioned above a temporary surface water treatment facility is to be requested by condition (Condition 7) with a permanent sustainable urban drainage system also being required (Condition 9). This together with the distance from the River Tay SAC will ensure that the

development does not have a significant effect on the Tay SAC and as such is in accordance with Policy 38A.

Zero carbon technologies

- 64 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development of LDP2 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 13).

Developer Contributions

- 65 Policy 5: Infrastructure Contributions of LDP2 applies which refers to the Developer Contributions and Affordable Housing Supplementary Guidance. As the site has extant permission for one dwellinghouse no developer contributions are required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 67 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the ground levels to the rear of the proposed house which resulted in an Amended Proposed Site Plan (Document 12) and Amended Proposed Site Sections (Document 13). Documents 02 and 07 are superseded. A Preliminary Ecological Appraisal (Document 14) and an Ecological Assessment and Full Bat Survey (Document 15) were also submitted and added to the list of associated documents.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 68 None required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 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. This may need expanded.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

3. 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 to the satisfaction of the Council as Planning Authority.

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

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 development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

6. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

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

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

8. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

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

9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS), including details of the receiving drain, 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.

10. 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.

11. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document reference 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to the submitted Ecological Assessment and Full Bat Survey Report, Jenny Wallace Ecology, 31 May 2021.

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

12. Prior to occupation of the approved development at least three swallow nest boxes shall be provided on the completed dwellinghouse.

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

13. 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
6. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
7. 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.
8. 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.

9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The applicant is advised 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-RA/pdf/Flood_Risk_and_FRA - June 2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-RA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)

11. 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.
12. 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.
13. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the ground levels to the rear of the proposed house which resulted in an Amended Proposed Site Plan (Document 12) and Amended Proposed Site Sections (Document 13). Documents 02 and 07 are superseded. A Preliminary Ecological Appraisal (Document 14) and an Ecological Assessment and Full Bat Survey (Document 15) were also submitted and added to the list of associated documents.
14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. 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.

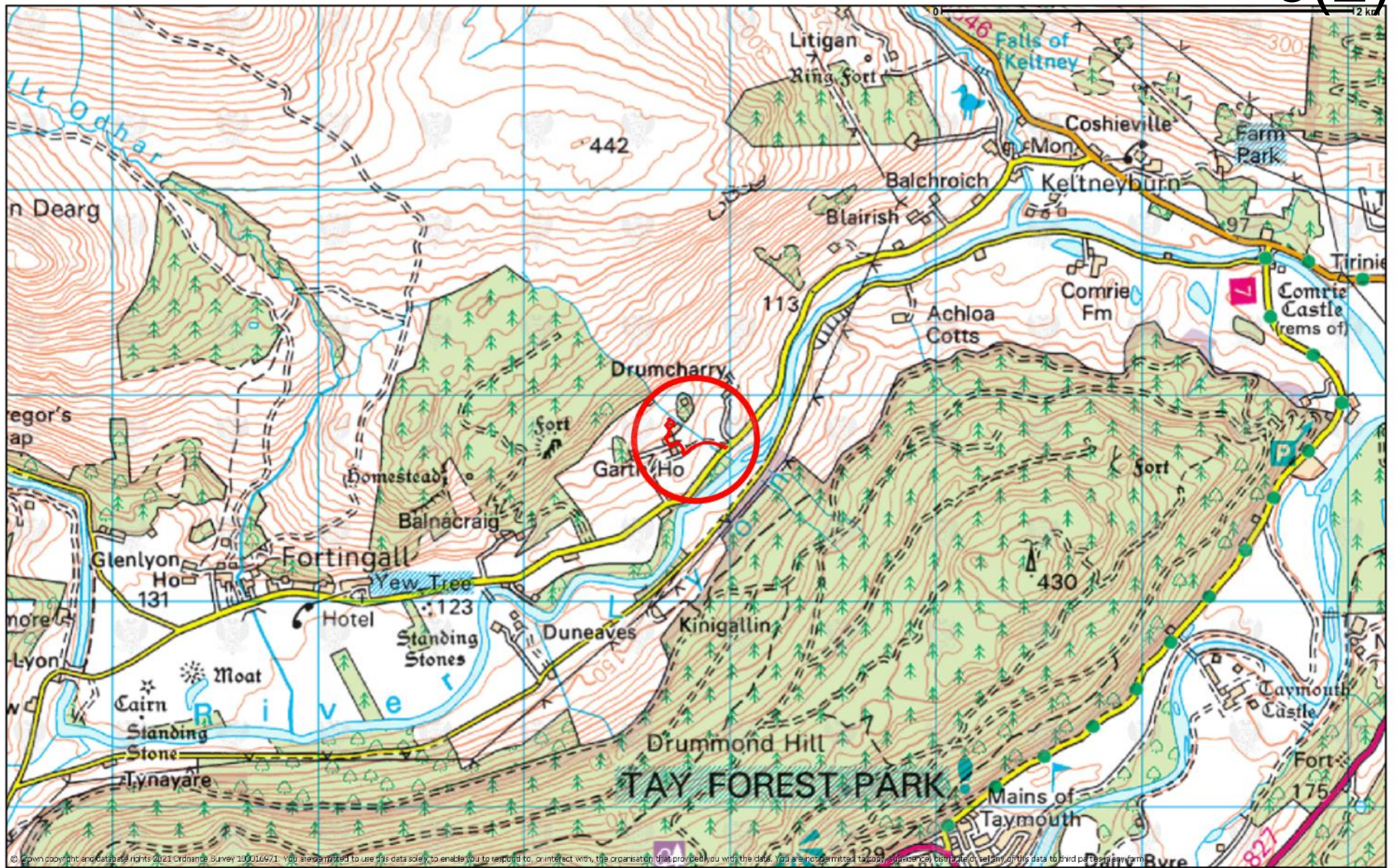
Background Papers: 12 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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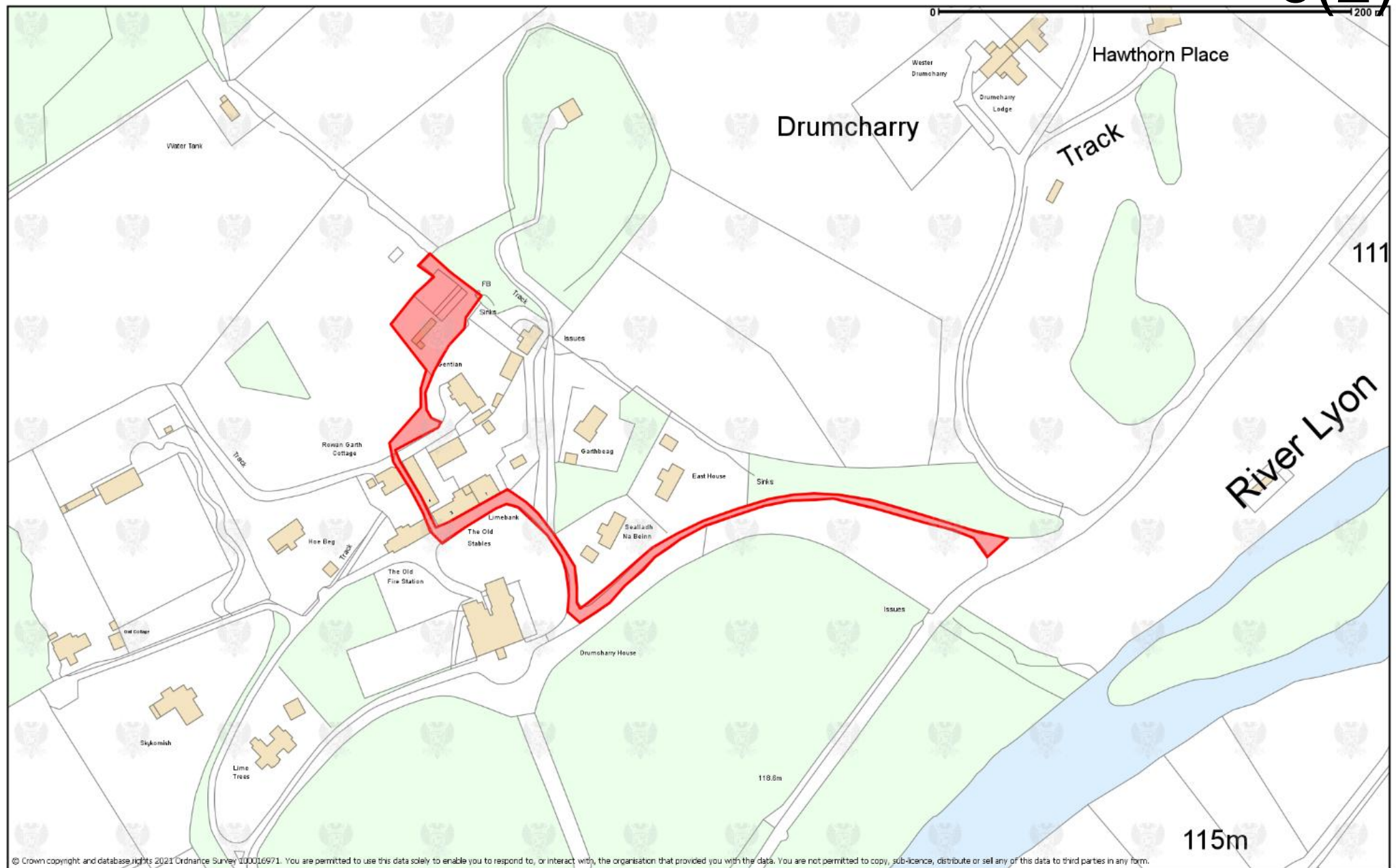
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20/01433/FLL

