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Council Building
2 High Street
Perth
PH1 5PH

14 August 2020

A special meeting of the **Planning and Development Management Committee** will be held virtually on **Tuesday, 25 August 2020 at 10:00**.

If you have any queries please contact Committee Services - Committee@pkc.gov.uk.

KAREN REID
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 Henry Anderson
Councillor Michael Barnacle
Councillor Eric Drysdale
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Callum Purves
Councillor Crawford Reid
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Tuesday, 25 August 2020

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT OF 29 JULY 2020 FOR APPROVAL 5 - 20**
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 20/00607/FLM - SCONE - SECTION 42 APPLICATION TO MODIFY CONDITION 3 (OCCUPANCY) OF PERMISSION 11/00850/FLM, LAND NORTH OF PERTH AIRPORT, SCONE 21 - 40**
Report of handling by Head of Planning and Development
(Recommendation - Refuse) (copy herewith 20/136)
- 5(2) LOCAL APPLICATION**
- 5(2)(i) 20/00230/FLL - KELTYBRIDGE - ERECTION OF A DWELLINGHOUSE (IN PART RETROSPECT), LAND NORTH OF WINCHESTER, MAIN STREET, KELTYBRIDGE 41 - 56**
Report of handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith)
- 6 PROPOSAL OF APPLICATION NOTICE (PAN)**
- 6(i) 20/00005/PAN - ABERNETHY - EXTENSION OF SUBSTATION, COMPRISING INSTALLATION OF 2 REPLACEMENT TRANSFORMERS AND PLAN EQUIPMENT, FORMATION OF ACCESS TRACK, HARDSTANDING, LAYDOWN AREA, SUDS, 57 - 66**

**ASSOCIATED WORKS AND INFRASTRUCTURE AT LAND
SOUTH OF JAMESFIELD GARDEN CENTRE, ABERNETHY**
Pre-Application Report by Head of Planning and Development
(copy herewith 20/138)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 29 July 2020 at 10.00am.

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

In Attendance: K Smith, J Scott, A Condliffe, L MacLean, A Rennie, G Fogg, D Williams, A Brown and A Taylor (all Corporate and Democratic Services); R MacKenzie and L Reid (both Housing and Environment); C Wright, A McMeekin and B Parker (all IT).

Apologies for Absence: Councillor M Barnacle.

Councillor R McCall, 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 Interested made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 1 July 2020 was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

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

Planning Application No.
20/00569/FLL

Item No.
5(3)(i)

5. APPLICATIONS FOR DETERMINATION

(1) Local Application Deferred from Meeting of 1 July 2020

- (i) 20/00524/FLL - MARYBURGH - Erection of 4 dwellinghouses and associated works, land south of Hillcrest, Maryburgh – Report 20/121 – KJJ Properties Limited**

Motion (Councillors C Purves and W Robertson)

Refuse, on the grounds that the application is contrary to Policies 1A and 1B, with particular reference to criterion (c), of the Perth and Kinross Local Development Plan 2 (2019), as it is considered that the development is of an urban form which would not contribute to the built and natural environment of the surrounding area and would constitute an overdevelopment of the site.

Amendment (Councillors T Gray and R McCall)

Grant, subject to the following conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. Development shall not commence 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 deal with any potential contamination of the site as a result of its former use.

3. Prior to the commencement of development, a CCTV survey of the existing culvert downstream of the site (under the road) shall be carried out, and a report on its condition and any remedial works required shall be submitted to the Council as Planning Authority for approval. Thereafter, any remedial works agreed shall be undertaken prior to the construction of the dwellinghouses, to the satisfaction of the Council as Planning Authority.

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

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

5. Prior to the commencement of development, full details of the retaining walls shall be submitted to the Council as Planning Authority for approval. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

7. The recommendations in the Coal Mining Surveys hereby approved (20/00524/9), shall be fully adhered to during the construction period and shall be in full

consultation with The Coal Authority, all to the satisfaction of the Council as Planning Authority.
Reason: To take account of the coal mining risk associated with the development site.

8. Prior to the development hereby approved being completed or brought into use, each vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
9. 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.
10. For the avoidance of doubt, the area of land located out-with the settlement boundary of Maryburgh shall not be developed as part of this planning permission.
Reason: In order to clarify the terms of the permission.

Justification

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

Informatives

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

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
7. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts

and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

8. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. The applicant 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.
11. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
12. The applicant 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.
13. 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.

In accordance with Standing Order 58, a roll call vote was taken.

4 members voted for the Motion as follows:

Councillors H Anderson, C Purves, W Robertson and W Wilson

9 members voted for the Amendment as follows:

Councillors B Brawn, E Drysdale, T Gray, D Illingworth, I James, R McCall, C Reid, R Watters and M Williamson

Resolved:

In accordance with the Amendment.

(2) Major Applications

- (i) 20/00169/AMM - Section 42 application to modify Condition 15 (Contaminated Land) of permission 16/00999/AMM, Morris Leslie, Errol Airfield, Grange, Errol – Report 20/122 – Morris Leslie Limited**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.
Reason: In the interest of pedestrian and cycle safety.
4. The detailed landscaping and planting scheme, including the sports pitch as approved (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the Development Plan.
5. The approved children's play area(s) (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.
Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.
6. The approved delivery and phasing plan (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.
For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.
Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.
7. Notwithstanding the submitted plans, 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: In the interests of best practise surface water management: to avoid undue risk to public safety and flood risk.

8. The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason: To reduce the risk of flooding.

9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

10. The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.

Reason: To ensure a satisfactory standard of local environmental quality.

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

Reason: To ensure a satisfactory standard of local environmental quality.

12. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

13. The approved Construction Traffic Management Scheme (CTMS) (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason: In the interest of road safety.

14. The agreed level and location of recycling facilities (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.
Reason: In the interests of the sustainable disposal of waste.
15. Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. 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 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 be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.
16. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.
Reason: In the interests of protecting environmental quality and of biodiversity.
17. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations

and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

18. If the development hereby approved having commenced in 2019, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

19. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

20. Prior to the occupation and use of the approved development the applicant shall, at his own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason: In the interest of road safety.

21. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and

- approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: In the interest of promoting sustainable travel.
22. The approved external lighting plan (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.
Reason: To minimise any light pollution.
23. The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and Natural Scotland (formerly SNH) prior to the commencement of the development on site.
Reason: In the interests of protecting environmental quality and of biodiversity.
24. The approved details relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.
Reason: In the interests of protecting environmental quality and of biodiversity.
25. The approved details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.
Reason: In the interests of protecting environmental quality and of biodiversity.
26. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.
Reason: In the Interest of vehicle and pedestrian safety.
27. Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.
Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

28. Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.
Reason: In the Interest of vehicle and pedestrian safety.

Justification

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

Informatives

1. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
2. This development requires 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. The applicant is 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.
4. The applicant is 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.
5. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate

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

7. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
8. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
9. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
10. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
11. 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.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/00999/AMM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply

(3) Local Application

- (i) 20/00569/FLL - PERTH - Alterations and formation of vehicular access and parking area, 171 Glasgow Road, Perth – Report 20/123 – Mr and Mrs Ogilvie**

Mr A Campbell, objector, followed by Mr S Ogilvie, applicant, addressed the Committee via audio conferencing and answered members questions.

Motion (Councillors R McCall and I James)

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, the gradient of the access shall be constructed so as not to exceed 3% for the first 2.4 metres into the curtilage of the property measured back from the rear of the footway and the access shall be constructed so that no surface water or aggregate is discharged to the public road or footway network.
Reason: In the interests of road safety; to ensure the provision of an adequate gradient of the access.**
- 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.**
- 4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.**

Justification

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

Informatives

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

3. **As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.**
4. **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.**
5. **The applicant is advised to contact the Street Lighting Partnership to obtain the location of plant. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.**

Amendment (Councillors W Wilson and W Robertson)

Refuse, on the grounds that the application is contrary to Policies 1A, 1B, 17(c) and 60B(a) of the Perth and Kinross Local Development Plan 2 (2019), as the proposal was considered to not contribute positively to the built and natural environment of the surrounding area.

In accordance with Standing Order 58, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Brawn, E Drysdale, T Gray, D Illingworth, I James, R McCall and M Williamson

5 members voted for the Amendment as follows:

Councillors C Purves, C Reid, W Robertson, R Watters and W Wilson

Resolved:

In accordance with the Motion.

