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Council Building
2 High Street
Perth
PH1 5PH

6 January 2020

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 15 January 2020** at **10:00**.

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

KAREN REID
Chief Executive

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

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

Members:

Councillor Roz McCall (Convener)	Councillor Willie Wilson
Councillor Bob Brawn (Vice-Convener)	
Councillor Henry Anderson	
Councillor Bob Band	
Councillor Michael Barnacle	
Councillor Eric Drysdale	
Councillor Tom Gray	
Councillor David Illingworth	
Councillor Ian James	
Councillor Callum Purves	
Councillor Crawford Reid	
Councillor Richard Watters	

Planning and Development Management Committee

Wednesday, 15 January 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 THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 17 DECEMBER 2019 FOR APPROVAL AND SIGNATURE
(copy to follow)**
- 5 APPLICATIONS FOR DETERMINATION**
 - 5(1) MAJOR APPLICATION**
 - 5(1)(i) 19/00163/AMM - BLAIRGOWRIE - ERECTION OF 2 RETAIL UNITS (CLASS 1), A NEIGHBOURHOOD CENTRE COMPRISING 3 RETAIL UNITS (CLASS 1), FORMATION OF PARKING AREAS, LANDSCAPING, SUDS POND AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED BY CONDITIONS 17/00939/IPM) (PHASE 1A - SITE MU5), LAND SOUTH WEST OF CEMETERY HOUSE LODGE, PERTH ROAD, BLAIRGOWRIE** **5 - 34**

Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/4)
 - 5(2) LOCAL APPLICATION**
 - 5(2)(i) 19/01626/FLL - KINROSS - ERECTION OF 33 DWELLINGHOUSES, 8 FLATS, COMMUNITY LOUNGE/GUEST SUITE, FORMATION OF PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS, SITE OF FORMER WINDLESTRAE HOTEL, MUIRS, KINROSS** **35 - 60**

Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/5)

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Perth and Kinross Council
Planning & Development Management Committee – 15 January 2020
Report of Handling by Head of Planning & Development (Report No. 20/4)

PROPOSAL: Erection of 2 retail units (Class 1), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works (approval of matters specified by conditions 17/00939/IPM) (Phase 1A - Site MU5)

LOCATION: Land South West of Cemetery House Lodge, Perth Road, Blairgowrie

Ref. No: [19/00163/AMM](#)

Ward No: P3 - Blairgowrie And Glens

Summary

This report recommends approval of the application, as the development is considered to comply with the relevant provisions of the Planning Permission in Principle (PPP) and those of the Development Plan. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located to the south-western edge of Blairgowrie immediately adjacent to the A93 Perth Road. It extends to approximately 3.5 hectares and is mainly rough grassland, with a small area of woodland in the southern end. Currently access is directly off the A94 and the B947 Essendy Road.
- 2 To the east, across the A93, and south are residential areas; to the west is an area of Ancient Woodland, with a Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens 250 metres beyond; and north is further rough grassland.
- 3 Overall topography undulates, but generally falls from east (Perth Road) to west. The soil categorisation is 'Class 3.2', and therefore not 'prime' agricultural land, with the site not obviously used for any agricultural purpose and numerous walking desire lines throughout the site.
- 4 The site was allocated within the previous Perth and Kinross Local Development Plan (LDP) (MU5) for mixed use development (residential, employment and education). This mixed-use allocation has been continued in the Perth and Kinross Local Development Plan 2 (2019) (LDP2), again as MU5. Planning Permission in Principle (PPP) for a mixed-use development (employment, retail, residential, community and education) for the entire MU5 allocation was approved in December 2018 (Ref: 17/00939/IPM).

- 5 This current application is the first seeking Approval of the Matters Specified by Condition (AMSC) within that 2018 PPP and proposes only the following development:
- Two warehouse retail stores; one a food store and the other a non-food store;
 - A neighbourhood/local centre (divided in to 3 units – all Class 1); and
 - Road accesses, parking, landscaping, drainage and associated works.
- 6 The first of the warehouse units is a food store, indicated to be occupied by 'Lidl', and has a building footprint of 1,987 square metres (sqm), with a with a Gross Internal Floor Area (GIFA) trading area of 1900 sqm (excluding the canopy and mezzanine containing only plant). The second is a non-food store, identified for 'Home Bargains', with a building footprint of 2,022sqm and a GIFA of 1,947sqm. These two units are situated centrally to the western part of the site, with parking areas to the front. The neighbourhood/local centre is to the north-east of these, closer to Perth Road and comprises a block of 3 conjoined and equally sized retail units, totalling 390sqm GIFA, with mezzanines incorporated within each unit (accounting for 111sqm of this trading area).
- 7 Three vehicular access points are to be formed off the A93; as are 253 car parking spaces, incorporating 6 Electronic Vehicle (EV) charging bays; and 36 cycle spaces. A sub-station and refuse areas for the buildings are also proposed.
- 8 A Sustainable Urban Drainage System (SUDs) basin is proposed to the far north-western part. Adjacent to the SUDs basin, the rerouting of Core Path BLAI/29, which bisects the north of the site, is also incorporated. Landscaped areas would encircle the perimeter and provide some separation between the various elements and a softened frontage on to the A93.
- 9 The areas to both the north and south of the site, together with buildings within it that are 'hatched' in red on the submitted plans, do not form part of this application. These developments would therefore require to be subject to future application(s).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 10 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particularly large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 12 An EIA Report was submitted with the PPP. As this application follows on from that parent permission and raises no issues of conflict with the EIA, an update is not required.

PRE-APPLICATION CONSULTATION

- 13 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application further pre-application consultation is not necessary beyond that undertaken at the PPP stage.

NATIONAL POLICY AND GUIDANCE

- 14 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

- 15 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

- 16 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Promoting Town Centres: paragraphs 58-73
- 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

Planning Advice Notes

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

- 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 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

National Roads Development Guide 2014

- 19 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

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

TAYPlan Strategic Development Plan 2016-2036

- 21 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.”

- 22 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 2 (2019) (LDP2)

- 23 The Perth and Kinross Local Development Plan (2019) (LDP2) was adopted on 29 November 2019. LDP2 is the most recent statement of Council policy and is augmented by Supplementary Guidance. 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.”* The principal policies are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7: Employment and Mixed-use Areas
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
- Policy 34: Sustainable Heating and Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 45: Lunan Lochs Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zone
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated Land and Unstable Land
- Policy 60: Transport and Accessibility Requirements

LDP2 Allocation – Site Reference MU5: Western Blairgowrie

- 24 An area of 24.55ha is allocated for 179-280 residential units; Employment use (4ha) and Education (4ha). The Site-Specific Developer Requirements are:
- Development of a masterplan setting out the phasing and comprehensive development of the site, in consultation with the community and Council.
 - Reservation of area for educational and/or play provision in centre of site (4ha).
 - Provision of 4ha of business land to be developed in phased manner with housing development.
 - Layout of the development to minimise impact on adjoining residential properties.
 - Transport Assessment.
 - Flood Risk Assessment.
 - Wastewater Network Investigations may be required resulting in network improvements.

- Energy Statement is required investigating the potential for the provision of, and/or extension to, a heat network to serve the development.
- Development to be kept below the 90m contour line to the north of the site, area above that level to be considered for community woodland or similar use.
- Protection of ancient woodland in southern part of site.
- Expand woodland on west side of site.
- Green infrastructure on the site to link to existing network, particularly to the south west.
- Protect local footpaths and the Ardblair Trail.
- Evaluation of archaeological potential and mitigation will be required including protection of Fir Hillock Scheduled Monument.
- Enhancement of biodiversity.

OTHER POLICIES

- 25 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; and
- Perth and Kinross Retail Update 2016

SITE HISTORY

- 26 [14/00008/PAN](#) Proposal of Application Notice (PoAN) for mixed use development (employment, residential, retail and education). Content of PAN approved November 2014.

[14/01768/SCRN](#) EIA Screening request for proposed mixed use development Decision Issued January 2015. EIA required.

[17/00939/IPM](#) Planning Permission in Principle application for mixed use development comprising: residential, employment, retail, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works. Application approved December 2018.

CONSULTATIONS

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

External

- 28 **Scottish Environment Protection Agency (SEPA)** – No objection, following confirmation that there is no deep peat within the confines of the application site.
- 29 **Scottish Natural Heritage (SNH)** – No objection.
- 30 **Scottish Water** – No objection but advise there may be a capacity constraint at Linlathen Water Treatment Works.

- 31 **Perth and Kinross Heritage Trust (PKHT)** – No objection but require a condition as there is potential for archaeological remains in the area.
- 32 **Blairgowrie and Rattray Community Council** – No response received.

Internal

- 33 **Transport Planning** – No objection but require conditions to ensure a right turn and pedestrian crossing are delivered on the public road.
- 34 **Strategy and Policy** – No objection.
- 35 **Community Greenspace** – No objection. Advise that PKC would not adopt open space within employment areas, except for the core path (BLA1/29). Further advise that the root protection areas of the adjacent ancient woodland must be protected.
- 36 **Commercial Waste** – No objection.
- 37 **Biodiversity/Tree Officer** – No objection, following submission of revised landscape plans.
- 38 **Structures and Flooding** – No objection, subject to a planning condition requiring an emergency spillway as part of the SUDs basin.
- 39 **Environmental Health** – No objection, subject to conditions relating to noise control and operational hours.
- 40 **Land Quality** – No objection.