Erection of a dwellinghouse (in part retrospect)





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20/01433/FL

Erection of a dwellinghouse (in part retrospect)



Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Report of Handling by Head of Planning & Development (Report No. 21/118)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land north of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: [21/00580/FLL](#)

Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to the site of the former Lomond Country Inn on Main Street, Kinnesswood which lies within the Conservation Area.
- 2 The site was previously occupied by a two-storey detached accommodation annexe associated with the former Lomond Country Inn but it has since been cleared following the granting of permission to redevelop the site in 2017 (16/00326/FLL). That permission comprised of the development of 4 detached houses and the partial redevelopment of the former Inn; however, the Inn has since been completely demolished following subsequent permissions for full demolition and the erection of a new house (19/00558/FLL & 19/00559/CON).
- 3 Full planning permission is now effectively being sought for a change of house type within Plot 5 which is positioned at the entrance to the site, to the south of the former Inn. The existing permission proposed to erect a 2-bed cottage within the site, orientated at 90 degrees to Main Street with its gable facing onto the public road. Permission is now being sought for a 3-bed, two storey dwelling within the same plot. The proposed new house is of a more contemporary design, but its overall scale and form is relatively traditional with a palette of materials comprising of natural stone, off-white render, timber cladding and slate roof tiles. The plot will be accessed from a new junction onto Main Street, approved under the 2017 permission, that will be shared with the other four approved plots within the wider site and off-street parking for two cars will be provided within the site. As per the existing permission, a setback is also proposed to allow a 1.2m wide pedestrian footway to be installed along the eastern boundary of the site onto Main Street.
- 4 A previous application for similar proposals was withdrawn by the applicant after issues were identified with Scottish Water relating to stand-off distances with the mains water pipe on Main Street (20/01958/FLL). This revised submission resolves those issues by reorientating and repositioning the house further from the mains water pipe.

Pre-Application Consultation

- 5 20/00508/PREAPP – a similar scheme was presented for comments and advice was provided to the applicant regarding design, finishing materials, parking and landscaping.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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

- 8 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Enabling Delivery of New Homes: paragraphs 109-134
- Managing Flood Risk and Drainage: paragraphs 254-268.

Planning Advice Notes

- 10 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
- PAN 79 Water and Drainage.

Creating Places 2013

- 11 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

- 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 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 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes
 - Policy 9: Managing TAYplans Assets.

Perth and Kinross Local Development Plan 2

- 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.

17 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 28A: Conservation Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 53B & C: Water Environment and Drainage
- Policy 58A: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

18 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 Guide 2020

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

SITE HISTORY

20 The relevant history relating to this application is outlined below:

21 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn

22 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn

23 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn

- 24 [16/00325/CON](#) Part demolition of hotel and demolition of annexe building and outbuildings Decision Issued 19 October 2016 Application Approved – Development Management Committee October 2016
- 25 [16/00326/FLL](#) Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works Decision Issued 5 July 2017 Application Approved – Development Management Committee October 2016
- 26 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 27 [20/01958/FLL](#) Erection of a dwellinghouse Decision Issued 12 April 2021 Application Withdrawn.

CONSULTATIONS

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

External

Portmoak Community Council

- 29 The Community Council objects to the proposals primarily on the basis that the revised proposals negatively impact on the character of the Conservation Area due to the scale and design of the dwelling.