Perth and Kinross Council
Planning & Development Management Committee – 25 August 2020
Report of Handling by Head of Planning & Development (Report No. 20/136)

PROPOSAL: Section 42 application to modify Condition 3 (occupancy) of permission 11/00850/FLM

LOCATION: Land North of Perth Airport, Scone

Ref. No: [20/00607/FLM](#)
Ward No: P2 - Strathmore

Summary

This report recommends refusal of the application to modify Condition 3 (Occupancy) of permission 11/00850/FLM, to remove the restriction on holiday use only of the 52 approved chalets and to allow their permanent occupation for people aged 55 and over, on land to the north of Perth Airport.

The development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations that justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks a further detailed planning permission on the same site that has planning permission (ref: 11/00850/FLM) for the erection of 52 holiday chalets, associated access roads, sustainable urban drainage system and toddlers play area/picnic. The applicant is requesting to formally amend Condition 3 (Occupation) of that permission, which currently reads as follows:

“The chalets hereby approved shall be used for holiday accommodation only and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the units are not occupied as permanent residential accommodation.”

- 2 This modification is proposed as the applicant now wishes to use the approved holiday chalets as permanent residential accommodation for persons aged 55 and over. The alternative wording proposed by the applicant for Condition 3 is as follows:

“The chalets hereby approved shall be used as residential accommodation only for those aged 55 years and over”.

- 3 Turning to the site context, including the associated access road the area extends to approximately 7.5 hectares (Ha). It consists of extensive level grassland to the north west of the A94 (Perth to Forfar) road and lies

immediately north of the runway at Perth Airport. It is neither located within any settlement boundary nor identified with a specific land use allocation within Local Development Plan 2 2019 (LDP2). It is therefore classed as open countryside but not within the Greenbelt.

- 4 Mature woodland fringes all sides, providing natural containment and screening. Open farmland sits to the north and west, with the A94 forming the south-eastern boundary. Whilst there are small pockets of residential properties to the north-west, south-west and across the A94.
- 5 Planning permission (11/00850/FLM) was approved (contrary to recommendation) by Development Management Committee in October 2011 for the development of 52 holiday chalets and associated access road, SUDS facility and a toddlers play/picnic area.
- 6 Following the discharge of all pre-commencement conditions, and the submission of a Notification of Commencement of Development, the Council confirmed in October 2014 that a material operation related to the formation of the access junction had commenced. Accordingly, the planning permission remains extant. However, no further works appear to have taken place since.
- 7 The approved 52 holiday chalets are all two bedroom and are to be clustered within individual groups within the main body of the site, served by a spine road with turning facilities. Whilst there is an existing farm access road along north eastern boundary it is intended to form a new direct access onto the A94.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 An EIA Screening of the proposal has been undertaken and found that an EIA was not required.

PRE-APPLICATION CONSULTATION (PAC)

- 9 PAC is not required for Section 42 applications.

NATIONAL POLICY AND GUIDANCE

- 10 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

- 11 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

- 12 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.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 14 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

Designing Streets 2010

- 15 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.
- Creating Places 2013**

- 16 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

- 17 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

- 18 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

- 19 TAYPlan sets out a vision for the region in 2036 and what must occur to bring about change to achieve this vision. The vision as set out 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.”

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

- Policy 1 Location Priorities
- Policy 4 Homes

Perth and Kinross Local Development Plan 2019

- 21 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.

- 22 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 9: Caravan Sites, Chalets and Timeshare Developments
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 19: Housing in the Countryside
- Policy 20: Affordable Housing
- Policy 22: Particular Needs Housing Accommodation
- 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 40: Forestry, Woodland and Trees
- 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
- Policy 61: Airfield Safeguarding

Supplementary Guidance

- PKC Placemaking Supplementary Guidance March 2020
- PKC Developer Contributions and Affordable Housing Supplementary Guidance March 2020

SITE HISTORY

- 23 07/00540/FUL Change of use of woodland to form a caravan site. Application withdrawn in March 2007.
- 24 [07/00848/FUL](#) Change of use of land to form caravan site. Application refused in July 2009.
- 25 [10/00001/PAN](#) Proposed chalet development (up to 60 units) sustainable urban drainage, access road and landscaping. Format of consultation set out in the PAN was accepted in March 2010.
- 26 [11/00850/FLM](#) Erection of 52 holiday chalets, associated access roads, sustainable urban drainage system and toddlers play area/picnic area. Application approved by Development Management Committee October 2011.

CONSULTATIONS

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

External

- 28 **Scottish Environment Protection Agency** – No objection but advise a Controlled Activities Regulation (CAR) Licence may be difficult to obtain as development will be for over 50-person population; and that a full intrusive hydrogeological survey will be required.
- 29 **Scottish Water** – No objection, advise that there is available capacity for a water supply. But that waste water will need to be treated privately.
- 30 **Perth & Kinross Health Care and Social Partnership (HSCP)** – No objection, advising of no strain on local healthcare facilities.
- 31 **Scone and District Community Council** – No response received.
- 32 **Burrelton and District Community Council** – No response received.
- 33 **Perth Scone Airport** – No response received.

Internal

- 34 **Biodiversity/Tree Officer** – Requested more information as no woodland or ecological survey submitted with application.
- 35 **Environmental Health** – No objection but request an informative regarding caravan licencing is added to any permission.
- 36 **Transport Planning** – Following submission of further information there is no objection in terms of trip generation as there will be no increase. An additional 13 parking spaces will be required for visitors plus bike storage facilities. A bus shelter should be provided for both the north and southbound directions. More information is requested, as the approved layout would need to be amended to fully consider the serviceability of the site by the Councils Waste Services team.
- 37 **Development Negotiations Officer** – Advise that an Affordable Housing contribution is required, equating to 25% of overall residential units created, as a commuted sum; $13 \times £28,000 = £364,000$; The location within the Perth Core Area sees a transport infrastructure contribution required, equating to $52 \times £10,657 = £554,164$. No Primary Education is required, as the proposal is for over 55-year-olds. Thus, a developer obligations total of £918,164 will be required.
- 38 **Planning and Housing Strategy** – Advise that the proposal is contrary to the Development Plan, as it will provide main stream permanently occupied housing outwith a settlement boundary and does not meet any identified/required housing needs in the area.
- 39 **Community Greenspace** – No objection.
- 40 **Community Waste Advisor** – No objection.

REPRESENTATIONS

- 41 No representations have been received.

ADDITIONAL STATEMENTS

42	Screening Opinion	Undertaken, EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting Statement; Park Homes Study

APPRAISAL

- 43 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 Housing in the Countryside Supplementary Guidance 2020.

- 44 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The determining issues in this case are whether: the development without compliance with Condition 3 of 11/00850/FLM would be consistent with the relevant provisions of the Development Plan; or if an exception to these provisions is justified by other material considerations. If the changes proposed are acceptable, planning permission would be granted subject to new conditions and if they are unacceptable, permission must be refused.

Principle

- 45 The principle of holiday accommodation at this location was established following approval of the parent planning permission by the Council's Development Management Committee in October 2011. Since that time, as valid and material start was made to the development in 2014, planning permission for a holiday chalet development exists and the applicant could continue to fully implement that permission. They have, however, advised in their supporting statement, that the approved development is not viable at this location and as such they now seek to vary Condition 3 of 11/00850/FLM to allow the approved chalets to be used as permanently occupied dwellinghouses, described as 'Park Homes' in the applicant's supporting statement, for occupation by people aged 55 and over.

Housing in the Countryside and Settlement Boundaries

- 46 It is therefore necessary to undertake an assessment of the principle of the site being developed for permanent residential use, rather than only as holiday accommodation. It is clear that the modification of the condition which restricts occupation being sought would fundamentally alter the previously considered and approved use and function of the site; from holiday related accommodation to one of permanent residential use. Importantly, as being located in the open countryside, the modification proposed must be considered afresh, in planning policy terms, as 52 new dwellinghouses in the countryside.
- 47 In this regard there are a number of fundamental planning policy considerations regarding the proposal to change from a holiday accommodation to a permanently occupied and mainstream residential development. Firstly, the site is located outwith any defined settlement boundary contained within LDP2, rather it is within open countryside; approximately 450 north-east of the Perth Airport and 550m south west of the Balbeggie settlement boundaries, respectively. Therefore, the proposal is contrary to LDP2 Policy 6: Settlement Boundaries, as the proposed change to permanent residential occupancy is

outwith any defined settlement. Further, the proposal is not related to an established or proposed rural business or diversification and is not identified for a locational or operational need to meet a shortfall in the housing requirements for the area.