REPRESENTATIONS

- 41 One representation raises the following points:
- Contrary to Development Plan Policy
 - Inappropriate land use
 - Excessive height
 - Lack or loss of car parking
 - Loss of trees
 - Out of character with the area Adverse effect on visual amenity
 - Light pollution
 - Loss of open space
 - Noise pollution
 - Loss of sunlight or daylight
 - Overlooking
 - Road safety concerns
 - Traffic congestion
 - Flood risk
- 42 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

43	EIA Screening Opinion	EIA Required (PPP application)
	EIA Report	No Update Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	<ul style="list-style-type: none"> • Planning Statement; • Transport Assessment; • Noise Assessment; • Flood Risk Assessment; • Ecological Assessment; • Archaeological Assessment (and Addendum); • Site Investigation Report; • Lighting Calculations; • Energy Statement; and • Retail Impact Assessment.

APPRAISAL

- 44 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, the terms of the PPP and matters raised in representations.

Principle

- 45 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Blairgowrie/Rattray is identified as a Tier 2 Settlement with the potential to make a major contribution to the region's economy, but will accommodate a smaller share of the additional development. The proposed development complies with the objective of this policy as it will be providing further retail choice and employment opportunities in the area.
- 46 The principle of large-scale mixed-use development has been established through its allocation (MU5) in LDP2 and the previous LDP. The principle of mixed use (Residential, Employment, Retail and Education) has also been formally established through the PPP (17/00939/IPM) granted in December 2018 for the entire MU5 site.
- 47 The proposed Class 1 retail development within Phase 1A is consistent with the PPP, as are the general layout and points of access. Therefore, the principle of retail use and associated development is acceptable in land use. In terms of the

level of Class 1 floorspace indicated in the PPP, this application is further assessed below.

Retail Use

- 48 The Retail Impact Assessment (RIA) which supported the PPP established that Class 1 retail use was appropriate, without unacceptable impact on the vitality and viability of Blairgowrie town centre. An updated RIA supports this application, as the operators for the two large units have been confirmed. The updated RIA concludes that the scale and nature of retail proposal will not result in a significant individual or cumulative adverse impact on the vitality or viability of Blairgowrie or other centres. Further, it advises the proposal will meet the retail need identified in the initial RIA, which was accepted in approving the PPP. In respect of the smaller units, the proposal is concluded as being commensurate with the size of the local community.
- 49 Condition 27 of the PPP provides controls on the maximum floorspace allowed in each of the retail units and restrictions on convenience versus comparison goods split within each store.
- 50 The proposed development is for the following units and retail floorspace:
- Food store (Lidl) – 1,900sqm GIFA;
 - Non-food store (Home Bargains) – 1,947sqm GIFA. The extent of the trading area within this building has not been defined.
 - 3 Neighbourhood/local centre units – each with 130 sqm (390qm total) GIFA.
- 51 The proposed food store (Lidl) identifies a 1,256sqm GIFA sales area, which meets the limit of 1,900sqm for sales specified in PPP Condition 27., For the non-food unit, the condition allows a maximum sales area of 1,500sqm. The extent of the sales area in the Home Bargains unit is not detailed on the submitted drawings. However, it is accepted that, within the 1,947sqm GIFA, this requirement can be met – acknowledging the significant areas required for servicing and storage. The requirements of Condition 27 would continue to apply and be enforceable against both proposed units, if this AMSC were to be approved. Similarly, the controls under this planning condition in respect of food/non-food (convenience/comparison) goods would also continue to apply. An informative is proposed to highlight the terms of the PPP and the retail controls in particular (Informative 15).
- 52 There are no specific controls over the neighbourhood/local centre within the PPP in respect of their retail use and permissible sales areas. Although no operator(s) are specified for these units, the siting and scale are consistent with that indicated in the PPP and are appropriate in scale as a neighbourhood retail. LDP2 Policy 10 only applies to existing and defined town centres and not new development proposed, nevertheless the principles are relevant considerations for retail assessment. As envisaged in the PPP masterplan, the retail neighbourhood units would, over time, form part of a larger mixed-use development and would complement existing housing areas. The scale of the three units proposed are commensurate with the role they would play in these residential areas and would

not cause adverse impacts on the retail vitality or viability of Blairgowrie town centre.

- 53 The proposal therefore accords with the terms of the PPP with regard to the larger units. The retail use and scale of the proposed neighbourhood units was envisaged in the PPP approval and, furthermore, the units would not be contrary to the principles outlined in LDP2 Policy 10.

Design and Layout

- 54 The matters specified in Condition 3 of the PPP sets the required detail in respect of the layout and design considering: levels, the siting, design, height and external materials of all buildings and structures. The PPP also requires further detail in respect of fencing, landscaping and other technical matters. Several other related planning conditions support these specified matters, which are addressed here or in other sections below, as appropriate. LDP2 Policy 1: Placemaking is relevant in considering these matters.
- 55 The PPP masterplan for the southern end of the site showed a new commercial/business area consisting of: retail, hotel, restaurant and a neighbourhood/local centre. The now proposed Phase 1A is consistent with that masterplan, in that it includes retail and a neighbourhood/local centre. Although there are areas left over which could incorporate other previously indicated uses, such as a hotel or restaurant, these do not form part of this application however.
- 56 Whilst seeking public visibility for commercial awareness purposes, the proposed layout sees units set back off the A93 and provides for boundary planting that will contain and soften the visual impact of the development. The proposed landscaping layout is acceptable and would maintain a contained aspect but allowing for this visibility. The two warehouse retail units are proposed at levels of approximately 69m Above Ordnance Datum (AOD) for the Lidl unit, and 68m AOD for Home Bargains. All buildings are set over a single level but include mezzanines in the Neighbourhood Centre and Lidl unit. The maximum height of the buildings is: 6.7m (Lidl); and 10.0m (at the front of Home Bargains). This height and massing of structure is considered appropriate in the context of a retail park, with impacts mitigated through the set-back from the A93 and the retention of the woodland backdrop to the west and rear.
- 57 In terms of materials, a simple, modern palette is proposed, consistent with modern retail/commercial developments nationally. For the Lidl unit this includes a frontage of glass curtain walling, together with white metal wall panels and grey metal roof and canopy. The Home Bargains unit adopts a similar approach; glass curtain walling defining the entrance to the front (east), north and south elevations, with a mixture of two shades of grey metal panels and red panels to the walls at the entrance and upper levels. A buff colour facing brick is proposed on other lower wall elevations. These largely recessive tones are considered appropriate in the context of a new retail facility.
- 58 The neighbourhood units sit closer to the A93, at approximately 70.0m AOD. The building is rectangular in form and has a maximum roof height of 6.0m. Again, similar materials are proposed; glazed entrances, white wall render at lower levels

and grey metal wall/roof cladding at upper levels. Similarly, this design is acceptable.

- 59 Areas for access and car parking are in front of the retail units, accessible from three points off the A93. The extent and arrangement of these areas is commensurate with this scale of development.
- 60 Overall the design and layout of the scheme is considered to be appropriate when assessed against the relevant matters specified in the PPP and LDP2 Policy 1.

Landscape and Visual Impact

- 61 The development of the site will have an obvious impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted, as part of the EIA, with the PPP application. This Phase 1A proposal is in line with PPP masterplan, with the siting of the units back from the A93, combined with the woodland backdrop ensure that landscape effects are minimised. The units will be visible within the locality, particularly on both approaches along the A93. This degree of change was envisaged in the site allocation and permission granted under the PPP. The proposed design sits comfortably in the surrounding area, as attention has been paid to massing and building heights when viewed from all principal adjacent properties.
- 62 PPP Condition 3(vi) requires landscaping to be addressed, together with a landscaping specification as set out in Condition 12. The proposal sees 'heavy duty' tree planting on the A93 and adjacent to the neighbourhood units; and hedge and staggered areas of flower planting, as well as other soft landscaping along the road frontage. Structural tree planting to the western boundary, with the ancient woodland beyond, is proposed to enhance this important resource – addressing a site-specific requirement of the MU5 allocation. Smaller areas of planting are proposed through the access and car parking areas, including adjacent to the access road dividing the larger retail units. These landscape proposals will assist in breaking up views and integrating the proposal in to the landscape, minimising impacts. Over time the proposed development will blend in with the existing urban environment of Blairgowrie.
- 63 The proposed development will integrate well within the landscape and will not cause any unacceptable visual impacts. The proposal accords with the provisions of the PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of the landscaping being secured (Condition 8).

Natural Heritage and Biodiversity

- 64 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. LDP2 Policies 38, 40 and 41 are also relevant considerations. While there is predominance of rough grassland, with some hedgerows and trees, Condition 18 of the PPP requires an updated Ecological Appraisal and Tree Survey, which have been submitted.
- 65 These surveys and the detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. Following an update, to provide more native species within key areas, the details are

considered acceptable in terms of landscape and biodiversity value. The maintenance responsibility will fall to the land owner. It is concluded that, within the site, the proposal adequately provides for appropriate biodiversity provision.