Scottish Water

- 30 No objection. Advice that there is capacity in the water supply network and public wastewater system but note proximity of main water pipe and advise the surface water must not discharge to the combined sewer.

Internal

Conservation Officer

- 31 No objection but recommends a condition regarding the submission of samples/details of finishing materials.

Transport Planning

- 32 No objection subject to conditions.

Development Negotiations Officer

- 33 No comments to make in terms of the Developer Contributions and Affordable Housing Supplementary Guidance but advises there is a Section 75 Agreement for the site in relation to the original permission. It was initially advised that the agreement did not need to be updated but following further discussion it is considered likely that it will need to be revised to take account of the proposed revisions to Plot 5.

Environmental Health

- 34 No objection but recommend condition to deal with contamination and an informative note regarding the operation of the stove.

REPRESENTATIONS

- 35 A total of 23 letters of representation have been received over two separate periods of public consultation, including two letters from Portmoak Community Council.

One of the letters is in support and raises the following points:

- Building height not an issue - Village already has a mixture of old and modern architecture of differing heights
 - Existing abandoned and dilapidated site is detrimental to village
 - Proposed development preserves character of village.
- 36 All of the remaining 22 letters received object to the application and raise the following points:
- Out of character with area
 - Impact on visual amenity
 - Contrary to Development Plan
 - Excessive height and scale
 - Fails to preserve or enhance Conservation Area
 - Overdevelopment
 - Overlooking / impact on privacy
 - Overshadowing / loss of sunlight
 - Impact on existing mature trees
 - Traffic
 - Noise.
- 37 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Environment Statement	EIA Not Required
Screening Opinion	Not Required
Environmental Impact Assessment (EIA)	Not Required
Appropriate Assessment	AA Not Required
Design Statement / Design and Access Statement	Design Statement Submitted
Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 38 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations

indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

- 39 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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.
- 40 The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

- 41 As previously noted, it is important to highlight that this site has a 'live' permission granted in 2017 (16/00326/FLL) for the erection of a single storey dwelling as part of the wider redevelopment of the site. Whilst this permission was due to expire on 5th July 2020, The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 has extended that date until 31st March 2022. As such, the principle of a residential development on this site has already been established under the previous permission. Nevertheless, the current proposal still needs to demonstrate compliance with the relevant policies of the adopted LDP2.
- 42 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy 17 and 28A apply.
- 43 Policy 17 supports residential development in principle subject to certain criteria, including protecting the amenity of neighbours, ensuring the design and scale of the proposal relates to the character and amenity of the area amongst others.
- 44 Policy 28A seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area.
- 45 Other relevant policies include Placemaking Policies 1A & B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria.
- 46 The paragraphs below provide a detailed assessment of the relevant criteria above and demonstrate that the proposals comply with Policies 1A, 1B, 17 and 28A of LDP2.

Impact on Character of Conservation Area/Visual Amenity/Design/Layout

- 47 Kinnesswood Conservation Area is made up of varying design styles with a mixed palette of materials evident. There are also varying ridge heights and eave heights along Main Street. The vast majority of buildings along Main Street front onto the road and are of two storeys in height. It is also noted that the building that previously stood on this particular site was also two storeys in height but orientated at 90 degrees to Main Street, facing towards the site of the former Inn.
- 48 The proposed house is relatively simple in its design and form with a simple two storey form and gable ends which picks up on the traditional scale, massing and materials of the surrounding streetscape but with a more contemporary approach to fenestration. The reorientation of the house to face onto the road is considered to be an improvement on the previous building that stood on site and will have a positive impact on the streetscape. As noted in many of the representations, the height of the proposed house has increased with the addition of a second floor of accommodation. However, as noted above, this increase in height is not considered to be a significant concern as it will not appear out of context given that the neighbouring properties immediately to the south and east are also similar in scale.
- 49 The Council's Conservation Officer has also reviewed the proposals and advises that the revised house design is acceptable and would not result in any detrimental impact on the character or appearance of the Conservation Area.
- 50 The proposed finishing materials are also considered to be appropriate to the character of the area with natural stone cladding and wet dash render applied to the walls and a natural slate roof. However, for the avoidance of doubt and to ensure that palette of materials is of an appropriate standard, details of all finishing materials will be requested by condition (Condition 4).
- 51 The proposals include the erection of a new 1.2 metre-high stone boundary along the eastern boundary with Main Street. The existing section of stone boundary wall fronting Main Street will also be taken down and re-built to accommodate an improved 1.2 metre-wide footpath, as per the 2017 permission. Details of the new wall, along with the re-built section and its finishing materials will be secured by condition (Condition 5).
- 52 As such, the proposal is considered to be of an appropriate scale and design and its development will result in an improvement to the character and appearance of the Conservation Area, as required by Policies 1A, 1B, 17 and 28A of LDP2.

Residential Amenity

- 53 The proposed plot is considered to have a good layout and makes the most of what is an awkwardly shaped plot. The positioning of the house creates a reasonable area of private amenity space that extends to approximately 180 sqm whilst also providing space for two parking bays and a private bin storage area. As such, it is considered that the proposed layout provides a good level of amenity for the future occupants of the house.

- 54 In terms of neighbouring amenity, the southern gable elevation of the proposed house is positioned relatively close to the existing property to the south at Bonaly Cottage. However, the proposed house will largely have a view of the gable of the neighbouring house and the upper floor bedroom window on the southern gable of the proposed house will be set 9 metres from the boundary. As such, it is considered that the proposals will not result in any unacceptable levels of overlooking of the neighbouring property.
- 55 It is also noted that concerns have been raised in respect to overshadowing due to the increased height of the house. The position of the proposed house within the site would suggest that there would no significant impact on the levels of daylight presently received at Bonaly Cottage. However, it is likely that the building will result in some level of overshadowing of the properties to the east across the street during the evening, but the level of impact will be no greater than that caused by the previous building that stood on the site. It is also noted that there are a number of tall mature trees to the west of the proposed plot that will presently block some of the daylight during the evening hours. As such, it is considered that the proposals will not result in any unacceptable levels of overshadowing of neighbouring properties.
- 56 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwellinghouse and therefore in accordance with the placemaking policies 1A and 1B and Policy 17 of LDP2.

Roads, Transport and Access

- 57 The proposals will take access off Main Street via the new junction which will be shared with the other four approved plots. The plot also contains two private off-street parking bays.
- 58 The Council's Transport Planner has reviewed the proposals and raises no concerns in respect to roads or access related matters. It is also important to again highlight that the site already has permission for a single dwelling with a similar access and parking layout.
- 59 As such, the proposal is considered to accord with Policy 60B of LDP2 and the requirements of the National Roads Development Guide.