- 48 With 52 permanent residence chalets and permanent outwith a settlement boundary is being proposed then LP2 Policy 19 – Housing in the Countryside and the associated Housing in the Countryside Supplementary Guidance 2020 apply. This policy and context only supports proposals for the erection or creation of houses in such countryside locations where they fall into one of the following categories:

- (1) *building groups;*
- (2) *infill sites;*
- (3) *new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;*
- (4) *renovation or replacement of houses;*
- (5) *conversion or replacement of redundant non-domestic buildings;*
- (6) *development on rural brownfield land.*

- 49 The erection of the 52 chalets, which has not yet taken place, for their use as permanent dwellinghouses, is not considered to meet any of the above criteria within Policy 19, or the associated Supplementary Guidance.

Brownfield Land

- 50 The applicant contends in their supporting statement that the site is rural brownfield and would therefore qualify under category 6. Their contention appears to be based on the extant planning permission for holiday chalets, rather than that the site has been previously developed. In respect of development associated to the parent planning permission it appears that only minor works relating to the access junction have taken place.
- 51 Importantly, the LDP2 Glossary defines brownfield land as: land which has previously been developed. This may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. Thus, while development commenced under the extant permission, this was limited and appears to have been related only to secure the validity of the permission in perpetuity but did not result in the site being developed in any significant way. Drawing this together it is therefore considered that the site does not meet any of the criteria contained within the definition of brownfield land. The site is on greenfield land and the proposal is therefore considered to be contrary to LDP2 Policy 19 and the associated Supplementary Guidance.

Perth Airport

- 52 The nearby Perth Airport settlement boundary sees an allocated mixed-use development site identified in LDP2 (MU3). This has an approved Planning Permission in Principle (PPP) (ref: 16/01935/IPM), which includes employment

uses and 50 residential units. However, this PPP sees the residential element embargoed from being given detailed planning permission/being developed until such time as the Cross Tay Link Road (CTLR) is a committed project and that the approved employment development element is brought forward first. It is however important to note that the MU3 site is situated within a defined settlement boundary and the Council's Planning and Housing Strategy team has confirmed that the approved development will comfortably ensure that the housing requirements for this area are met and that no further residential development is justified in addition. The embargo, as stated in the Perth Area Strategy in LDP2 (p257), also applies to any other new permanent homes and therefore this currently proposal would be contrary to this strategy.

Caravan and Chalet Development

- 53 In terms of LDP2 Policy 9: Caravan Site, Chalets and Timeshare Developments, the policy states that in all cases “... *in the event of land ceasing to be used as a caravan and camping, chalet or timeshare or fractional ownership development there shall be no presumption in favour of permanent residential development...*”. In this context, it is again important to appreciate that the parent planning permission has not been implemented in any significant sense, with no element other than part of the access being formed. Thus, it is important to acknowledge that the site has not yet been meaningfully developed or any use as holiday accommodation commenced, being near to commencement, or perhaps even likely to take place associated to this policy. It is nevertheless a site which has seen approval of tourism accommodation, specifically in chalets; however, such arrangements might not be appropriate for permanent homes. In this context, the modification to a condition being sought under S42 provides limited scope within the legal framework to facilitate such a fundamental change to the approved planning use of the site, through the mechanism of a modification of the related occupancy condition. Instead, the appropriate means in this case of considering such a proposal would be a new application for full planning permission. Furthermore, LDP2 Policy 9C specifically states that “... *proposals for new chalets... which are intended as permanent residences will be required to be built to the same standards, particularly in terms of drainage and utility services and make the same developer contribution as permanent housing development*”.
- 54 SEPA and Scottish Water have not raised any issue in terms of water supply, but there are question marks over waste water treatment. Scottish Water confirmed that a private treatment facility will be required for waste water and SEPA advise that obtaining a CAR (Controlled Activities Regulation) Licence for the development may be challenging, as it will require an intrusive hydrogeological survey.

Housing Need

- 55 Because the proposed modification seeks to provide permanent residential dwellings for those over 55 years of age, LDP2 Policy 22 – Particular Needs Housing Accommodation also applies.
- 56 In relation to such proposals LDP2 Policy 22 “... *supports residential proposals for particular needs housing (including retirement developments), provided they*

are: suitably located for both residents and visitors, providing both high-quality accommodation, care and minimal impact on the environment. They should also be located in residential areas where residents have access to local services and facilities and are integrated within the local community”.

- 57 The 52 dwellings proposed are in a remote location, outwith any settlement or an existing residential area. As such, the residents would not have easy access to local services or facilities without the use of a private vehicle, given the infrequent bus service on the A94. The proposed site is not considered a suitable or sustainable location for retirement living. The proposal is therefore contrary to LDP2 Policy 22.
- 58 In conclusion, the proposed modification is considered contrary to several LDP2 policies; namely 6, 9, 19 and 22. Fundamentally the principle of any permanent residential dwellings cannot be supported at this location as it is outwith any identified settlement in the countryside without any required need.

Design and Layout

- 59 The S42 application is not seeking to alter the 2011 approved site layout and design. The approved plans show that the chalets are to be contained within a clearing surrounded by a woodland tree belt. The existing trees which fringe the boundaries of the site are shown as being retained and would provide effective screening. The chalets are arranged in clusters served by a spine road with driveway accesses to each lodge which serve as parking areas.
- 60 The chalets are 12m in length and 6 metres in width, they have a low-pitched roof and large areas of decking which wrap around half the chalet. Each provides two double bedrooms, two bathrooms and large open plan kitchen, dining and living area. The materials are interlocking roof tiles, log-lap cladding and uPVC windows.
- 61 The applicant has provided significant commentary on why they consider the approved chalet development should be considered acceptable for permanent residential use by retired or semi-retired people. They also advise that there is no national or local planning policy in place for what the applicant calls ‘Park Homes’ in Scotland and that the Scottish Government should provide policy and guidance for such developments.
- 62 It is accepted that there is no specific planning policy related to ‘park home’ developments, as they are not a specific use class. Instead, such structures fall within the legal definition of caravans, which is the case here for the approved development. There is, however, contrary to what the applicant suggests, ample planning policy available for the Planning Authority to assess chalet style developments for either holiday, permanent or retirement use in the countryside. As discussed, in the Principle section above, the proposed modification to introduce 52 permanent residential dwellings in the countryside is contrary to several LDP2 policies.
- 63 In addition, LDP2 Policy 25 – Housing Mix, requires sites with a total capacity of 20 or more homes, to provide an appropriate mix of house types and sizes. In this regard the 52 chalets are all, by their very nature, modular in design and all

provide the same level of accommodation (2 bedrooms) set over one level. As such there is no mix of house types, styles, scale or accommodation numbers associated with the approved holiday chalet development and therefore the proposed dwellinghouses.

- 64 Because the proposed modification significantly alters the use and function of the approved development, a greater mix of house types and design would be required to meet LDP2 Policy 25. As it stands it is not considered that the proposals provide an acceptable housing mix, even if the principle of the proposed modification was supportable. The proposal is therefore also considered contrary to LDP2 Policy 25.

Residential Amenity

- 65 There would be limited impact on any of the existing residential properties within the local area as the site is well screened by existing woodland.
- 66 However, it is considered that the residential amenity of any new residents within the development would not be acceptable, as the site is divorced from any settlement and associated services or facilities. Thus, each resident will be reliant on a vehicle to access any services including an infrequent bus service, and thereby the location is not considered sustainable.
- 67 It is important to note that the approved development for holiday chalets does not provide privacy levels which would normally be expected for permanent residential properties, with no defined private garden ground, beyond the chalet and associated decking. This lack of private amenity space does not lend itself to providing acceptable residential amenity and conflicts with LDP2 Policy 1 - Placemaking and its associated Placemaking Supplementary Guidance 2020. There are no boundary treatments that will provide privacy and define what is public or private ground. It is considered that the layout and design will not provide a sense of identity normally required permanent residential dwellings.
- 68 Because the site is at the northern end of the runway at Perth Airport, Environmental Health advise that the sound insulation properties of the existing residential dwellinghouses in the area are likely to be more efficient than that of the proposed chalets.
- 69 Therefore, noise and vibration from aircraft will be audible at the site at levels that could affect the residential amenity of future residents of the proposed chalets and/or give rise to nuisance conditions. However, Environmental Health advise that they have no statutory powers to deal with aircraft noise in relation to existing and new properties. Any noise issues would have to be addressed the Civil Aviation Authority (CAA).
- 70 Should planning permission be granted Environmental Health advise the site would be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960 (as amended). It would therefore be necessary for a permanent residential mobile home site license to be obtained for the site before the residential chalets are first brought into use and the site would need to comply with modern standards for residential use in terms of noise and sound insulation.