- 66 The Council supports proposals which protect existing trees, especially those with high natural, historic and cultural heritage value. In this regard the site borders ancient woodland, of upland birch, to the west. The Perth and Kinross Council Forest and Woodland Strategy aims to increase planting of native trees for the benefit of biodiversity. The proposals will contribute towards this by increasing the quantity and range of native species planted along this boundary, providing an appropriate buffer in the interest of preserving the integrity of the ancient woodland.
- 67 The Ecological Appraisal demonstrates the proposed development will not adversely affect: Dunkeld and Blairgowrie Lochs SAC; the River Tay SAC; the Ardblair and Myreside Fens SSSI; Craighall Gorge SSSI; and Hare Myre, Monk Myre and Stormont Loch SSSI, which are all located within 2.5km. SNH offer no comment on the proposal. There are no adverse impacts forecast for these designations. In terms of protected species, the updated Ecological Assessment reiterates the sites low potential for use by European Protected Species, and low habitat diversity and biodiversity value.
- 68 Planning conditions are proposed to ensure appropriate protection or mitigation of habitats and species (Condition 17-20). During the construction phase, a Construction Environmental Management Plan (CEMP) is required to ensure adequate controls are in place to preserve environmental quality and biodiversity (Condition 9). The proposal therefore addresses the PPP requirements and meets the objectives of LDP2 Policies 38, 40 & 41 in terms of natural heritage and biodiversity.

Residential Amenity

- 69 LDP2 Policy 1 and Policy 17 generally seek to protect residential amenity. More specifically, Policy 55 and 56 require consideration of light and noise pollution respectively. The overall residential amenity of adjacent areas will change, as the development of MU5 is a large expansion of Blairgowrie.
- 70 The proposed Lidl building and the southern site access would be respectively approximately 46m and 26m from the nearest residential properties – Arblair Cottages, on the opposite side of the A93. Assessment of the impacts at residential properties is therefore required.

Noise

- 71 The NIA has been assessed by the Council's Environmental Health (EH) team. They have concluded that, subject to a planning condition controlling noise limits and delivery times, that the cumulative noise effect on residential properties arising from fixed plant, equipment and deliveries would be acceptable for both day and night time, when experienced at the nearest properties (Conditions 13-15).

Light Impacts

- 72 A lighting assessment has been undertaken, to calculate likely light spill. Environmental Health are satisfied that, subject to a condition to ensure screening, lighting should not impact on residential properties (Condition 12).

Summary

- 73 In terms of residential amenity, the proposal complies with LDP2 Policy 1, the design and siting respects the character and amenity of the surrounding properties. Further, there are no conflicts with either Policy 55 or 56 in respect of light or noise. Some conditional control over the delivery and servicing for the retail operations is, however, considered necessary in the interest of preserving residential amenity (Condition 16).

Air Quality

- 74 A detailed Air Quality Assessment (AQA), which included a cumulative assessment with other large-scale development in Blairgowrie, was assessed as part of the PPP. Environmental Health had no objection to the PPP and conform that no further assessment is required. There are therefore no conflicts with LDP2 Policy 57.

Contaminated Land

- 75 LDP2 Policy 58A allows for development of contaminated sites where it is demonstrated that appropriate remediation measures can be incorporated. The original Environmental Statement and the Phase One Preliminary Risk Assessment now submitted have been assessed by the Council's Contaminated Land Officer. These studies conclude that further intrusive investigations are required. This position is accepted, and a planning condition is proposed to investigate the risk, identify any remediation measures required and to secure verification that any such measures are completed in full (Condition 10).

Roads and Access

- 76 Condition 3(iv) of the PPP specifies details required for roads, footpaths, cycleways and path connections. LDP2 Policy 60 requires consideration of transport and accessibility. A supporting Transport Assessment has been assessed by the Council's Transport Planning team, who do not object, with the scale of development and parking requirements considered adequate. Within the parking provision of 253 spaces, charging points for 6 EVs is provided; this meets the requirements of the matter specified in Condition 3(x) of the PPP. A total of 36 cycling spaces are also proposed, to facilitate sustainable travel. This is considered satisfactory, thus complying with LDP2 Policy 60 Transport and Accessibility Requirements.
- 77 In terms of vehicular and pedestrian access to and from the site, significant dialogue took place regarding the need for a right turn into the site off the A93, for traffic heading south; and for a pedestrian crossing on the A93 to be provided to connect the community to the development. To secure the delivery of these

elements a condition requiring their delivery, location and detail is proposed (Condition 3).

- 78 Therefore, subject to verification of the detailed design of the road access and infrastructure (Condition 2) and for the construction traffic activity, through a Construction Traffic Management Scheme (CTS) (Condition 4), the proposal meets the terms of the PPP and LDP2 Policy 60.

Public Access

- 79 LDP2 Policy 15 is concerned with public access; including core paths and rights of way, and development proposals must not have an adverse impact on such routes. The LDP2 MU5 allocation requires protection of local footpaths and the Arblair Trail. As noted above, Core Path BLAI/29 is to be re-routed, this forms part of the Arblair Trail. The diversion would accommodate the SUDs basin, with the route diverted north around the basin and along the western boundary to connect at the same point into the adjacent woods. This diversion would preserve the integrity of the core path and provides a suitable landscaped buffer from the development. A scheme for the timing and delivery of the diversion and for the future maintenance of the core path is required, to ensure public access is not compromised (Condition 5).
- 80 Separate to any permission granted here, there is a formal process under the provisions of Section 208 of the Town and Country Planning (Scotland) Act 1997 relating to the stopping up and diversion of footpaths. This process is typically progressed when planning permission is received. An informative is proposed to highlight the requirements of this process to the applicant (Informative 16).

Drainage and Flooding

- 81 PPP Condition 3(ix) requires details of the proposed foul and surface water drainage. Conditions 10 and 11 support Condition 3(ix) and specify the approach to flood risk assessment and surface water drainage arrangements. The supporting Flood Risk Assessment (FRA) has been assessed by both SEPA and the Council's Structures and Flooding team, with no objection has been raised by either, whether on the grounds of flood risk or drainage. In respect of the drainage arrangements, the Structures and Flooding team noted concerns in relation to the surface water drainage arrangements. Following receipt of further technical drawings and information, these concerns have been addressed. It is, however, recommended that an emergency spillway is provided at the SUDs basin, to address overtopping (Condition 7).
- 82 The site is in the Lunan Valley Catchment and therefore LDP2 Policy 45 applies. In addition, the general objectives of Policy 53 apply. As mentioned, the SUDs scheme incorporates a detention basin, adjacent to known wetlands and peatlands. To verify that any outfall from the SUDs contains only clear water, SEPA seek a planning condition requiring the final construction design (Condition 7). This addresses the relevant policy requirements.
- 83 Scottish Water confirm that there may be a capacity issue at the Linlathen Waste Water Treatment Works, for foul water. However, this is a separate consenting

process and approval must be sought through Scottish Water. An Informative is proposed to bring this to the applicant's attention (Informative 13).

Waste Collection

- 84 The waste arrangements for the retail units do not include external refuse stores, with waste managed within individual units or designated service areas. The waste collection arrangements from the units is not known, but this is a commercial matter for individual operators. The Council's Commercial Waste Services team confirm they are supportive of the layout and arrangements for waste.

Archaeology

- 85 As required by Condition 8 of the PPP, an updated Archaeology Assessment has been submitted and assessed by Perth and Kinross Heritage Trust (PKHT). They re-confirm the archaeological potential, given the number of pre-historic records in proximity. This updated Assessment is considered robust, and concludes that overall, there is only moderate potential for prehistoric or Roman era remains.
- 86 It is again recommended that an archaeological evaluation should take place and inform a mitigation strategy, if required, to either preserve significant deposits or for further archaeological works, to consist of the excavation and post-excavation analysis of deposits (Condition 11). This meets the terms of the PPP and LDP2 Policy 26.

Developer Contributions

- 87 The PPP Section 75 Legal Agreement secures the necessary infrastructure and associated contribution payments, covering the following subject areas:
- Affordable Housing provision
 - Primary Education provision
 - Open Space provision and maintenance
 - Play area provision and maintenance
 - Sports pitch provision and maintenance
- 88 The extent of development proposed in this Phase (1A) does not trigger any payment relating to these matters. The agreement in place continues to meet the objectives of the PPP and LDP2 Policy 5.

Phasing

- 89 The Section 75 requires that a draft phasing plan for the development of the whole site is provided as part of the first AMSC application. This is also a specific requirement of the MU5 allocation in LDP2. Such a plan was to provide detail of estimated development areas, indicative capacities of these areas, start and completion dates for housing units in each area, provision of infrastructure (such as open space) and the servicing of employment land.
- 90 The submitted phasing plan and supporting West Park Phasing Plan document demonstrates the proposed phasing of the development, land uses and delivery

timescales. Although indicated timescales would apply from the date of any approval of this application and not as indicated in the document. The proposed phasing is as follows:

- Phase 1A: Employment Area (which includes all the development proposed within this application). The construction would take 36 months.
- Phase 1B: Residential – indicating 100 affordable homes. A 6-month approval process and 36-month construction period have been indicated. This would be commenced 1-2 years after Phase 1A.
- Phase 2: Residential – indicating up to 180 private homes. An 8-month approval process and 24-36 months construction period have been identified. This would be commenced 2 years after Phase 1A.
- Phase 3: Residential – indicating up to 120 private homes. An 8-month approval process and 36-month construction process has been identified. This would be commenced 3 years after Phase 1A.