Flooding and Drainage

- 60 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no known issues or concerns in respect to flooding at the site.
- 61 In respect to drainage, the site is to be served by the public drainage system in Kinnesswood and the application form states that the development will connect into this system. It also states that the proposal is to connect to the public water supply network and that a sustainable urban drainage system (SUDS) will be utilised to cater for surface water drainage. The principle of this is considered to comply with policies 53B and C of LDP2. The exact detail and design of the drainage proposals will be secured through a building warrant.

Natural Heritage and Biodiversity

- 62 There are a number of mature trees located immediately to the south west of the proposed house, positioned adjacent to the boundary but within the garden grounds of Bonaly Cottage. The proposals do not indicate any works to these trees, and it is considered that the position of the proposed house should not unduly impact on those trees. That said, given their proximity, it is considered appropriate to condition that tree protection measures are put in place to ensure that there will be no significant impact on the adjacent mature trees throughout the construction of the development (Condition 8).
- 63 As such, with conditional control in place, it is considered that the proposals comply with Policy 40B of LDP2.

Contaminated Land

- 64 A previous site investigation undertaken as part of the 2017 permission identified contamination within the application site. Therefore, the Contaminated Land Officer has recommended conditional control requiring the assessment and subsequent decontamination measures (Condition 6). This will ensure the compliance with Policy 28A of LDP2.

Developer Contributions and Affordable Housing

- 65 It is noted that a number of representations have referenced that the previously approved cottage that was proposed on this plot (Plot 5) was intended as an affordable unit. It can be confirmed that this was not the case and in line with the supplementary guidance a commuted sum payment in lieu of on-site affordable housing based on all of the approved plots, including Plot 5, was secured through a Section 75 legal agreement under the 2017 permission. However, the existing agreement may need to be updated to take account of the proposed changes to Plot 5 should this application be approved.
- 66 On that basis, the proposals comply with Policy 20 of LDP2 subject to any required revisions to the existing Section 75 Legal Agreement.

Embedding Low & Zero Carbon Generating Technologies

- 67 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.
- 68 It is noted that solar panels are proposed on the western facing pitch of the roof but there is no statement identifying what specific measures are to be provided to meet the carbon emissions reductions set by Scottish Building Standards. As such, a condition has been applied to ensure that adequate measures are detailed prior to commencement of development and thereafter installed (Condition 9).

Economic Impact

- 69 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 70 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 71 There is an existing legal agreement secured under application 16/00326/FLL which secures a contribution in relation to affordable housing. However the agreement may need to be revised to take account of the proposed development and ensure that the requirements of the agreement in relation to affordable house contributions remains enforceable.

DIRECTION BY SCOTTISH MINISTERS

- 72 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

- 73 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.
- 74 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 development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross

Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

3. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

4. 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.

5. Prior to the commencement of any development on site, full details, including a scaled elevation of the proposed boundary wall, including the section of re-built stone boundary wall, along the eastern boundary with Main Street shall be submitted to and approved in writing by the Council as Planning Authority. For the avoidance of doubt, the new section of wall shall be constructed in natural stone to match the existing wall; a sample of which shall be submitted to and approved in writing by the Council as Planning Authority. The wall detail, as agreed in writing, 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.

6. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has

been fully implemented 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.

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

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

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

9. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The approved measures shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason: In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

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

The planning permission decision notice shall not be issued until such time as the existing Section 75 Legal Agreement has been either updated via a Modification of the Planning Obligation or a Minute of Variation.

In the event the applicant does not complete the necessary update to the existing legal agreement within a 4-month period from the date the agent/applicant is advised of the need for the revisions, 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 is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. 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.
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 development proposals may impact on existing Scottish Water assets that run close the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

9. For reasons of sustainability and to protect the public sewer from potential future flooding, Scottish Water will not accept any surface water connections into the combined sewer system.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. 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.

