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Council Building
2 High Street
Perth
PH1 5PH

13 September 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Tuesday, 24 September 2019** 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 Lewis Simpson	
Councillor Richard Watters	

Planning and Development Management Committee

Tuesday, 24 September 2019

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 28 AUGUST 2019 FOR APPROVAL** **5 - 20**
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 19/00254/FLM - RATTRAY - ERECTION OF 58 DWELLINGHOUSES, 9 GARAGES, FORMATION OF PARKING AREAS, DRAINAGE INFRASTRUCTURE, LANDSCAPING AND ASSOCIATED WORKS, LAND EAST OF HONEYBERRY CRESCENT, RATTRAY** **21 - 48**
Report of Handling by Head of Planning and Development (copy herewith 19/287)
- 5(1)(ii) 19/00513/FLM - COUPAR ANGUS - FORMATION OF A BATTERY STORAGE FACILITY, VEHICULAR ACCESS AND ASSOCIATED WORKS, LAND 130 METRES SOUTH EAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **49 - 70**
Report of Handling by Head of Planning and Development (copy herewith 19/268)
- 5(2) LOCAL APPLICATIONS**

- 5(2)(i) 19/00090/FLL - COUPAR ANGUS - ERECTION OF A DWELLINGHOUSE, LAND EAST OF ABBEYHILL, PRECINCT STREET, COUPAR ANGUS** **71 - 94**
Report of Handling by Head of Planning and Development (copy herewith 19/269)
- 5(2)(ii) 19/01084/FLL - LESLIE - ERECTION OF 2 CAMPING PODS, FORMATION OF HARDSTANDING, VEHICULAR ACCESS AND ASSOCIATED WORKS, LAND SOUTH WEST OF LIATHACH, LESLIE** **95 - 112**
Report of Handling by Head of Planning and Development (copy herewith 19/270)
- 5(2)(iii) 19/01096/FLL - KINROSS - COMPLETE DEMOLITION OF BUILDINGS, ERECTION OF 2 DWELLINGHOUSES, 4 FLATS AND ASSOCIATED WORKS (IN PART RETROSPECT), KIRKLANDS GARAGE, 10 HIGH STREET, KINROSS, KY13 8AW** **113 - 132**
Report of Handling by Interim Development Quality Manager (copy herewith 19/271)
- 5(2)(iv) 19/00818/CON - KINROSS - DEMOLITION OF BUILDINGS (IN RETROSPECT), KIRKLANDS GARAGE, 10 HIGH STREET, KINROSS, KY13 8AW** **133 - 146**
Report of Handling by Head of Planning and Development (copy herewith 19/272)
- 5(3) PROPOSAL OF APPLICATION NOTICE (PAN)**
- 5(3)(i) 19/00005/PAN - AUCHTERARDER - ERECTION OF 196 HOLIDAY LODGES, HUB BUILDINGS, LANDSCAPING, OPEN SPACE, VEHICULAR ACCESS, PARKING AREA AND ASSOCIATED WORKS AT LAND AT EAST THIRD FARM, AUCHTERARDER** **147 - 158**
Pre-Application Report by Head of Planning and Development (copy herewith 19/273)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 28 August 2019 at 10.00am.

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

In Attendance: K Smith, C Brien, J Scott, D Littlejohn, H Donaldson, L Reid, D Salman and R Stewart (all Housing and Environment); G Fogg and D Williams (both Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

Councillor L Simpson declared a non-financial interest in Item 5(1)(i).

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 31 July 2019 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
18/02231/AMM	(1)(i)
19/00975/FLL	(2)(iii)

. WITHDRAWAL OF APPLICATIONS

The Committee noted the following applications had been withdrawn from the agenda:

19/00090/FLL - COUPAR ANGUS - Erection of a dwellinghouse, land east of Abbeyhill, Precinct Street, Coupar Angus

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HAVING PREVIOUSLY DECLARED AN INTEREST IN THE FOLLOWING ITEM,
COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT.

APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 18/02231/AMM – SCONE – Erection of 42 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/02127/IPM) (Phase 1A), Scone North, Scone – Report 19/232 – A and J Stephen Limited**

Mr McKerracher, on behalf of Scone and District Community Council, objectors to the application, followed by Mr Stephen, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors W Wilson and I James)

Defer the application for a site visit, response from NHS Tayside concerning the capacity of medical practices to accept the impact of this application and further information on pedestrian access and safety, flood risk, and existing and proposed road access.

Amendment (Councillors H Coates and R McCall)

Grant, subject to the following conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. Prior to the commencement of development hereby approved, details of the location and specification of the bat/swift brick(s) and/or bat/swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority (incorporated into 30% of buildings of 2 or more storeys at eaves height). Thereafter, the swift brick(s) and/or swift nest box(s) shall be installed in accordance with the**

agreed details prior to the occupation of the relevant residential unit.

Reason - In the interests of employing best practice ecology measures.

- 3. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.**

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).

- 4. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan, prior to the completion and occupation of plot 42 and thereafter maintained to the satisfaction of the Council as planning authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.**

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

- 5. Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing in to the use of the development.**

Reason - To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.

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

'Trees in relation to design, demolition and construction'

Reason - In the interest of tree protection in the interests of biodiversity and amenity of the area.

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

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

- 8. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail.**

Reason – In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 9. Prior to the occupation of the first dwellinghouse hereby approved, the existing 30 mph signage and Traffic Regulation Orders will be amended, so as to extend the existing 30mph zone beyond the proposed new vehicular access (a minimum of 43 metres), within the public road boundary to the satisfaction of Perth & Kinross Council as Planning Authority.**

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

- 10. Prior to the development hereby approved being completed or brought into use, provision of pedestrian facilities to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be provided, linking the**

development to existing pedestrian facilities at Harper Way as per drawing ref 18/02231/153.