Landscape and Visual Amenity

- 71 The application does not propose any change beyond what has been approved under the 2011 permission. As such there will be no change to the visual amenity from the surrounding area as the site is well screened by existing mature woodland.

Roads and Access

- 72 The proposed modification will result in a change in the function of the site from a transport perspective. Transport Planning have reviewed the proposal and requested that more information was provided in terms of traffic numbers and proposed impact, which was subsequently submitted by the applicant, in terms of trip generation. Between the approved use and the proposed use, there is a significant reduction in estimated trips on a typical weekday - 520 versus 115. Transport Planning therefore have no concerns to raise in terms of trip numbers.
- 73 An additional 13 parking spaces will be required to provide the required number of visitor spaces and bike storage facilities will also be required. Bus shelters will also be required on the A94 for north and south bound bus services. More information is required as to how the parking spaces and bike storage could be accommodated within the site, as the layout plans would need to be amended to provide these facilities. Transport Planning would also need to consider the serviceability of the site by the Council's Waste Services team. This is not a matter that could necessarily be addressed via a planning condition.
- 74 However, because the principle of the proposed change cannot be supported, it was not considered proportionate to seek submission of further transport detail to fully demonstrate acceptability in terms of LDP2 Policy 60A and 60B.

Drainage and Flooding

- 75 Whilst there is no objection from SEPA and Scottish Water in terms of water supply, there are question marks over waste water treatment. Scottish Water confirmed that a private treatment facility will be required for waste water.
- 76 SEPA advise that obtaining a CAR (Controlled Activities Regulation) Licence for the development may be challenging as will require an intrusive hydrogeological survey because the population within the development would be over 50 people. However, as the principle of the proposed change cannot be supported, and the CAR Licence process is outwith the planning process, the submission of further details on waste water treatment was not sought. A fuller assessment to demonstrate acceptability in terms of LDP2 Policy 53A and 53B has therefore not been addressed.

Waste Collection

- 77 The application does not propose any change to the waste collection facilities beyond what has been approved under the 2011 permission. The proposed change to permanent residential could, however, change waste collection in terms of scale, technical requirements, and changes to the road layout to accommodate refuse vehicles, to ensure compliance with current waste

regulations. A fuller assessment to demonstrate acceptability in terms of LDP2 Policy 1B(i) has therefore not been addressed.

Natural Heritage and Biodiversity

- 78 The Council supports, through LDP2 Policy 40 and 41, proposals which protect existing trees, especially those with high natural, historic and cultural heritage value. No woodland or ecological surveys were submitted in support of the S42 application. The surveys submitted with the 2011 application are now regarded as being out of date and cannot be relied upon for an assessment. However, the applicant does not consider that they are required for this type of application and as such has not provided them.
- 79 However, because the proposed change fundamentally alters the use and function of the site, it is important to understand what the current position is in terms of biodiversity and what impact a permanent residential development would have on the area. Because the principle of the proposed change is contrary to other policies, the applicant was not directed to undertake this additional. Nevertheless, it is a matter that requires a fuller assessment to demonstrate acceptability in terms of LDP2 Policies 40 and 41 has therefore not been addressed.

Developer Contributions

- 80 LDP Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 81 Because the proposed change will fundamentally alter the use and function of the site for residential purposes, the Council's Developer Negotiations Officer was consulted. They advise that an affordable housing contribution is required, however, the site is not a desired location for 25% on-site affordable housing delivery. Should planning approval be granted, an affordable housing commuted payment would be required, and this equates to £364,000 (13 x £28,000).
- 82 Because the site is within Perth Core Area, transport infrastructure contribution will be also be required should planning approval be granted. This contribution equates to £554,164 (52 x £10,657).
- 83 No Primary Education requirements would be required as the proposal is for residents aged 55 years and above.
- 84 A Section 75 Legal Agreement would be required to deal with the required affordable housing, developer contributions and open space/play area provision and maintenance.

Health Care

- 85 The Health Care and Social Partnership (HCSP) have advised the have no objection to the proposal as the local health care provision in the area can accommodate the proposed dwelling numbers.

Economic Impact

- 86 The positive impacts are mainly limited to installation/construction period but would include impacts afterwards, with residents adding to spend in the local economy.

LEGAL AGREEMENTS

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

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 90 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Development Plan, Supplementary Guidance and information submitted by the applicant. In this case, it is considered that the proposed S42 application for 52 holiday chalets to become permanent residential development in the countryside significantly conflicts with the Development Plan and, in particular, LDP2 Policy 6: Settlement Boundaries and LDP2 Policy 19: Housing in the Countryside. There is no identified need for permanent housing at this location (LDP2 Policy 22) and there is no mix in house types (LDP2 Policy 25). Other matters have also not been addressed by the applicant, in respect of waste water drainage arrangements, waste collection and biodiversity to demonstrate that the proposal conforms with LDP2 policy in respect of these matters.
- 91 Accordingly, the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Refuse the application for the following reasons:

- 1 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 6 - Settlements, as the proposed modification would result in 52 permanent residential dwellings being located outwith any

defined settlement boundary as contained in LDP2. There is no operational need or required housing market need for such dwellings at this location. No material considerations submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 6 – Settlements.

- 2 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 19 – Housing in the Countryside, supported by the Housing in Countryside Supplementary Guidance 2020, as the proposed modification would result in 52 permanent residential dwellings being located within the open countryside and does not meet any of the six housing in the countryside criteria. No material considerations submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 19 – Housing in the Countryside and the 2020 Supplementary Guidance on Housing in the Countryside.
- 3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 22 – Particular Needs Housing Accommodation as the proposed modification would result in 52 permanent residential retirement dwellings being located within the open countryside and does not meet any of qualifying criteria as such developments should be located in residential areas where residents have access to local services and facilities and are integrated within the local community. No material consideration submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 22 – Particular Needs Housing Accommodation.
- 4 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 25 – Housing Mix as the proposed modification to create 52 permanent residential dwellings would not provide an appropriate mix of house types and sizes. No material considerations have been submitted by the applicant justify departing from these policy objectives of Local Development Plan 2 (2019) Policy 25 – Housing Mix.
- 5 No information has been provided to confirm the arrangements for waste water drainage within the proposed development through a private treatment facility. The applicant has therefore failed to demonstrate that the waste water arrangements for the development are appropriate and that these would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 53: Water Environment and Drainage.
- 6 No information has been provided to confirm the arrangements of waste service provision, including provision of waste facilities and a lack of swept path analysis of the approved road layout and its capability to appropriately accommodate refuse vehicles. The applicant has therefore failed to demonstrate that the waste service arrangements for the development are appropriate and that these would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 1B(i): Placemaking and Policy 60B: Transport Standards and Accessibility Requirements – New Development Proposals.

- 7 No information has been provided to confirm the biodiversity status of the site in terms of woodland and habitats to establish the possible presence of protected species or biodiversity sensitive areas. The applicant has therefore failed to demonstrate that the proposed development has appropriately considered biodiversity matters and that the proposals would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 40: Forestry, Woodland and Trees and Policy 41: Biodiversity.

B JUSTIFICATION

The proposal fails to accord with the Development Plan and there are no material considerations to justify a departure from the Development Plan.