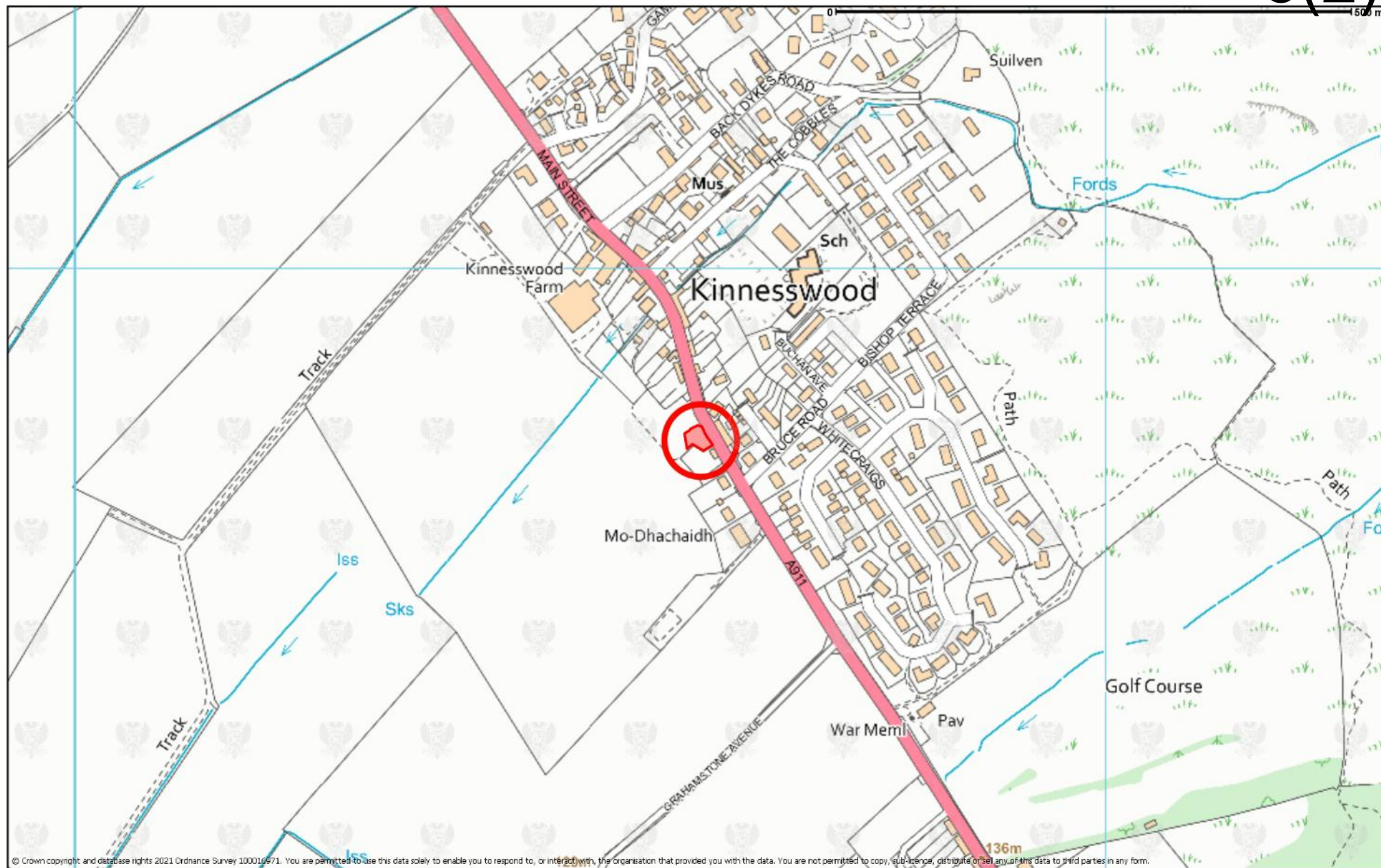
Background Papers: 23 letters of representation
Contact Officer: David Niven 01738 475360
Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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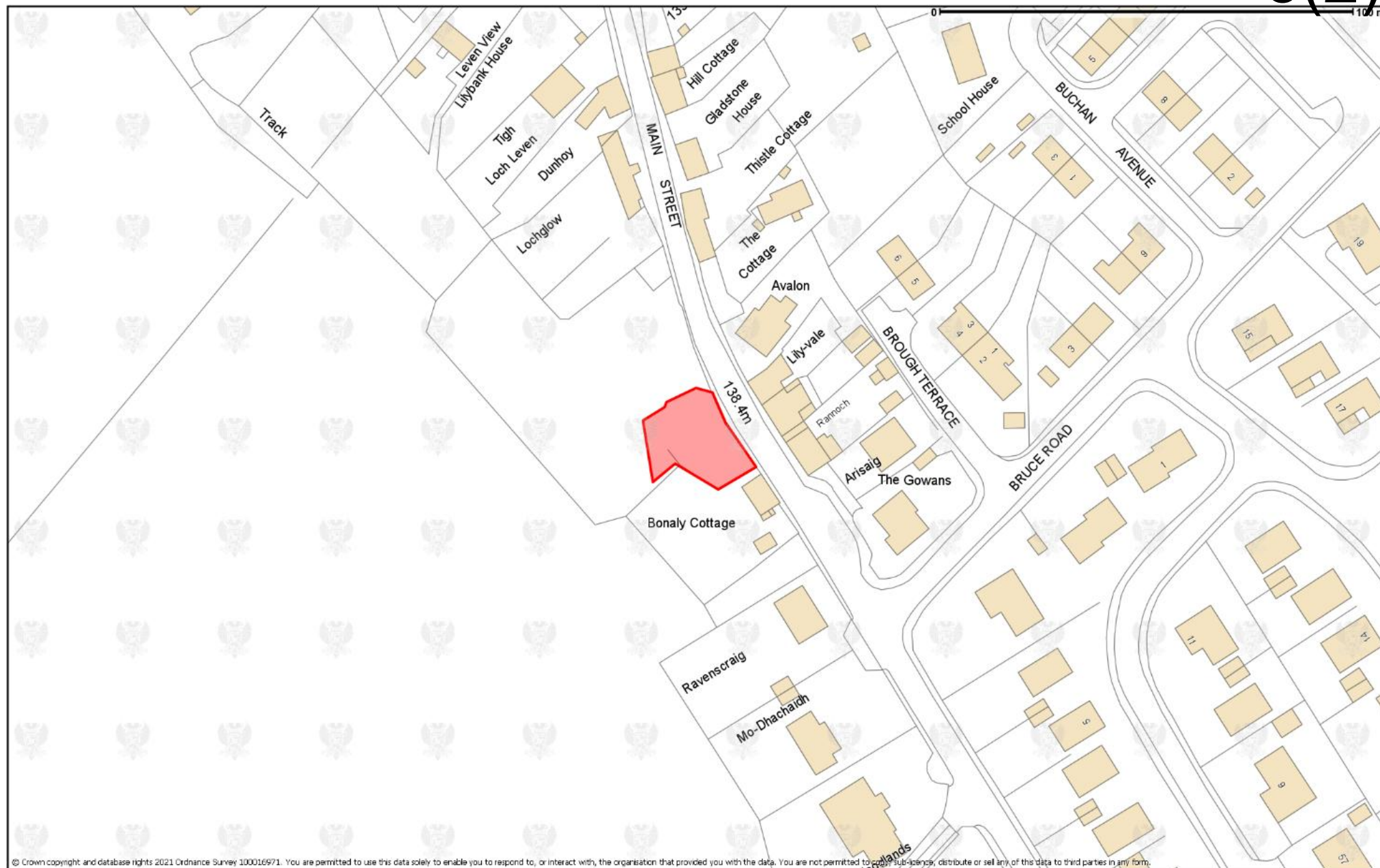
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21/00580/FLL

Erection of a dwellinghouse





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21/00580/FLL

Erection of a dwellinghouse



Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/119)

Erection of a sports facility to include swimming pool, external sports pitch,
vehicular access, parking, landscaping and associated works
Blairgowrie Recreation Centre, Beeches Road, Blairgowrie PH10 6PN

Ref. No: [21/00010/PAN](#)

Ward No: P3 - Blairgowrie And Glens

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the erection of a sports facility to include swimming pool, external sports pitch, vehicular access, parking, landscaping and associated works at Blairgowrie Recreation Centre, Beeches Road Blairgowrie PH10 6PN. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 2 June 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Blairgowrie Recreation Centre. The pre-application report gives the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development comprising a sports facility to include swimming pool, external sports pitch, vehicular access, parking, landscaping and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

PRE-APPLICATION PROCESS

- 4 The Proposal of Application Notice 21/00010/PAN confirmed that an interactive consultation event was to be held on 7 July 2021 between 15:00-19:00. This was to comprise a bespoke digital consultation website in smart device friendly format which would provide details of the proposals and allow comments to be

submitted. Live chat functionality was to be included to allow remote communication with visitors to the site. The MP for Perth and North Perthshire, MSP for Perthshire, the Ward Councillors for Blairgowrie and Glens, Strathtay and Strathmore and Blairgowrie and Rattray Community Council were all notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291.
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 9 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

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

- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 12 The 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.”