- 91 The general detail of the phasing plan meets the requirements of the S75 and the site allocation in LDP2. The specific detail for land uses and phasing for Phase 1A is acceptable; as it relates to the development proposed in this application, and also the general development land use and scale for the retail, restaurant and hotel proposals for the remainder of Phase 1A. There are no specific S75 infrastructure requirements to be provided within Phase 1A.
- 92 For Phases 1B, 2 and 3, while the predominant residential land uses are considered appropriate, the location and scale of development indicated must be subject to further consideration. The numbers of housing replicates that suggested in the draft masterplan as part of the PPP submission; however, Condition 2 of the PPP states that this masterplan and number of dwellings is not approved. The LDP2 capacity range for the whole of MU5 is 179-280 houses, which is significantly lower than the 400 units indicated. Furthermore, the Phasing Plan submitted does not demonstrate how and when infrastructure – which would be required for Phases 1B, 2 and 3 – will be delivered. Therefore, these matters will require further consideration in subsequent AMSC applications, supported by an updated masterplan and phasing plan at that time, to demonstrate compliance with the PPP (including S75) and LDP2 policy.
- 93 At this stage the phasing information submitted is considered appropriate for this first AMSC application and is only informative for later development within Phase 1A. On this basis it is adequate to determine this application. Revised and updated phasing information will nevertheless be sought as development in later phases is proposed – the current phasing plan is not binding on any such AMSC applications. Planning conditions are recommended to secure phasing and delivery details within this proposal (Conditions 3, 5 & 8).

Economic Impact

- 94 The applicant has provided a RIA and a Supplementary Note on Employment Impact; which provides a forecast of construction expenditure, retail turnover and jobs during both the construction and operation of the retail units. The construction of the 5 retail units would cost approximately £7M and directly generate 45-50 construction jobs during this period. In turn, indirectly this will likely impact on the

level of jobs that the construction activity will generate from employees spending on local goods and services, although this is not assessed.

- 95 Once operational, the assessment predicts that the cumulative annual turnover for all the units combined would be £16.M – of which 20-50% per unit would be displacement within the retail primary catchment area. This will see retail spending being retained in Blairgowrie and reduce expenditure leakage to Perth and Dundee in particular. A total of 96.7 full time equivalent (FTE) jobs would be created, which would be a net additional increase of 67.4 FTE jobs in the catchment area.
- 96 It is accepted that the employment generation during both the construction and operational phases of the development would contribute positively to the Perth & Kinross local economy. The retention of retail expenditure within Blairgowrie is also a strong positive. The proposal accords with the terms of the PPP and the site-specific requirements to provide employment uses and, in turn, also meets the objectives of LDP2 Policy 7B.

Sustainability

- 97 SEPA require, through Condition 17 of the PPP, substantial developments to ensure their heat demand is met from district heating, subject to the outcome of a Feasibility Assessment (FA). The submitted Assessment has been assessed by both SEPA and The Council's Strategy and Policy team. Both agree that it could be more robust; however, it is accepted that as Phase 1A is for retail use only, and that the key beneficiary of district heating will be the residential phases. The justification provided for Phase 1A is thus adequate at this time. This issue will be revisited when approval of residential phases is proposed. It is considered that at this early stage and considering the nature of development proposed, that a district heating solution is not currently feasible. This satisfies the PPP requirements and that of LDP2 Policy 34.
- 98 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. An Energy Statement has been submitted in support of this matter, it advises that the development will use passive design and energy efficiency as the primary means to reduce energy demand and lower carbon monoxide emissions and commits to this. The technical and economic feasibility of several such technologies to reduce carbon further. The statement concludes that the buildings will achieve a much lower standard than that required under Scottish Building Standards and that the installation and operation of zero and low-carbon generating technology, such as solar photo-voltaic panels, will provide at least 10% of the carbon reduction emissions for the proposed development.
- 99 The statement does not, however, demonstrate the precise technical details as to how this will be achieved, although it is recognised that this can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 6).

LEGAL AGREEMENTS

- 100 None required, as the existing Section 75 in place addresses the requirements.

DIRECTION BY SCOTTISH MINISTERS

- 101 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

- 102 To conclude, the application must be determined in accordance with the PPP and the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account of the terms of the PPP and the Local Development Plan 2019 and material considerations and in this case that the development proposal accords with these.
- 103 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 that the development is carried out in accordance with the plans approved.

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

3. Prior to the commencement of development, a scheme to provide a right turn lane from the A93 (southbound) in to the development and a signalised pedestrian crossing on the A93 shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall confirm the location, specification, detailed design and delivery timescales of both the turn and pedestrian crossing. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit.

Reason: In the interests of road and pedestrian safety.

4. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

5. Prior to the commencement of development, a scheme for the technical details, delivery phasing and signage needed for the diversion of Core Path BLAI/29 and for the future maintenance of the path within the site shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall also ensure that all existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason: In the interest of sustainable transportation being maintained.

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;

- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

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

- 7. Prior to the commencement of development hereby approved, the final construction details for the disposal of surface water via a Sustainable Urban Drainage System (SUDs) shall be submitted to, and approved in writing by, the Council as Planning Authority. The design for the SUDs basin shall incorporate an emergency spillway for exceedance flood events to be directed towards a watercourse. Further, this scheme shall ensure that, where any outfall will affect the adjacent swamp/pond area, only clean water enters this wetland area. The scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit.

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

- 8. Prior to the commencement of development, updated landscape proposals shall be submitted to, and approved in writing by, the Council as Planning Authority. The updated proposals shall be supplemented with a planting scheme which incorporates increased native species, detail the delivery implementation and arrangements for maintenance. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

- 9. Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

- 10. 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.

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

Reason: The site lies adjacent to areas of archaeological significance

12. Prior to the occupation of any retail unit hereby approved, a scheme for all external lighting shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall ensure appropriate alignment and provide sufficient screening so as to ensure that there is no direct illumination of neighbouring land including the A93 (Perth Road) and Ardblair Terrace and that light spillage beyond the boundaries of the site is minimised. The lighting scheme shall thereafter be implemented in full, prior to the occupation of each retail unit.

Reason: In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished.

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

Reason: In the interest of protecting residential amenity from noise generated by plant or equipment.

14. Within any neighbouring residential property, noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax, with window slightly open.

Reason: In the interest of protecting residential amenity from noise.

15. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment.

Reason: In the interest of protecting residential amenity.

16. All servicing and deliveries to any retail unit hereby approved must be within the core hours of 07:00 and 21:00 Monday to Saturday and within the hours of 09:00 and 17:00 hours on Sundays. Where any retail unit is to receive deliveries between the extended hours of 21:00 and 23:00 Monday to Saturday only, a Delivery/Servicing Noise Management Plan, outlining mitigation measures to reduce noise, shall be submitted to and approved in writing by the Council as Planning Authority prior to activity taking place during these hours. The servicing and delivery arrangements must be in accordance with the core hours or, where approved, in accordance with any scheme and mitigation approved under the extended hours.

Reason: To safeguard the amenity of neighbouring residential properties.

17. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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 local planning authority.

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

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

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

19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each

working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

20. All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

5. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency (SEPA).
8. Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate that the layout will not adversely affect the resultant noise levels to external and internal amenity spaces.
9. 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 17/00939/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
10. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
11. The applicant is reminded that, 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 recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
13. 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.
14. Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

15. All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00939/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition. Particular attention is drawn to Condition 27 of the PPP, which sets:
- the maximum net sales floor area of any Food Retail Unit shall not exceed 1,900 square metres and shall be a minimum of 70% convenience goods and a maximum of 30% comparison goods; and
 - the maximum net sales floor area of any Non-Food Retail Unit shall not exceed 1,500 square metres and shall be a minimum of 60% for comparison goods and a maximum of 40% for convenience goods.
16. The stopping up or diversion of the Core Path BLAI/29 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.