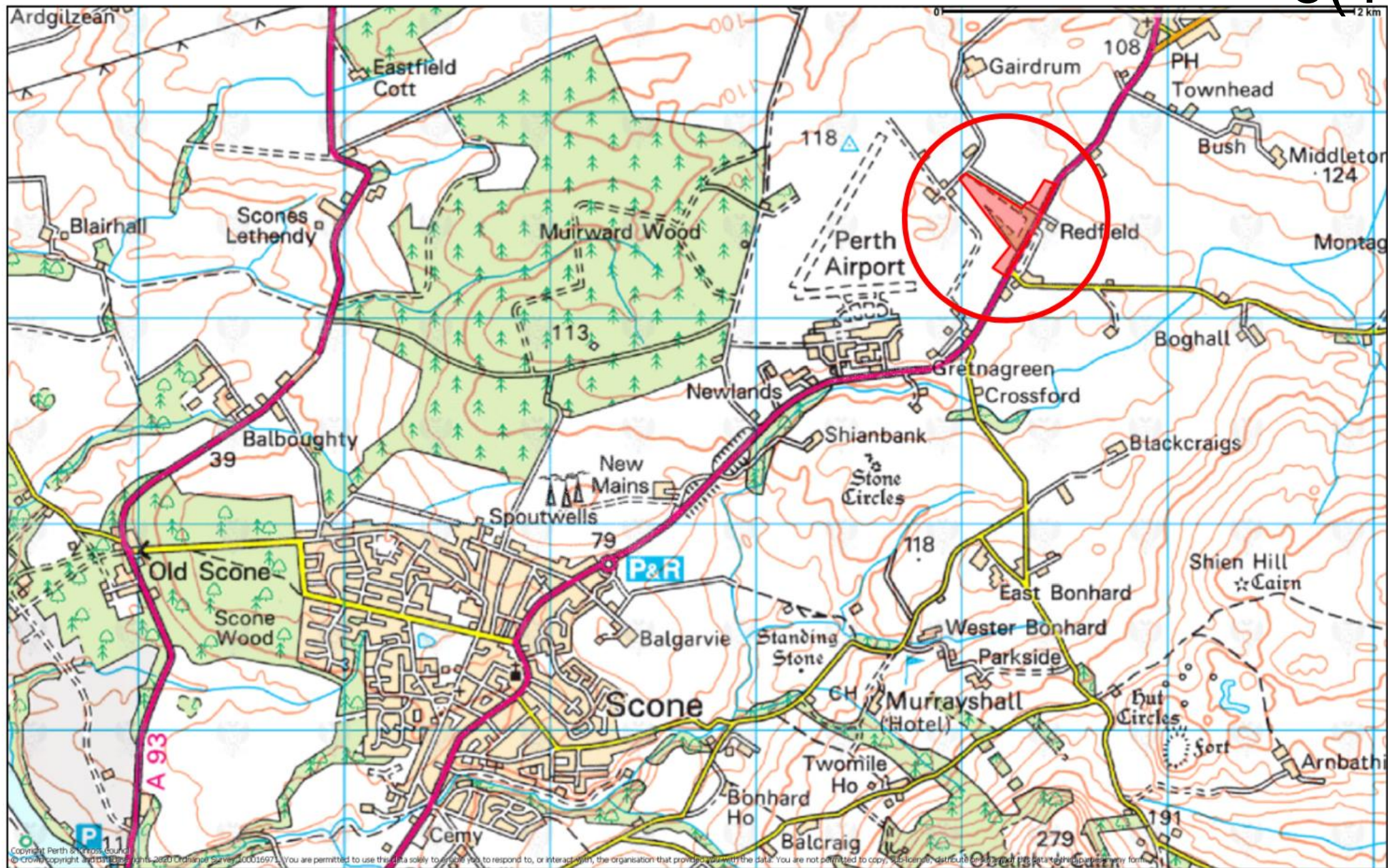
Background Papers: 11/00850/FLM Report of Handling
Contact Officer: Steve Callan
Date: 13 August 2020

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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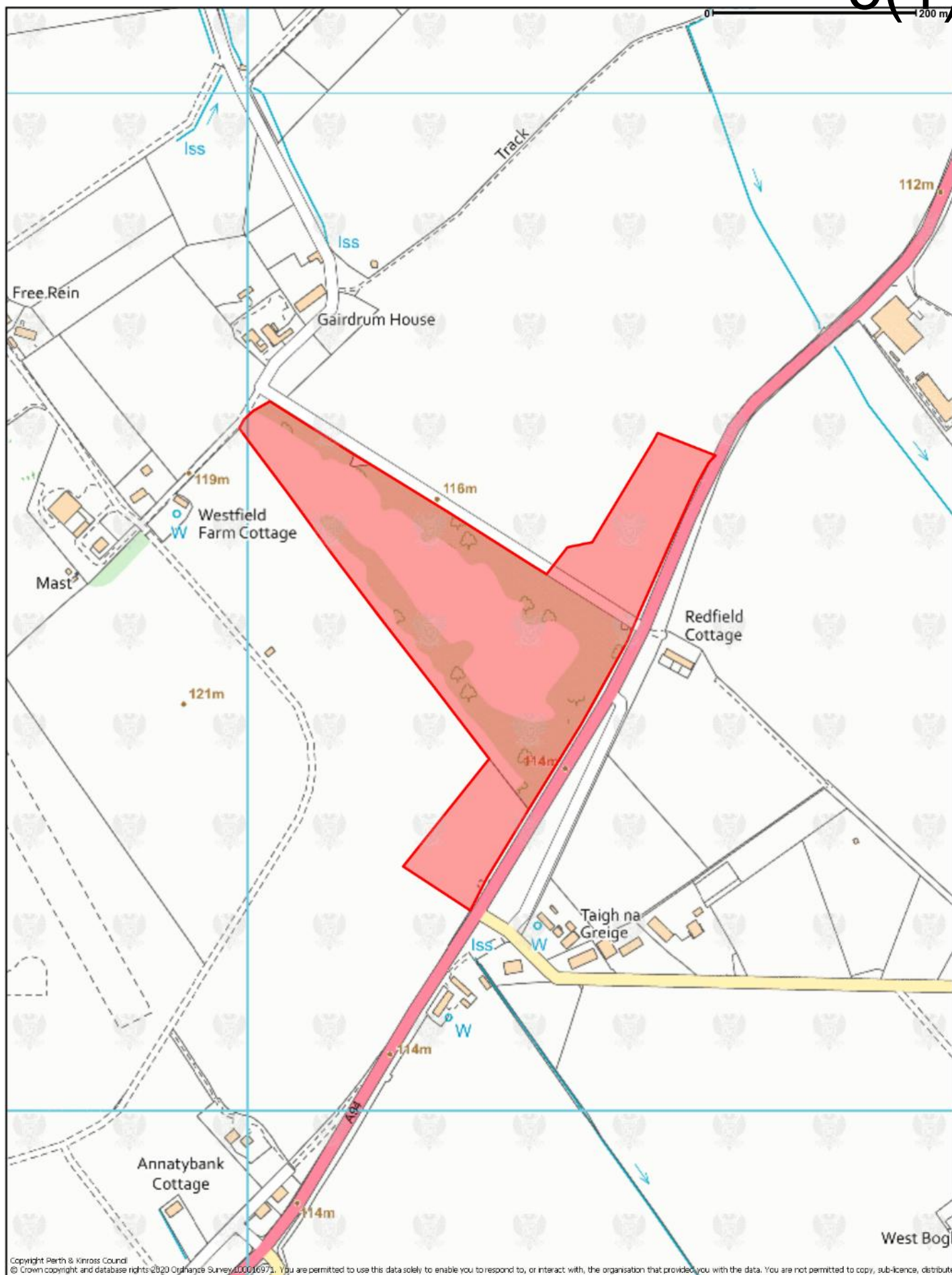
Scale 1:25000



20/00607/FLM

Section 42 application to modify Condition 3 (Occupancy) of permission 11/00850/FLM at land north of Perth Aerodrome, Perth Airport Scone.





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Scale 1:5000

20/00607/FLM

Section 42 application to modify Condition 3
 (Occupancy) of permission 11/00850/FLM at land
 north of Perth Aerodrome, Perth Airport Scone.



Perth and Kinross Council
Planning & Development Management Committee – 25 August 2020
Report of Handling by Head of Planning & Development (Report No. 20/137)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: Land north of Winchester, Main Street, Keltybridge

Ref. No: [20/00230/FLL](#)

Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of a dwellinghouse on land north of Winchester, Keltybridge. The site is in the north of Keltybridge and is an infill site between two houses on the west side Main Street, from which access is taken. The site is south of 14 Main Street which is a category C listed building. It is also opposite a recently constructed two house development by the same developer as for this site.
- 2 There is an extant permission on the site for the erection of a house dating back to 2008 (08/00853/FUL). Work commenced on site in 2012 prior to the expiry of this permission which would have expired in October 2013. This involved work to consolidate the ground and for the partial erection of the basement element of the house. This structure also acts as a retaining wall to the bank to the north and relates to measures recommended in the Tree Report to ensure any damage to the roots of the existing hedge was minimised. The agent has confirmed that this work related to the 2008 permission and that the application approved in 2012 (12/00851/FLL) was never implemented and has expired. A further application (19/00666/FLL) for a proposal similar to this current proposal was withdrawn in 2019.
- 3 This current proposal is now effectively a change of house type from the 2008 approval, although the site area is larger Increasing from 555 square metres to 660 square metres. This provides additional space for off-road parking and garden ground. The proposal is for a four bed detached dwellinghouse with basement single garage and living accommodation over two levels. An internal lift from ground level will facilitate access to all floors. The main entrance is on the south elevation via a flight of steps.