- 13 Under the LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 35: Electricity Transmission Infrastructure
- Policy 37: Management of Inert and Construction Waste
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements.

OTHER POLICIES

- 14 The following supplementary guidance and documents are of particular importance in the assessment of this application:-
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Perth and Kinross Community Plan 2013/2023
 - Perth and Kinross Local Transport Strategy (2010).

PLANNING SITE HISTORY

- 15 **08/02386/FUL** Full Planning Permission was Approved On 24 February 2009 for Erection of timber shelter and lock up store for three ponies.

CONSULTATIONS

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

External

- Scottish Environment Protection Agency
- Nature Scot
- Scottish Water
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Blairgowrie Community Council.

Internal

- Environmental Health
- Planning and Housing Strategy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer.

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils

- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage.

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment.

CONCLUSION AND RECOMMENDATION

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

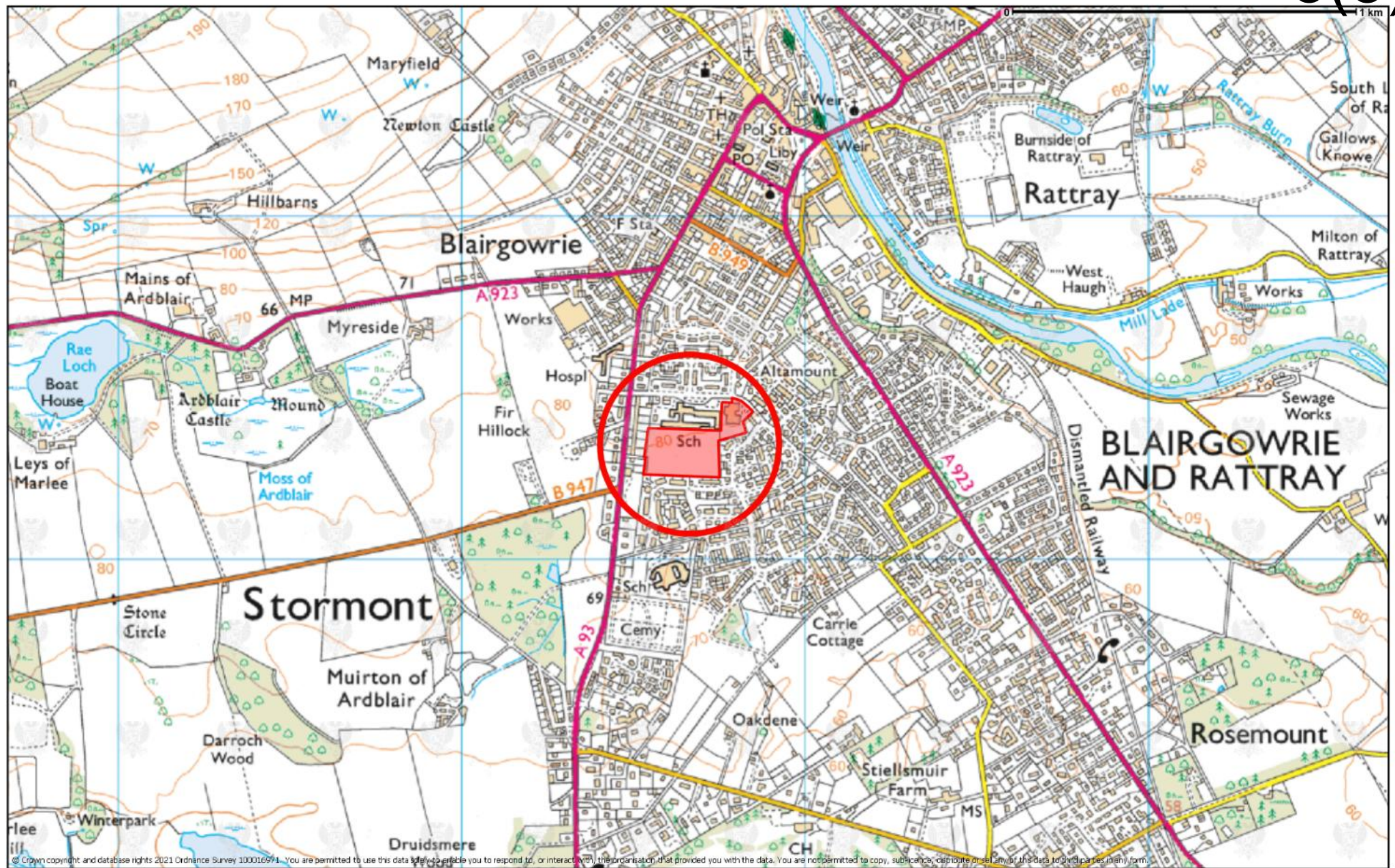
Background Papers: None
 Contact Officer: Beatrice Nichol
 Date: 15 July 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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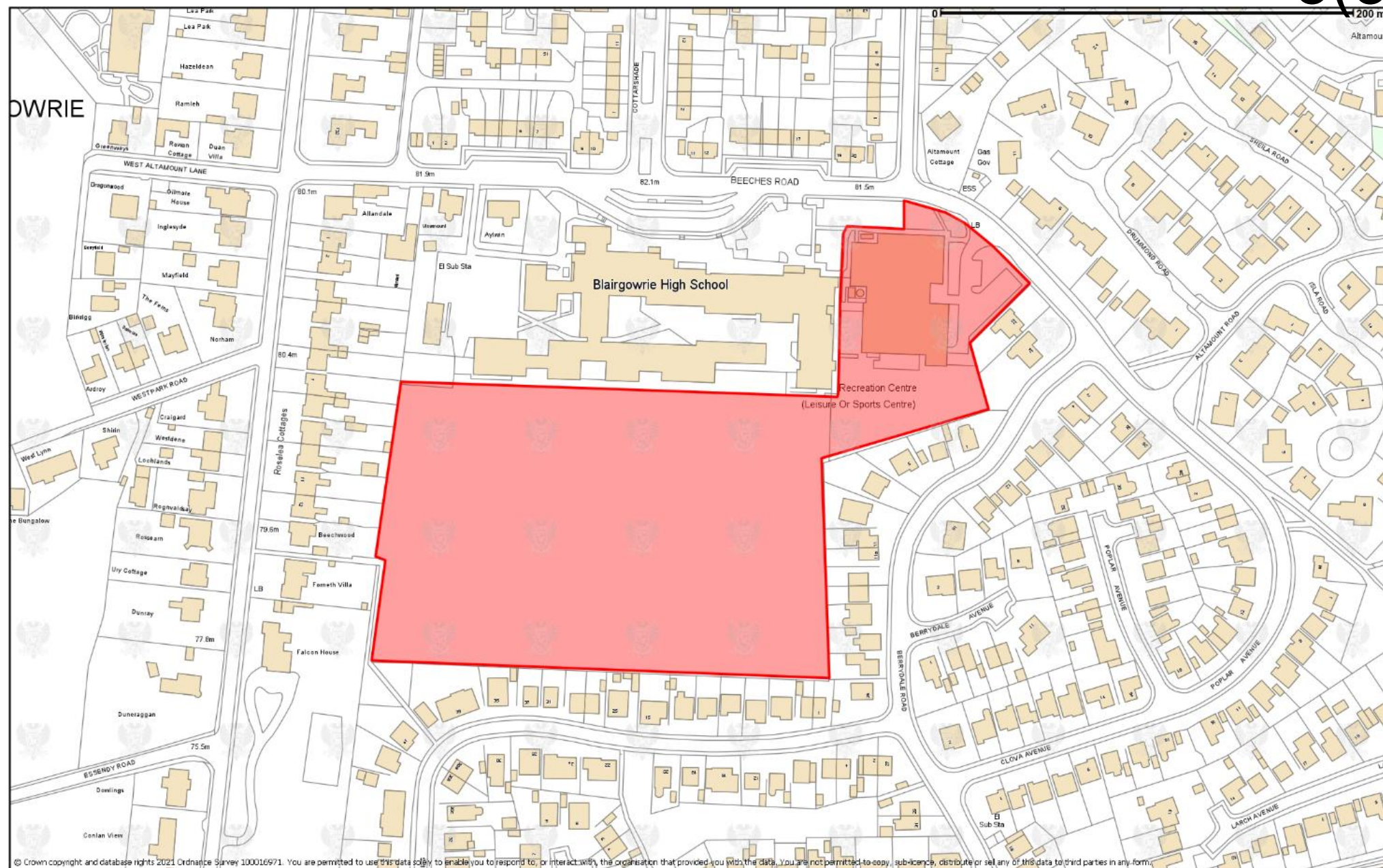
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21/00010/PAN