Background Papers: 1 letter of representation
Contact Officer: Jamie Scott Ext 75306
Date: 24 December 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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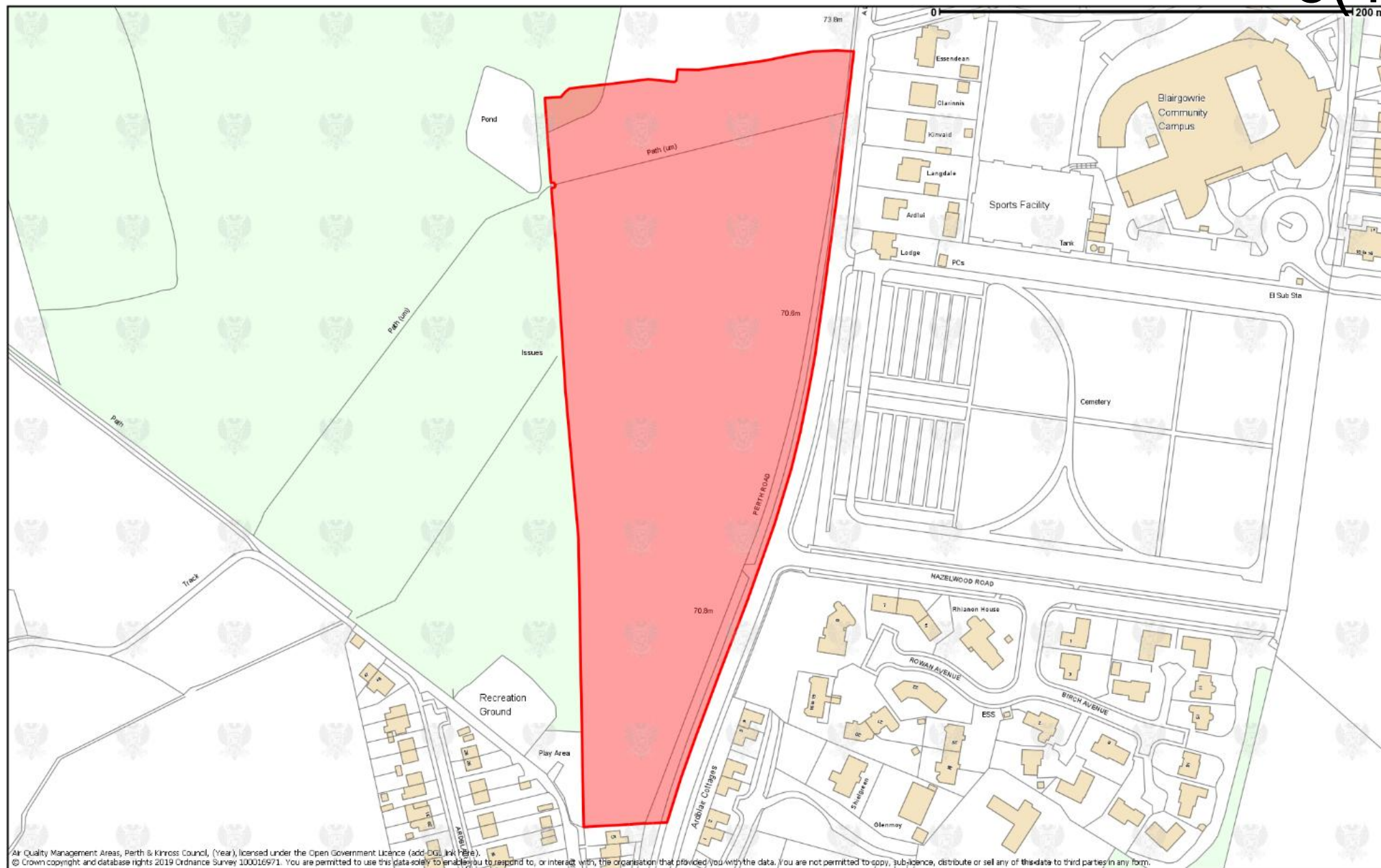
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19/00163/AMM

Erection of 2 retail units (Class 1), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works (approval of matters specified by conditions 17/00939/IPM) (Phase 1A) at land south west of Cemetery House Lodge, Perth Road, Blairgowrie





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Scale 1:2500



19/00163/AMM

Erection of 2 retail units (Class 1), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works (approval of matters specified by conditions 17/00939/IPM) (Phase 1A) at land south west of Cemetery House Lodge, Perth Road, Blairgowrie



Perth and Kinross Council
Planning & Development Management Committee – 15 January 2019
Report of Handling by Head of Planning & Development (Report No. 20/5)

PROPOSAL: Erection of 33 dwellinghouses, 8 flats, community lounge/guest suite, formation of parking areas, landscaping and associated works

LOCATION: Site of Former Windlestrae Hotel, Muirs, Kinross

Ref. No: [19/01626/FLL](#)

Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to 1.3 hectares (ha) and comprises a hotel building, dwelling house, carpark and landscaped grounds, located within the Kinross settlement boundary. The site is bound by the Market Park and a dwelling, Woodlands, to the south. The Kinross Golf Course lies to the east and the site is otherwise bound by residential development on The Muirs and Muirpark Road. A small area of the site is located within Kinross Conservation Area which lies to the south.
- 2 This application is for the erection of 33 dwellinghouses, 8 flats and a community club house with guest accommodation. The properties are intended to be age restricted to residents aged 55 and over.
- 3 The proposed housing mix is:
 - 22 x detached and semi-detached houses (14 two bed and 8 three bed houses)
 - 11 x 2 bed cottages
 - 8 x 2 bed affordable apartments
- 4 The proposed finishes are a slate effect roof, buff facing brick, off white render, grey upvc windows and timber doors.
- 5 The proposal will utilise the existing single access point as the site has no opportunities to form additional vehicular links with neighbouring land. A pedestrian link to the woodland to the east which forms part of the core path network is to be retained.

- 6 This application follows on from a withdrawn application for the same type of development. This proposal is broadly as previously submitted however the applicant has changed from McCarthy and Stone to Juniper Residential.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects.
- 9 An EIA screening has been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects.

PRE-APPLICATION CONSULTATION

- 10 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community. However, the applicant held a Public Exhibition in Kinross Masonic Hall on 11 September 2019.
- 11 Proposals were presented at this exhibition and feedback was invited from the local community, local councillors and community representative groups. Feedback received from this event resulted in changes being made to the original proposal which included omitting proposed 2 storey apartments to the north boundary and reverting back to the previous proposal of 1½ storey houses. More planting is now proposed to the north boundary and more planting is shown throughout the site to compensate for the removal of existing trees.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 13 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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

- 14 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.
- 15 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

- 19 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

- 20 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

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

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

Perth and Kinross Local Development Plan 2019

- 23 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.
- 24 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 22: Particular Needs Housing Accommodation
 - Policy 25: Housing Mix
 - Policy 28A: Conservation Areas: New Development
 - Policy 29: Gardens and Designated Landscapes
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 38B: Environment and Conservation: National Designations
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 46A: Loch Leven Catchment Area
 - Policy 46B: Loch Leven Catchment Area
 - Policy 52: New Development and Flooding

- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 25 [18/01964/FLL](#) Erection of 36 dwellinghouses, 8 flats, community lounge/guest suite, formation of parking areas, landscaping and associated works - Application withdrawn 11 March 2019.

CONSULTATIONS

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

External

- 27 **NHS** - No response received within the consultation period and agreed protocol is therefore no objection.
- 28 **Scottish Natural Heritage (SNH)** - No objection to proposal as site is to be connected to public drainage system and is remote from Loch Leven Special Protection Area and Ramsar site.
- 29 **Kinross Community Council** - The Community Council have raised the following issues; overdevelopment site, lack of parking, loss of trees, impact on conservation area and GP surgery under strain.
- 30 **Scottish Water** No objection to proposal.

Internal

- 31 **Environmental Health (Noise Odour)** - No objection to proposal conditions recommended regarding noise and odour.
- 32 **Community Waste Advisor - Environment Service** - No objection and note adequate bin provision within the site.
- 33 **Structures & Flooding** - No objection on flood risk, condition required for SUDs.
- 34 **Environmental Health (Contaminated Land)** - No objection to proposal condition recommended regarding contaminated land.
- 35 **Transport Planning** - No objection to development layout or parking provision, condition recommended in relation to junction, Construction Traffic Management Plan and street lighting.

- 36 **Development Negotiations Officer** - Developer contributions in respect of affordable housing required.

REPRESENTATIONS

- 37 The following points were raised in the 27 representations; 23 objections and 4 in support received:

Objections

- Contrary to Local Development Plan
- Loss of open space
- Overdevelopment
- Overlooking/loss of privacy
- Height of development
- Lack of parking
- Loss of trees
- Loss of existing boundary treatments
- Existing building should be adapted
- Detrimental Impact on Conservation Areas
- Impact on biodiversity
- Impact on visual amenity
- Pressure of GP services

Support

- General support for retirement homes in Kinross area

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

ADDITIONAL STATEMENTS

39	EIA Screening Opinion	Completed
	EIA Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	<ul style="list-style-type: none">• Hotel demand study• Transportation statement• Solar study• Drainage and flood risk assessments• Tree survey and arboriculture report• Ecological appraisal, bat survey.

APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan

Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out above.