- 4 The east elevation, which fronts the main road, includes a stone faced gable which projects from a wider rendered gable. The front half of the south elevation is stone faced with the rear section of being comprised of horizontal timber board and glazing. The west elevation is similarly finished with timber boarding and glazing. The north elevation will largely be rendered with a small stone faced section to the front. The roof will be finished in slate. The main changes from the approved 2008 permission are the removal of the porch and steps to the north of the house. The fenestration on the south and north elevations have been changed to reflect this change in position of the main entrance.
- 5 The current application was originally submitted showing a largely rendered finish. The Agent was requested to look again at this aspect and subsequently, amended plans were submitted which have increased the amount of stone on both the south and north elevations.

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

- 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. 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

- 8 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.
- 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

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2019

- 14 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.
- 15 The principal relevant policies are;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking

- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58B: Contaminated and Unstable Land: Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 16 [04/01317/FUL](#) Erection of a dwellinghouse Decision Issued 22 October 2004
Application Refused
- 17 [05/00578/FUL](#) Erection of a dwellinghouse Decision Issued 7 June 2005
Application Approved
- 18 [08/00853/FUL](#) Erection of a dwellinghouse Decision Issued 31 October 2008
Application Approved Development commenced in 2012.
- 19 [12/00851/FLL](#) Erection of a dwellinghouse Decision Issued 30 August 2012
Application Approved
- 20 [19/00666/FLL](#) Erection of a dwellinghouse Decision Issued 9 August 2019
Application Withdrawn

CONSULTATIONS

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

External

- 22 **Cleish And Blairadam Community Council** - Object as they consider the proposal contrary to the Development Plan, in particular to placemaking policies, due to design and scale, impact on character of area and setting of listed buildings. The lack of a tree survey is also objected to and it is noted that the Coal Authority object.
- 23 **The Coal Authority** - Objects due to a lack of information with regard coal mining risk assessment. This objection was subsequently removed due to revised information being submitted by the applicant.

- 24 **Scottish Water** – No objection. Advise there is sufficient capacity at Glendevon Water Treatment works and Levenmouth PFI Waste Water Treatment Works.

Internal

- 25 **Environmental Health (Contaminated Land)** – No objection subject to a condition requested with regard to contaminated land.
- 26 **Transport Planning** – No objection subject to a condition with regard to access.
- 27 **Development Negotiations Officer** – Advise no contributions required.

REPRESENTATIONS

- 28 The following points were raised in the 7 representations received:

- Contrary to Development Plan
- Visual impact
- Out of character
- Design and density
- Residential amenity
- Traffic impact
- Impact on trees
- Lack of information

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

ADDITIONAL STATEMENTS

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

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In

terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 31 The determining factors in the assessment of this application are whether the principle of the development is acceptable and if the detail of the proposed scheme accords with the relevant provisions of the Local Development Plan. The site is within the settlement boundary of Keltybridge and as such Policy 17 of LDP2 applies. This policy supports development of residential and compatible uses where existing residential amenity is protected or improved.
- 32 In this case the principle of residential development is already established on the site due to the previous and extant permission as well as the underlying policy designation. The proposal will be assessed in terms of other relevant policies including placemaking policies and those concerned with protecting the setting of listed buildings.

Design and Layout

- 33 Placemaking policies seek to ensure that proposals make a positive contribution to the built and natural environment. There have been objections regarding the design of this dwellinghouse, with concerns expressed that it is not a good fit with the established settlement pattern. In this regard, it is considered that the layout of this part of Keltybridge is a mix of historic and more recent development. The listed building to the north is set out in a linear form running east to west across its plot and the layout of the proposal is similar. There are more modern detached dwellings to the south and west and a pair of recently completed semi-detached cottages to the east. In this context the site layout is considered acceptable, with the design fitting in with both historic and recent development. The additional use of stone is welcomed and will complement the new development opposite, whilst also reflecting the historic materials used in the older buildings in the centre of Keltybridge. In addition, the site has been in a semi-developed state for many years and this development will improve the built environment in accordance with Policies 1A and B of LDP2.

Landscape

- 34 The site has limited existing landscape features although there is a substantial Leyland Cypress hedge to the north of the site. This was surveyed in 2011 and a tree report submitted setting out measures required to protect it during building works. Confirmation has been received from the arboriculturist that the recommendations in this report remain valid. A condition to ensure that appropriate tree protection measures are undertaken during construction is recommended (Condition 3).
- 35 There were previously several trees on the site including a group of Sitka Spruce which were recommended for removal in the 2011 tree survey. Given the lack of landscaping, the site would benefit from additional planting once construction is complete. A condition requiring landscaping is therefore recommended (Condition 2).

Residential Amenity

- 36 LDP2 Policy 1: Placemaking and Policy 17: Residential Areas require the impact on residential amenity to be considered. There have been concerns expressed that the size and scale of this proposed dwellinghouse will overwhelm the smaller properties in the vicinity. However, the proposed dwelling is set back from Main Street with the front section being relatively narrow at 6.5m. The buildings that this proposal could have most impact on would be the new properties on the other side to the road. The roof ridge of the front element of this proposed dwellinghouse will be approximately 3m higher than the roof ridge of the new houses opposite. However, the front elevations are around 21m apart and as such it is not considered that this development will be overbearing on future occupants opposite. This distance will also minimise any overlooking and overshadowing between dwellings. The new house is also sited so as any views from it will be between the two houses and not directly into any habitable rooms. The nearest property to the north is around 18m away, slightly uphill of the site and screened by the substantial hedge adjacent to the site. The nearest property to the south is around 25 metres from the new house. The west elevation is around 5.8m from the rear site boundary. Whilst this is below the 9m recommended in Placemaking guidance where there are windows from habitable rooms facing a boundary there is an area of garden ground 11.5 m wide between the application site boundary and the neighbour to the west which acts as a buffer between the two.
- 37 The proposal is considered to accord with LDP2 Policy 17: Residential Areas as the proposed impact is considered acceptable.

Visual Amenity

- 38 The building steps up the site and is set back from the public road. The use of stone on the south and east elevations will help to integrate the development within its setting and therefore the visual amenity is considered to be acceptable.

Roads and Access

- 39 The site will be accessed directly from the public road. Part of a stone wall has been taken down to facilitate access to the site. This is not in accordance with the previous approval but is consistent with the proposals set out in this application. The wall will be retained either side of the access. Transport Planning has been consulted and advises that a condition is required to ensure that the access is constructed to an appropriate design specification (Condition 4). The site, now that it has been enlarged, has sufficient space for turning and parking. The additional traffic generated by one additional house is considered acceptable in this residential area.

Drainage and Flooding

- 40 The site will utilise mains water and waste water services. Scottish Water has been consulted and does not object. The site is not in an area at risk of flooding. However, further detail of surface water disposal will be required at Building

Warrant stage. A standard condition with regard to surface water disposal is recommended (Condition 5).

Conservation Considerations

- 41 The site is around 18m to the south of a category C listed dwellinghouse. There is also a row of C listed cottages on the east side of the road 10m from the south eastern corner of the site and around 24 m to the south east of the proposed dwellinghouse. A number of objectors are concerned about the impact of this development on the setting of these listed buildings.
- 42 The scale and massing of the building now proposed has not changed since the 2008 approval. The existing hedge along the northern boundary breaks up views of the listed building to the north. The applicant is now proposing to use stone on the southern and eastern elevations which will complement the stone on the existing buildings and new buildings opposite and help to protect the character of the area. The use of stone will ensure that longer term if the hedge is reduced in height or removed the new building will fit in with the character of the area. It is therefore considered that the impact on the surrounding listed buildings is acceptable and that the development will preserve the setting of these buildings.

Natural Heritage and Biodiversity

- 43 The site has limited natural heritage interest as it has largely cleared of trees and vegetation. Whilst of limited biodiversity value the hedge to the north may be used by birds in the nesting season. An informative note about the possible presence of nesting birds will be attached to any permission (Informative 6).