Erection of a sports facility to include swimming pool, external sports pitch, vehicular access, parking, landscaping and associated works





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21/00010/PAN

Erection of a sports facility to include swimming pool, external sports pitch, vehicular access, parking, landscaping and associated works



Perth and Kinross Council
Planning & Development Management Committee – 28 July 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/120)

Residential development, access, landscaping, SUDs and associated works at land 150 Metres South West of Kintillo Cemetery, Bridge of Earn (LDP2 site H14)

Ref. No: [21/00011/PAN](#)

Ward No: P9 - Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential development, access, landscaping, SUDs and associated works at land 150 Metres South West of Kintillo Cemetery Bridge of Earn (LDP2 Site H14). The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 4 June 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for residential development, access, landscaping, SUDs and associated works at land 150 Metres South West of Kintillo Cemetery, Bridge of Earn (LDP2 site H14). Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major residential development at LDP2 site H14. The exact scale, design and layout of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal, it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that a public exhibition will be held virtually on 7 September 2021. The Ward Councillors, MSP, MP and Earn Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - Delivering Heat and Electricity: paragraphs 152 -173
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291.
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 9 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

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

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

- Policy 1 – Locational Priorities
- Policy 2 – Shaping Better Quality Places
- Policy 4 – Homes
- Policy 6 – Developer Contributions
- Policy 8 – Green Networks
- Policy 9 – Managing TAYplans Assets.

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The 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.”
- 13 Under the LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- 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 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils

- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements.

OTHER POLICIES

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

- Placemaking Supplementary Guidance March 2020
- Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments Supplementary Guidance January 2021
- Open Space Provision for New Developments Supplementary Guidance March 2021.

PLANNING SITE HISTORY

- 15 None.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Transport Scotland
- Scottish Forestry
- Earn Community Council

Internal

- Environmental Health
- Planning and Housing Strategy
- Developer Negotiations Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity/Tree Officer.

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which the eventual application will be assessed include:
- a. Principle & Need
 - b. Visual Impact
 - c. Scale, Design and Layout
 - d. Relationship to Nearby Land Uses
 - e. Natural Heritage and Ecology
 - f. Landscape
 - g. Water Resources and Soils
 - h. Flooding and Drainage
 - i. Air Quality
 - j. Noise
 - k. Transport Implications.

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 18 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Noise Impact Assessment
 - Air Quality Assessment
 - Landscape and Visual Impact Assessment
 - Tree Survey
 - Habitat Survey including Protected Species Survey
 - Sustainability Assessment.