Principle

- 41 The site is within the settlement boundary of Kinross within an area zoned for residential and compatible uses under Policy 17 Residential Areas. The site also includes a small extension into an area of zoned open space and the Kinross Conservation Area boundary to accommodate the surface water drainage proposal.
- 42 It is acknowledged that the proposal involves the loss of a hotel building which provided a number of services and facilities, however, The Windlestrae Hotel ceased trading in 2018. Policy 17 only supports changes away from ancillary uses such as employment land, local shops and community facilities, for example pubs and restaurants, where there is demonstrable market evidence that the existing use is no longer viable in this case as a commercial venture.
- 43 A hotel demand study was submitted with the application. The report noted that due to the lack of financial viability, the owner closed the hotel at the end of October 2018. Since then, the moveable trade inventory and majority of the fixtures and equipment have been sold off and removed. The report study area comprised Kinross and a 15 mile radius from the hotel. The report details the overprovision of hotel accommodation for the local market, compounded by changes to the operating market including the development of new competition from additional room supply, new health club facilities and new food & beverage outlets. In 2017 the owner instructed the sale of the hotel with there being no interest in the property. The report concludes that there was no business case for the Windlestrae to be given ongoing financial support and therefore, the hotel was closed.
- 44 The proposed new land use, which is categorised as residential assisted living, is consistent with LDP2 Policy 22 for particular needs housing accommodation and is a facility that would support the local housing needs market for the older generation of Kinross and provides a different model than the flatted developments which have already been developed in the area. The proposal would assist in supporting local services, whilst being compatible with the residential nature of the area.
- 45 A small area of the site to the south is located within an area zoned as open space. The proposal within the open space is for underground surface water retention and above ground an access turning head and pump station are required. Policy 14 Open Space Retention and Provision states that development within these areas will not be permitted unless certain circumstances apply. In this case the area of the site required to facilitate the development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. The proposal is therefore compliant with this policy.

- 46 Overall, the justification set out in the supporting information is considered to demonstrate that the principle for the loss of the hotel business and the redevelopment of the site for specialised residential development is considered to comply with LDP2 policies 17 and 22 in this regard. The proposal is also considered to comply with Policy 14 in relation to loss of open space. Specific LDP2 policy requirements beyond assessing the principle of the proposed development on this site will be discussed in the following sub topics.

Design and Layout

- 47 The proposed retirement development comprises of 10 detached houses, 12 semi-detached houses, 11 terraced houses, 8 affordable apartments and a communal club lounge. The mix of the house types varies throughout the development, with the club lounge located in the centre of the development as the communal hub of the community.
- 48 The flatted apartments, which form the on-site affordable units, lie to the northwest of the site. They are two-storey in height comprising 8 x 2-bedroom units. A communal private amenity space is provided to the west.
- 49 The 11 terraced houses form three separate rows; two on the north boundary and one on the west. The terraced dwellings are two-storey in height to the rear however the front elevations which face the street are 1 ½ storey with the upper floor partially accommodated in the roof space served by a dormer. These dwellings have two upper floor bedrooms and at ground floor have a kitchen, living room and dining room. These dwellings are noted as 2/3-bedroom dwellings as the ground floor room can be used as a bedroom if required.
- 50 The remaining house types throughout the site are a detached and semi-detached mix of bungalows and dwellings of single storey height with accommodation at first floor fully contained within the roof space served by dormers and roof lights.
- 51 The finish materials for the site are a slate effect roof, buff facing brick, off white render, grey upvc window and timber doors. The material finishes reflect the existing material palette in the area; however, a condition will be added to ensure samples are agreed prior to commencement (Condition 4).
- 52 The site is relatively flat which results in gardens which are fully useable. The flatted development also has an enclosed communal area to the rear. The amenity space for the dwellings range from the 60 – 187 sq metres. The dwellings do allow some flexibility in their use and although a number have 3 bedrooms, due to the age restriction of the development, these properties would not be occupied by families. The amount of amenity space proposed for each unit is considered acceptable for this type of development.
- 53 The design and scale is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

Residential Amenity

- 54 The site is bound to the west and north by residential development at The Muirs and Muirpark Road. The proposed development along these boundaries has maintained a minimum of 9m set back from the site boundary where facing windows are proposed. It is therefore considered that this distance is adequate to mitigate any impact on existing residential amenity from overlooking. In relation to loss of daylight and overshadowing the existing dwellings which share a boundary have south and east facing gardens. A solar study has been submitted in this regard and shows no significant detrimental impact in terms of loss of daylight/overshadowing.
- 55 Within the application site the layout of the proposed dwellinghouses have been configured so that all dwellings have adequate garden sizes. This has involved a revision to the central area to realign some rear garden boundaries and the adjustment of the garden boundaries of the terraced dwellings on the north and west boundary. These changes have not involved the alteration of any of the dwelling positions and all proposed access paths to the rear of plots have been retained.
- 56 The layout internally consists of single storey dwellings or single storey dwellings with accommodation at 1st floor served by dormers which have been positioned on the front elevations only. These houses have adequate amenity space, more than 60sq metres, but do not have 9m deep rear gardens. In this case the arrangement is acceptable as 9 metre window-to-boundary distances are to mitigate the impact of overlooking from first floor windows. These properties do not have upper floor windows to the rear and therefore do not raise any issues of overlooking to private amenity space. Furthermore 1.8m fences are proposed to separate these rear gardens and there would be no permitted development rights to add dormers as the dwellings would not meet the requirements.
- 57 The development provides retirement dwellings aimed at the over 55s, the site has a mix of house types and sizes but each dwelling/flat would be occupied by couples or single persons. The site has a mix of bungalows, 1½ storey dwellings and flats and the site does reflect a higher density of development in this respect. The extent in which private amenity space is used relates specifically to the dwelling's occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. In this case a sufficient amount of private amenity space to the rear of all dwellinghouses and flats is provided to perform the minimum expected of a garden ground taking account of the proposed dwellinghouse type.
- 58 Taking the aforementioned into account, the proposed development is considered to be in compliance with the Council Draft Placemaking Guide 2019 and LDP2 Policy 1A,1B and 17 in relation to residential amenity.

Contaminated Land

- 59 A site investigation has been carried out at the proposed development site. The initial ground gas monitoring results have indicated elevated levels of ground gas and further monitoring has taken place.
- 60 It has also been indicated that topsoil will be imported on to the site as part of the proposed development. It is important that any material brought onto the site be suitable for the proposed end use of the site. A contaminated land condition has been recommended by Environmental Health to cover these issues (Condition 16).

Air Quality

- 62 In relation to air quality, the proposal requires to be considered for its potential impact. The applicant has submitted a Transportation Statement (TS) which states that vehicle generation from the development during peak times would be 8 two-way vehicle trips, which equates to an average 1 vehicle trip every 7¹/₂ minutes. The report concludes that the '*proposal would have a negligible impact on the operation of the surrounding network.*' Environmental Health have concluded that the proposed development will not require a detailed air quality assessment. It is considered that there is no significant detrimental impact in terms of air quality and complies with Policy 57 Air Quality.

Noise

- 63 Policy 58 of the LDP2 relates to noise. The proposal includes a pumping station area at the surface water drainage area and a communal club lounge which will have a kitchen and visitor accommodation. There is the potential for noise from the operation of these elements and conditions are recommended to be included on any given permission to protect existing and future residential amenity (Conditions 9 and 10).

Roads and Access

- 64 The proposal utilises the existing access into the site and there will be a total of 70 parking spaces made up of 60 residential parking spaces and 10 visitor spaces.
- 65 The upgrading of the existing access road is proposed comprising a 5.5m wide road and a new 2.0m footway to improve access for all modes of travel and this is welcomed and required to facilitate the proposals. The proposed upgrade work will also improve the existing access as it adjoins the B996, improving both pedestrian safety and existing visibility splays as it ties into the footway on the B996.
- 66 Given the nature of use of the proposals, vehicle trip generation during peak times is lower than compared to non-age restricted residential developments. This is supported by the Trip Rate Informationm Computer System (TRICS) data provided from other existing retirement developments which show two way vehicle movements of 20 vehicles in the AM peak and 18 in the PM peak. It is my view that this is not a significant amount of traffic generation and likely to have negligible impact on the B996, particularly when the existing use as a 47 guest

room hotel is factored in. A request for a condition to upgrade two existing bus shelters has been made by the Public Transport Team. The two existing enclosed shelters are located on the Muirs. The scale of the proposal is not considered to require the upgrade of these shelters to make the development acceptable and therefore will not be required by condition.

- 67 The road layout has also included a pedestrian link to the core path network which is to the east maintaining current pedestrian links through the site.
- 68 Transport Planning has recommended conditions to cover the junction improvements and submission of a Construction Traffic Management Scheme (Condition 5 & 6). Street Lighting will be added as an informative as the Roads Construction Consent will cover this. The terms of LDP2 Policy 60 Transport Standards and Accessibility Requirements is considered to have been satisfied in this regard.

Drainage and Flooding

- 69 The proposed development will be serviced by Kinross Waste Water Treatment Works. Scottish Water has no objection to this planning application but note that further investigations may be required to be carried out once a formal application has been submitted to them.
- 70 The Flood Team have reviewed the information provided within the application and highlight that the proposed site lies within the surface water flood extents, as shown on the SEPA flood maps. They believe this flood extent is showing the existing pond on site and they confirm that they have no objection in relation to flood risk.
- 71 The MircoDrainage outputs for the surface water drainage have been revised with the Flood Team have reviewing further information on this. They are content with the methodology and a condition will be added to agree the final SUDs scheme (Condition 12).
- 72 The proposals are considered to satisfy the policy objectives of LDP2 Policy 53 Water Environment and Drainage.

Waste Collection

- 73 The road layout and turning provision allows for refuse vehicles to enter and leave the site in a forward gear with a kerbside collection proposed. Each dwelling/flat has been provided with storage for a three-bin system.