Contaminated Land

- 44 The site is within an area considered to be at risk from former coal workings. The Coal Authority has been consulted and comments that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to support the application. The Coal Authority initially objected to the proposals as this had not been submitted. However, since submission of the application, further information has been supplied to the Coal Authority which has meant that their initial objection has now been withdrawn and that no specific mitigation measures are required as part of the development proposal to address coal mining legacy issues.
- 45 The Land Quality Officer has also commented on this proposal and prior to the Coal Authority withdrawing its objection had requested a condition regarding contaminated land. As this related solely to the Coal Mining legacy issues it is now considered that this condition is not required. However, it is noted that 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. An informative note regarding this will be attached to any permission (Informative 7).

Developer Contributions

- 46 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 47 This proposal is within the catchment of Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area currently. There is no requirement for a developer contribution for primary education provision.

Economic Impact

- 48 The economic impact of this development will be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS

- 49 None required.

DIRECTION BY SCOTTISH MINISTERS

- 50 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

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations and, in this case, it is considered that the development proposed does not conflict with the Development Plan.
- 52 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 re-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 Prior to the re-commencement of any works on site, the existing hedge which has a Root Protection Area 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 protect the existing hedge during construction.

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

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

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

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

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 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 5 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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

Background Papers: 7 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 13 August 2020

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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Keltybridge

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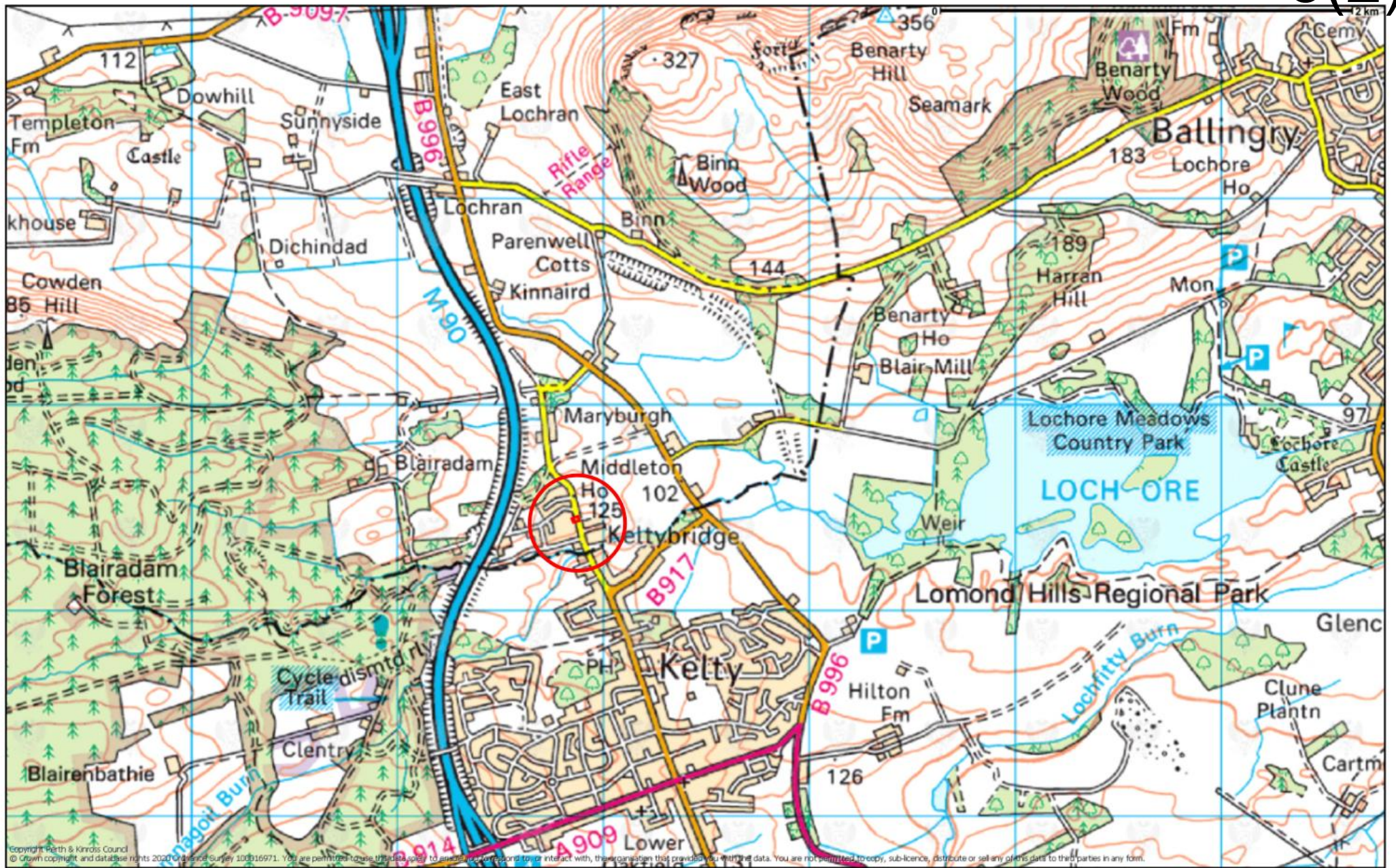


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20/00230/FLL

Erection of a dwellinghouse (in part retrospect) land north of Winchester,





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20/00230/FLL

Erection of a dwellinghouse (in part retrospect) land north of Winchester,



Perth and Kinross Council
Development Management Committee – 25 August 2020
Pre-Application Report by Head of Planning and Development (Report No. 20/138)

Extension of substation, comprising installation of 2 replacement transformers and plant equipment, formation of access track, hardstanding, laydown area, SUDS, associated works and infrastructure at land south of Jamesfield Garden Centre
 Abernethy

Ref. No: [20/00005/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/national development for an extension to an existing substation, and associated works near Abernethy. The report highlights 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 10 June 2020. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application in respect of a major/national planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a national development. The exact scale and design of the development will be arrived at during pre-application discussions but based on the applicants EIA Screening Opinion request, indicating the proposed building footprint will be approximately 8,000sqm and up to 10m in height.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 The proposal required to be screened as to whether it was an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request (20/00501/SCRN) was submitted and the Council have issued a screening decision advising that the development was not EIA development, based on mitigation proposed and background environmental reports being provided in support of any planning application.

PRE-APPLICATION PROCESS

- 4 Because of the COVID-19 pandemic the applicant was required to modify their public consultation process, to ensure they are in line with the latest guidance

from the Scottish Government on holding public consultations associated with major planning applications. This saw an online/virtual consultation presentation followed by a live 'Question and Answer' session held on 7 July 2020. Pete Wishart MP; Roseanna Cunningham MSP; PKC Ward 9 Councillors; as well as Abernethy and District 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. NPF3 provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections will be of particular importance in the assessment of this proposal: -
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Supporting Business & Employment: paragraphs 92-108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Delivering Heat and Electricity: paragraphs 152-174
 - 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 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems

- PAN 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 the region in 2032 and what must occur to bring about change to achieve this. The vision set out 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”

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

- Policy 7: Energy, Waste and Resources
- Policy 9: Managing TAYplans Assets
- 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 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 Within LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 35: Electricity Transmission Infrastructure
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees: Forest and Woodland Strategy
- 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 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: -

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

PLANNING SITE HISTORY

- 15 20/00501/SCRN An EIA Screening for the extension of the existing substation was undertaken and a decision issued in June 2020 advising that EIA was not required.

CONSULTATIONS

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

External

- Health and Safety Executive (HSE)
- Historic Environment Scotland (HES)
- Perth and Kinross Heritage Trust (PKHT)
- Scottish Environmental Protection Agency (SEPA)
- Natural Scotland (NS) – formerly known as Scottish Natural Heritage (SNH)
- Scottish Water (SW)
- Transport Scotland (TS)
- Network Rail (NR)
- Abernethy and District Community Council (ADCC)

Internal

- Environmental Health (Noise and Light)
- Land Quality
- Strategic Planning and Policy
- Transport Planning
- Structures and Flooding
- Biodiversity Officer
- Community Greenspace (Paths)
- Conservation Planning

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which any application will be assessed include:
- a. Visual Impact and Landscape
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Water Resources and Soils
 - f. Impacts from Construction and Operational Noise
 - g. Transport Implications
 - h. Waste
 - i. Flooding and Drainage
 - j. Cultural Heritage (Archaeology, Scheduled Monument, Conservation Area)
 - k. Light Pollution

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 18 Although an EIA is not required, the following documents are required to support any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Statement/Assessment
 - Flood Risk and Drainage Assessment
 - Phase 1 Habitat Survey including protected species and breeding birds
 - Sustainability Assessment
 - Noise and Light Assessment
 - Landscape and Visual Impact Assessment
 - Cultural Heritage Assessment
 - Draft Construction Environment Management Plan

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.