CONCLUSION AND RECOMMENDATION

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

Background Papers: None

Contact Officer: Steve Callan

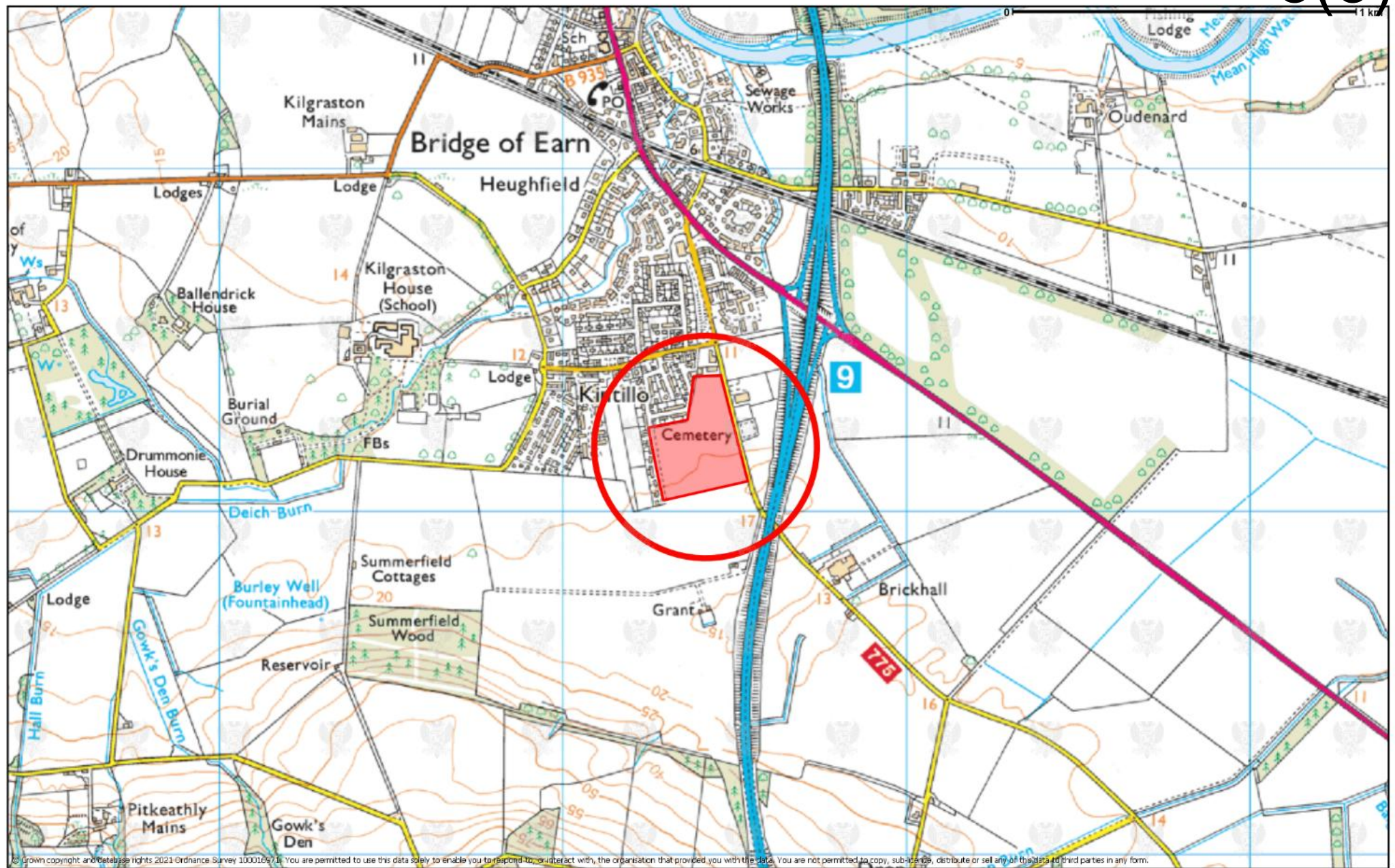
Date: 15 July 2021

DAVID LITTLEJOHN
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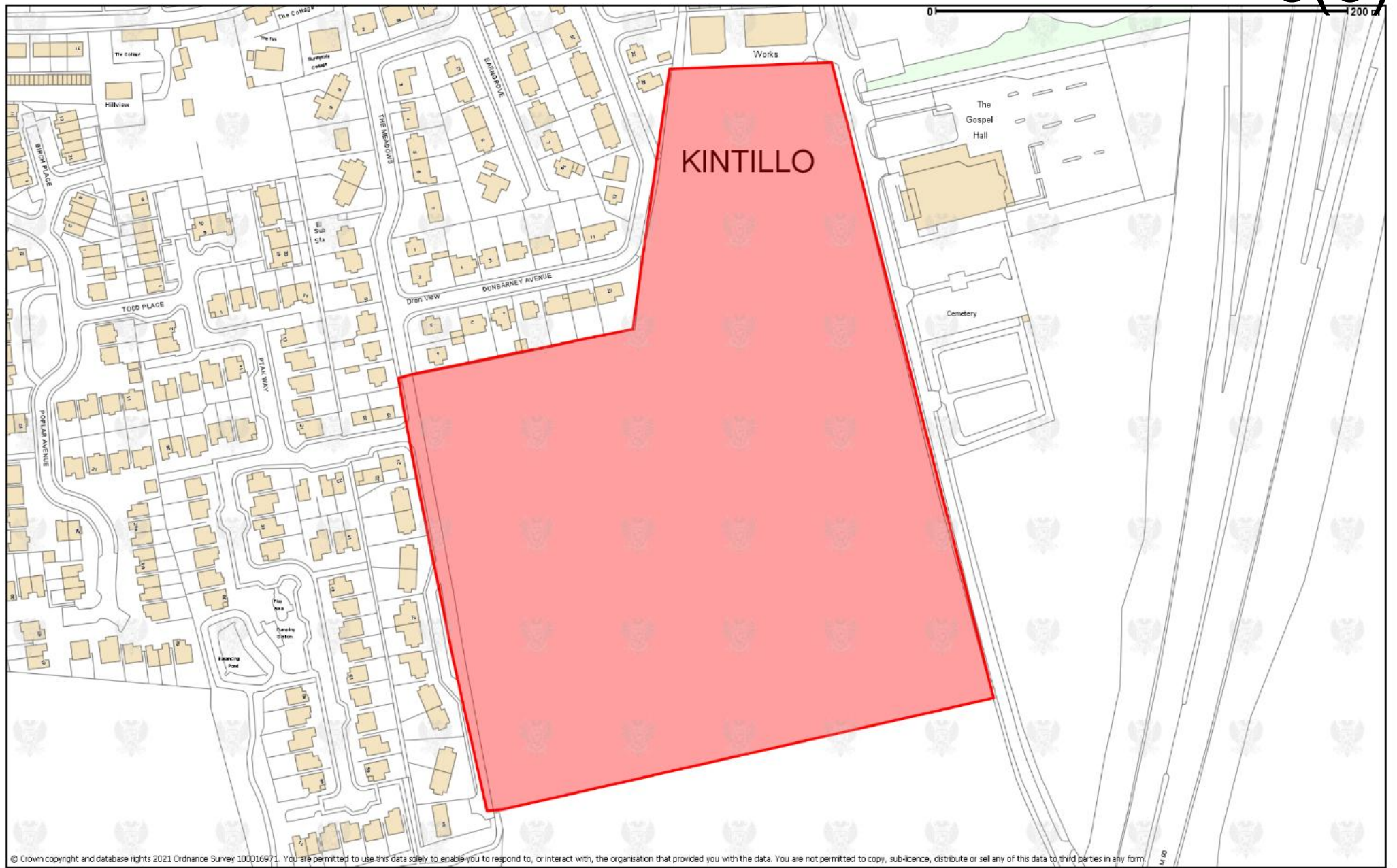
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21/00011/PAN

Residential development, access, landscaping, suds and associated works (allocated site H14)





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21/00011/PAN

Residential development, access, landscaping, SUDs and associated work