Conservation Considerations

- 74 The hotel, access road and grounds are located out with Kinross Conservation Area; however, a small area of the site which will accommodate the SUDs scheme is within the Conservation Area boundary. It is considered that, given the small scale of the proposed development within the Conservation Area and provided it is screened as per the submitted drawings, there would be no adverse impact on the character or appearance of the Conservation Area. As the rest of the development is well screened by existing development and vegetation there

would again be no adverse impact on the setting of the Conservation Area. The proposal is therefore considered to comply with Policy 28A Conservation Areas New Development of LDP2.

Natural Heritage and Biodiversity

- 75 The site is located within the Loch Leven Catchment Area which defines the larger drainage consultation area for Loch Leven. The designated Ramsar site and Special Protection Area (SPA) comprises of the loch boundaries only and are located 1km to the east of the application site.
- 76 The foul drainage on the site will be connected to the appropriate waste water treatment works which will be dealing with Phosphorus appropriately before any discharge enters the loch and therefore will have no likely significant effect on the SPA. This does not remove the need to consider any other potential impact pathways on the site like sediment or disturbance where these might occur. However, SNH have confirmed that site is nowhere near any connecting watercourse to the loch and there is no prospect of disturbing wildfowl from that site. They conclude that there is no likely significant effect on the SPA or Ramsar site from this proposal.
- 77 An Ecological Assessment and Bat Survey has been submitted and are in accordance with best practice. A dusk survey carried out in August 2019 confirmed that no bats were observed to enter or leave the building. No further survey effort is required with regards to bats, based on the findings of the survey.
- 78 The site has a number of trees, shrubs etc. which are to be removed and these have the potential to be a habitat for breeding birds. For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. A condition is recommended to advise that existing buildings, trees etc should not be removed from the site between 1st March and 31st August inclusive. (Condition 7)
- 79 Subject to conditional control (Conditions 7 and 8), the proposed works are assessed as not being detrimental to biodiversity interests and therefore not conflicting with Policy 41 Biodiversity.

Trees

- 80 The design and layout of the existing hotel grounds has been to provide areas of interest and recreation for guests over recent years. The garden layout is effectively two large lawn areas surrounded with linear plantings of mixed shrubs and conifers. Within the lawn areas there are well established Norway spruce specimens and within the shrub borders are assorted Lawson cypress cultivars.
- 81 The north boundary is formed with a linear planting principally rhododendron, which is proposed for removal. Adjacent to the south boundary the property known as Woodlands has an established hedgerow. Adjacent to the east boundary there is a mature woodland, which has Scots pine, oak and sycamore. The canopies of many of the deciduous tree species within the woodland edge extend into the development site and have potential to impact on the use of the

dwellinghouses, both from a nuisance perspective and safety concerns. The presence of these trees led to a reduction in dwelling numbers proposed for this area of the site in the previous application, the reduction has been carried through to this current proposal. The reduction has resulted in the dwellings having increased amenity space to the side which reduced the impact of the tree belt to the east by increasing the amount of amenity space out with the tree canopy. It is also noted that in Para 3.6 of the Arboricultural Implication Assessment and Tree Protection Proposals Report, the applicant's consultant arboriculturalist proposes crown lifting of the trees at this boundary before tree protection measures are erected. It is also noted that given the future residential use of the site, the structural integrity, health and condition of the trees forming the edge of the woodland is an issue, and as such they should be surveyed and their condition confirmed, with remedial works undertaken, this will be added as an informative for the applicant. A condition will be included to protect retained trees and hedges and that works comply with the Arboricultural Report (Condition 13 and 15).

- 82 There is a large sycamore at the site entrance which is proposed for removal to achieve the necessary 9m x 70m visibility splay. This particular tree has sustained storm damage in the past and its viability is questioned given its proximity to the main road. A suitable tree replacement is proposed to infill the gap in the existing edge trees.
- 83 The site is populated with several Lawson cypress cultivars and Norway spruce, which have estimated height of 13-15m, are non-native, and have limited amenity value as part of this ornamental planting. The specimen trees are considered to all be of a similar age and there is little evidence of any recent tree planting within the site within the last 15-20 years.
- 84 The development proposal would result in the loss of the majority of trees at the site. Whilst the existing landscaping was attractive to the former hotel users and local dog walkers, in terms of the potential impact on loss of amenity through tree removal, the impact would mainly be on the detached property Woodlands and the residents of Nos 7 – 17 Muirpark Road, Kinross. There is an established hedgerow bounding 'Woodlands' and its driveway on the south boundary, and a mature woodland on the east boundary. It is considered that if the larger conifers are removed, their loss would have limited impact if viewing from the south or east. The landscaping plan proposes planting along the north boundary of Market Park, which would consolidate the south boundaries of the site.
- 85 The soft landscaping plan by Keith Wood proposes 57 trees using multi stemmed, selected standard and heavy standard tree stock, within the site frontages and rear garden areas. In addition, evergreen and deciduous hedges are proposed between property garden within some rear gardens and at certain frontages. It is considered that the proposed plan if fully implemented would result in an attractive site, with proposed planting considered appropriate for the recognised residential use. The tree species proposed is appropriate for the site, and would serve to ameliorate the street scene, and provide amenity benefit for the future users of the site. The landscaping plan implantation is covered by condition (Condition 14)
- 86 The proposal is therefore considered to comply with Policy 40 Forestry, Woodland and Trees as the loss of trees on the site has been adequately mitigated (Condition 13, 14 and 15).

Tree Preservation Order Request

- 87 A request has been made for the promotion of a Tree Preservation Order (TPO) in a number of letters of representation. A TPO can be promoted where it appears that it would be expedient in the interest of amenity, and/or, that the trees, groups of trees or woodlands are of cultural or historical importance. In this case, it is indisputable that there will be considerable tree loss, however, the Enforcement Officer (Trees) does not consider that the trees represented at the site warrant the promotion of a TPO, as their contribution to amenity is considered limited, and are not of any cultural or historic importance.

Local Services

- 88 The site is located within a maximum 10 minute walking distance of the town centre, various pubs/restaurants, swimming pool, leisure centre, supermarket and the health centre.
- 89 Concerns have been raised that the local GP surgery does not have capacity. The NHS have been consulted as part of the planning application process and inline with protocol have made no comment on the proposal within the consultation period which is accepted as no objection to the proposal.

Developer Contributions

Affordable Housing

- 90 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning permission is being sought is to be in the form of affordable housing.
- 91 The site contains a single dwellinghouse (The Bungalow, Windlestrae Hotel, Muirs, Kinross, KY13 8AS). The proposal will replace this dwellinghouse and will create an additional 40 units.
- 92 The affordable housing requirement is 10 units (40×0.25). The proposal includes 8 flatted affordable units on site. The remaining 2 unit requirement will be covered through a commuted sum in lieu of onsite provision. The commuted sum level for the Kinross Housing Market Area is £19,000 per unit.

Primary Education

- 93 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. This proposal is within the catchment of Kinross Primary School for which contributions are being sought.
- 94 The proposal falls under the sheltered housing exemption in line with section 4.5 of the Developer Contributions and Affordable Housing Guidance. No contribution towards primary education is required. A condition is proposed restricting the age occupancy of the development in line with the requirements of the Developer (Condition 2).

Sustainability

- 95 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 96 The agent states that they have not got to this stage in the detailed construction drawings but confirm that they will meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to developing commencing and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 11).

Economic Impact

- 97 There is likely to be some economic benefit associated with the construction of this development. However, this is not considered to hold significant weight in the determination of this application.
- 98 The representations have also raised issues regarding the strain on local services however the increase in population would generate increased footfall and spending in the local economy.

LEGAL AGREEMENTS

- 99 If the commuted sum is not paid upfront then a legal agreement will be required.

DIRECTION BY SCOTTISH MINISTERS

- 100 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

- 101 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan 2 and material considerations in this case and I am content that the development proposed does not conflict with the Development Plan.
- 102 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. The occupation of the residential accommodation hereby approved shall be restricted to occupants aged 55 and over and shall not be occupied as the sole or main residence of any occupant aged under 55 years of age.

Reason – For the avoidance of doubt and to ensure occupation of the development hereby approved complies with Policy PM3 – Infrastructure Contributions, of the Perth and Kinross Local Development Plan 2014.

3. Prior to the occupation of any phase of the development, the detail and timing of the on-site affordable apartment delivery shall be submitted to and agreed in writing by the Council as Planning Authority. The approved scheme shall thereafter be delivered and managed in accordance with the agreed delivery mechanism and timing.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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

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

5. Prior to the occupation of the development hereby approved, junction improvements works onto the B996 (Muir) as detailed in drawing number 19/01626/60 shall be constructed to the satisfaction of Perth & Kinross Council as Planning Authority.

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

6. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

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

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

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

7. 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 or building affected, 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 local planning authority.