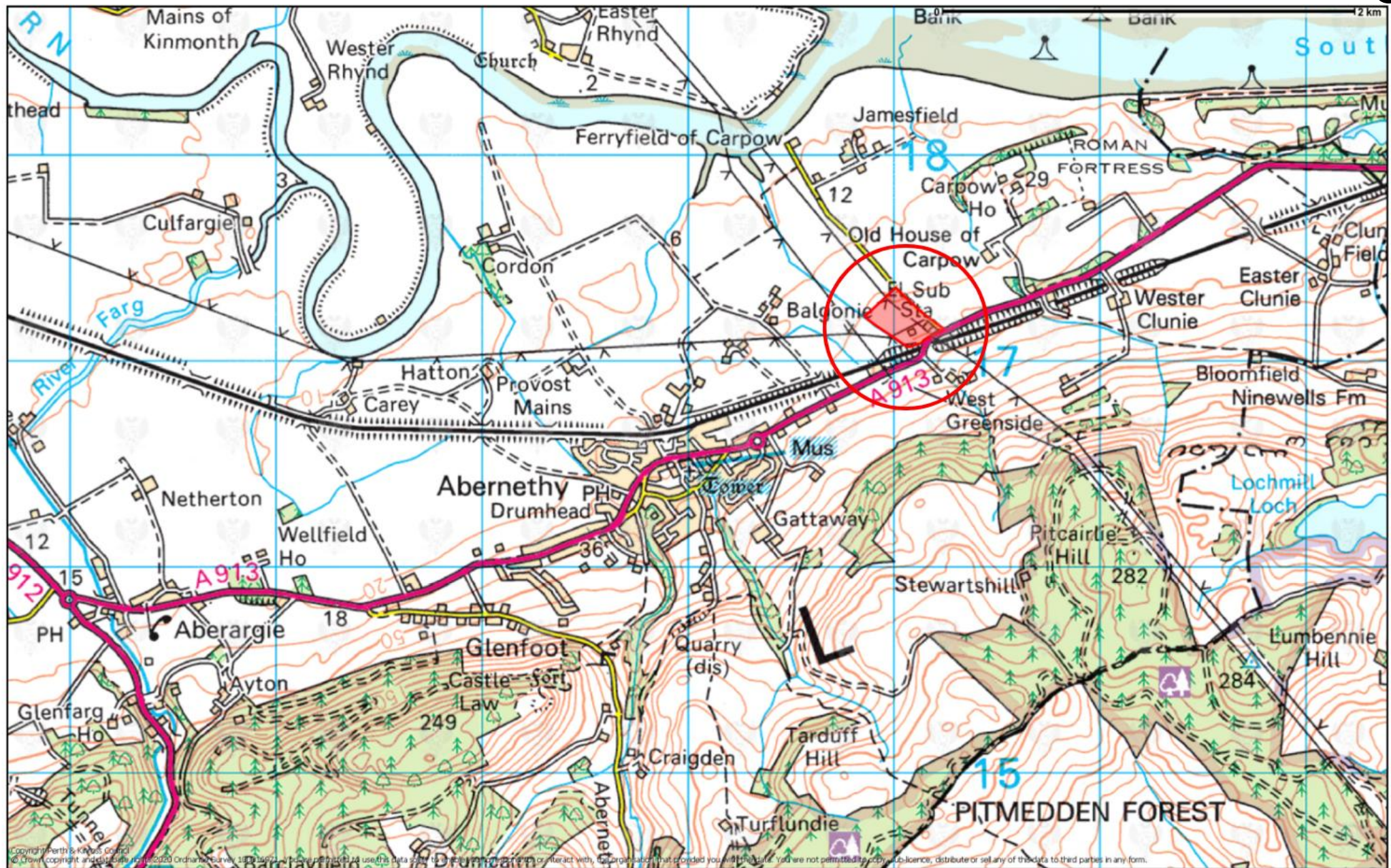
Background Papers: None
Contact Officer: Steve Callan
Date: 13 August 2020

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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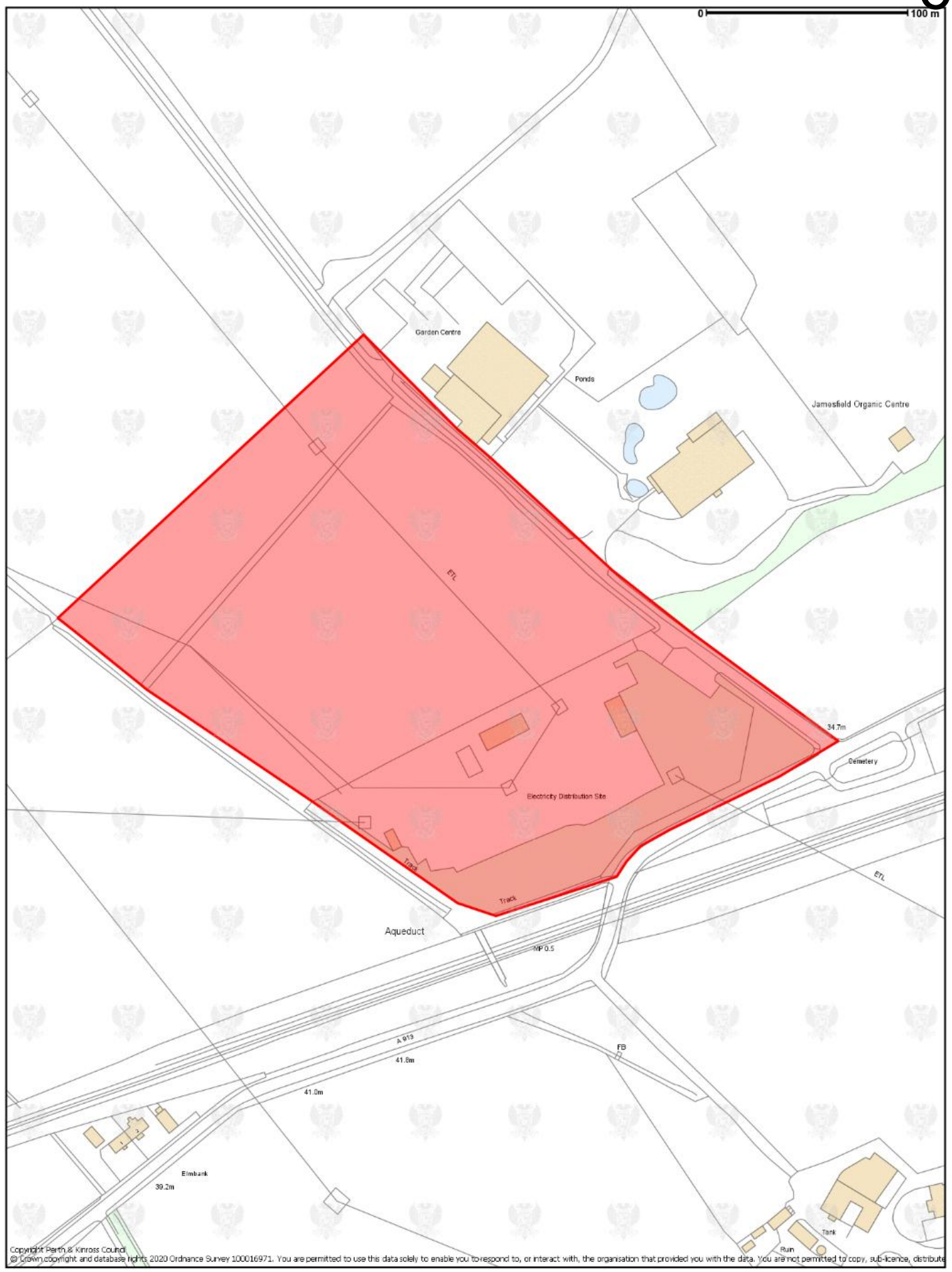
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20/00005/PAN

Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, Land South of Jamesfield Garden Centre, Newburgh





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