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

8. The conclusions and recommended action points within the supporting biodiversity survey by David Dodds Associates Ltd dated August 2019 submitted

and hereby approved (plan ref 19/01626/34) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

10. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

11. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
 - a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

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

12. Prior to the commencement of development hereby approved, the final construction details for the disposal of surface water via a Sustainable Urban Drainage System (SUDs) shall be submitted to, and approved in writing by, the Council as Planning Authority. 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 – For clarity and in order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

13. The conclusions and recommended action points within the supporting Arboricultural Implication Assessment and Tree Protection Report by Donald Rodger Associates Ltd dated September 2019 submitted and hereby approved (plan ref 19/01626/42) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

14. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

15. Prior to the commencement of any works on site, all trees on site and existing hedges which share a boundary with the 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.

16. 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

If the payment is not paid up-front, a Section 75 Legal Agreement will require to be drafted in relation to securing on and off-site Affordable Housing provision. The Heads of Terms have been agreed by the applicant and the Council's Legal Services have been formally instructed.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

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

6. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
7. Existing buildings and structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
10. No work shall commence until an application for a Building Warrant has been submitted and approved.
11. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
12. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
13. Given the future residential use of the site, the structural integrity, health and condition of the trees forming the edge of the woodland is an issue, and as such they should be surveyed and their condition confirmed, and subject to our approval, remedial works undertaken if necessary.

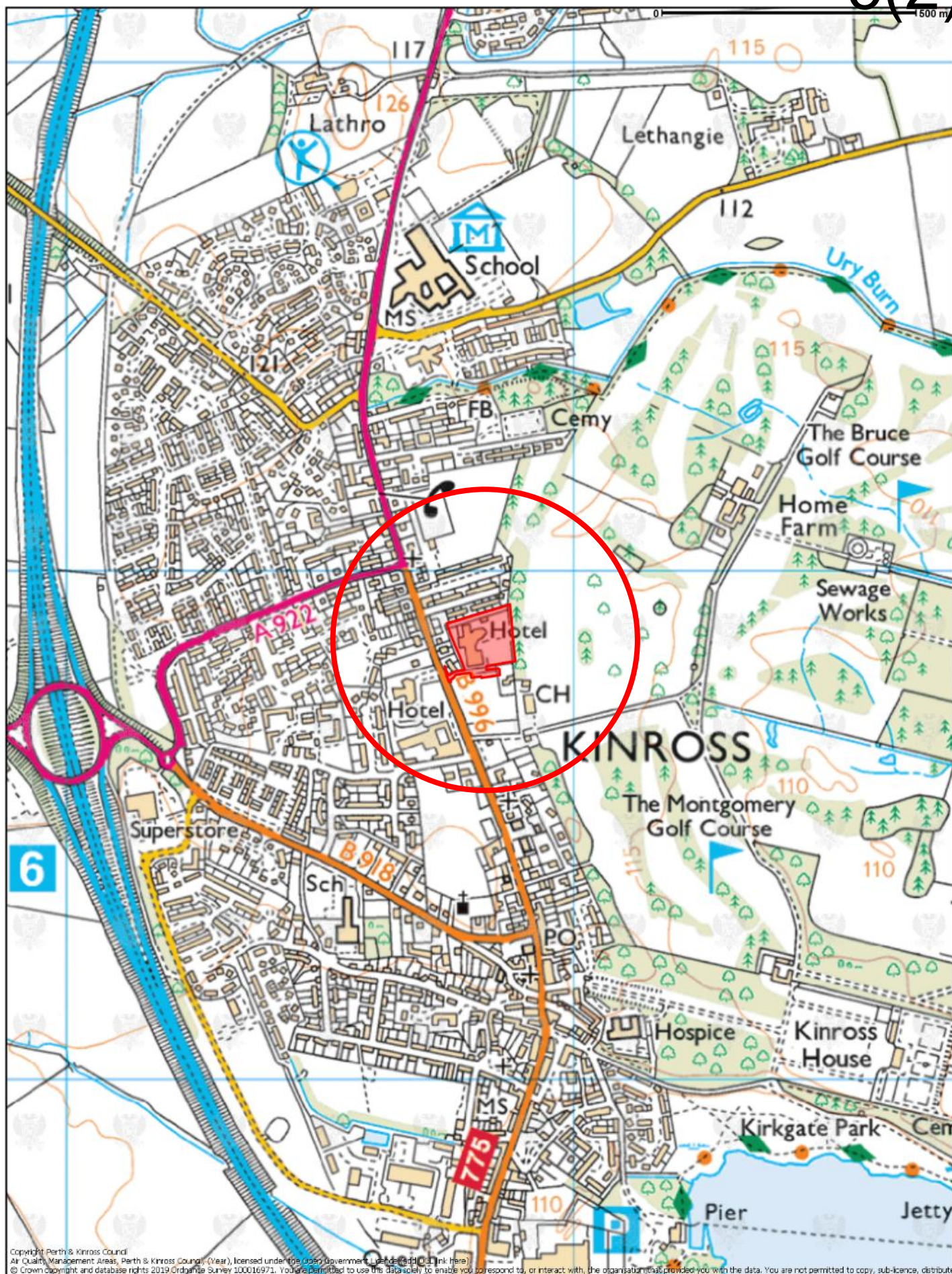
Background Papers: 27 letters of representation
Contact Officer: Joanne Ferguson (75320)
Date: 24 December 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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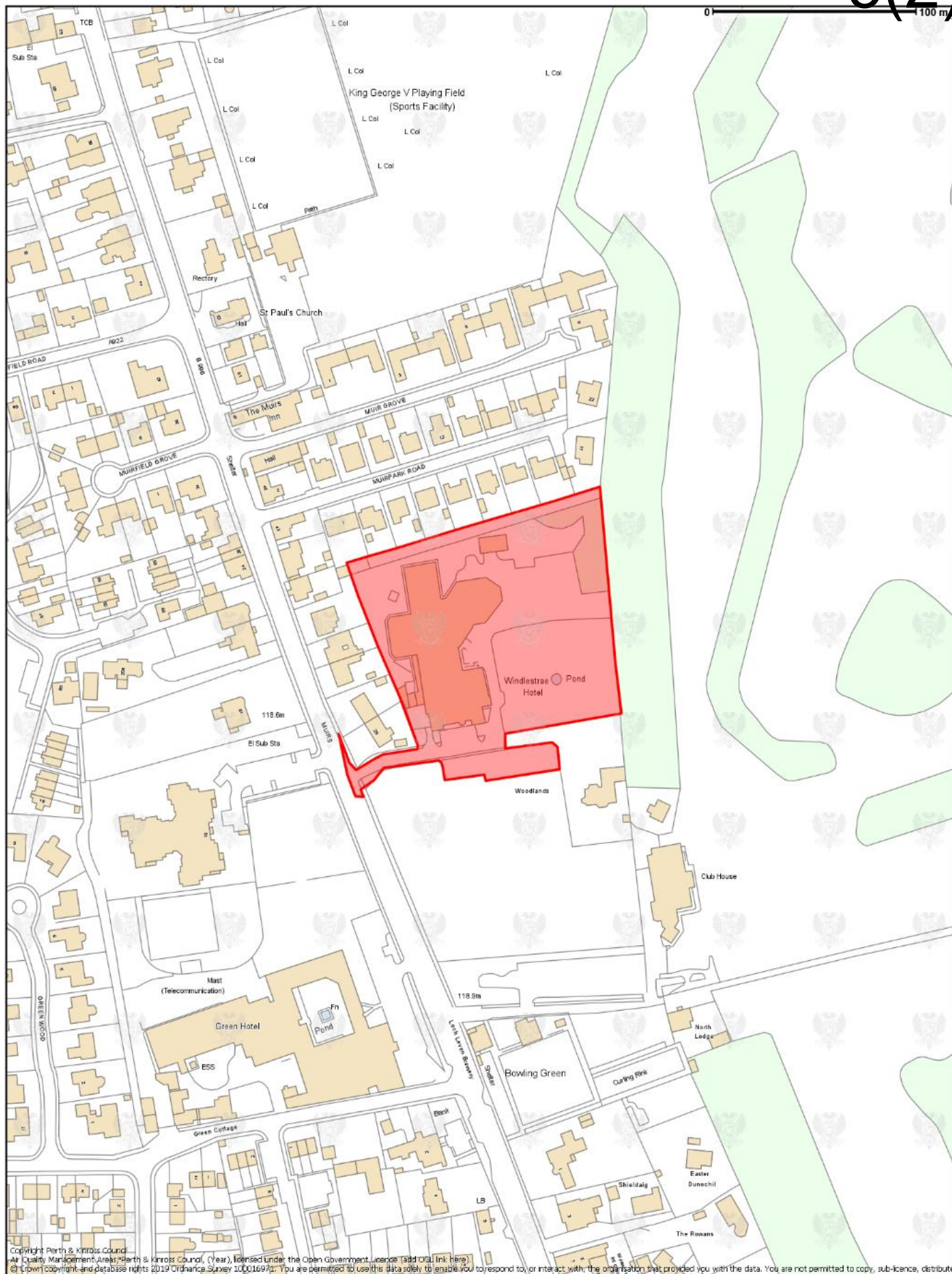


Scale 1:10000

19/01626/FLL

Erection of 33 dwellinghouses, 8 flats, community lounge/guest suite, formation of parking areas, landscaping and associated works at site of former Windlestrae Hotel, Muirs, Kinross





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