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

- 11. Prior to the development hereby approved being completed or brought into use, provision of two. 3 bay bus shelters (including power supply and lighting) and associated hard stand areas to a design and specification to the satisfaction of Perth & Kinross Council as Roads Authority shall be provided within the road boundary in the vicinity of the proposed new access onto the U87 to the satisfaction of Perth & Kinross Council as Planning Authority.**

Reason - In the interest of promoting sustainable public transport.

- 12. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path (SCON/30) as part of the development (including timings and resurfacing works post completion) shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timing identified in the plan.**

Reason -To ensure that public access is maintained at all reasonable times, to the local path network.

Justification

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

Informatives

- 1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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 applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.

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9. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
10. The applicant is advised to take full account of all matters relating to the Structures and Flooding Memo (dated 30 July), particularly in relation to fulfilling ongoing obligations and for any future application and/or phase of development associated with In Principle Permission 16/02127/IPM.
11. In association with informative 10, the applicant is requested to further provide as-built drawings, maintenance plan, adoption schedule and CCTV survey of the drainage system to the Structures Flooding Team on completion of each phase of the works.
12. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance
15. 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 permission for a development does not provide a defence against prosecution under this Act.
16. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.
17. The applicant should note that refuse collection vehicles will only enter the site during

development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.

18. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).
19. The applicant is reminded of existing ongoing obligations pertaining to PPP 16/02127/IPM and the suspensive conditions as set out.
20. For clarification, the indicative Phasing plan and Construction Environment Management Plan submitted in draft form as part of this application are not approved as part of this permission.

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum dated April 2019. The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2016 Environmental Statement (ES).
3. The Addendum concludes that through the proposed submission of the approval of matters specified of phase 1a, there would be no material or substantive effect on the conclusions reached through the original 2016 ES and the associated 2017 SEI.
4. The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with

- Regulation 5 and is therefore suitable for determination of the planning application.**
- 5. The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.**
 - 6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.**

In terms of Standing Order 58 a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, E Drysdale, I James, A Jarvis and W Wilson.

6 members voted for the Amendment as follows:

Councillors B Band, B Brawn, H Coates, T Gray, R McCall and R Watters.

In terms of Standing Order 56 the Convenor made the casting vote in accordance with the Amendment.

Resolved:

In accordance with the Amendment.

(2) Local Applications

- (i) 19/00697/FLL – PERTH – Erection of boundary treatments, retaining walls and a bin store, installation of a substation and screened sprinkler tank, formation of parking areas, landscaping and associated works (revised design), land at Conachar Court, Isla Road, Perth – Report 19/234 – Balhousie Care Group**

Resolved:

Grant, subject to the following conditions and informatives, including the updates provided by planning:

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Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.
Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
3. The development hereby permitted shall not commence until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Planning Authority. The AMS scheme as subsequently agreed shall be strictly adhered to during construction of the development. The AMS shall include full details of the following:
 - a) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - b) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees.
 - c) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by

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BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.

- d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

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

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

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

- 5. The development hereby permitted shall not commence until a detailed scheme has been submitted to and approved by the Council as Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation upon noise levels within the residential care home hereby permitted. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads and Bridges standard BD 2/12 (and HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth and Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth and Kinross Council's Structures & Flooding Team (tel 01738 475000; email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
5. An application for Building Warrant may be required.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended

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(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.

(ii) 19/00975/FLL – FEARNAN - Erection of a replacement dwellinghouse, site of former Briar Croft, Fearnan – Report 19/235 – Ms L Beaumont

Ms S Dolan-Betney, on behalf of Glenlyon and Loch Tay Community Council and Mr N Grant, on behalf of objectors, followed by Mr R Hall, agent, addressed the Committee, and, following their respective representations, withdrew to the public gallery.

Motion (Councillors T Gray and M Barnacle)

Grant, subject to the following amended conditions and informatives:

Conditions

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.**
- 3. Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the**

public road boundary, control of surface water & provision of an adequate gradient of access.

- 4. The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance.
Reason - To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.**

Justification

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

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**
- 3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.**
- 4. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 5. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing demolition works. If bats are found during works, all work must stop immediately and you should contact SNH Licencing Team (01463 725 000) immediately for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. 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. It is also an offence to damage or destroy a resting or breeding place used by bats.**
- 6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a**

development does not provide a defence against prosecution under this Act.

7. 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.
8. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Amendment (Councillor E Drysdale and W Wilson)

Refuse, as the proposal does not comply with Local Development Plan policies ER6 (a, b d and e), PM1a, PM1B(c) and RD1(c).

In terms of Standing Order 58 a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, H Coates, T Gray, I James, A Jarvis and R McCall

5 members voted for the Amendment as follows:

Councillors B Brawn, E Drysdale, L Simpson, R Watters and W Wilson.

Resolved:

In accordance with the Motion

(2) Proposal of Application Notice (PAN)

- (i) **19/00003/PAN – MEIGLE – Erection of a substation, ancillary buildings and infrastructure, formation of hardstanding, access track, landscaping and associated works, land north west of Haughend Farm, Meigle – Report 19/236 – Scottish Hydro Electric Transmission PLC**

Members noted the issues identified by the Head of Planning and Development's Report.

- (ii) **19/00004/PAN – SCONE – Major Infrastructure Project Application – Cross Tay Link Road at the A9 over the River Tay to the A93 and A94 north of Scone – Report 19/237 – Perth and Kinross Council**

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
28 AUGUST 2019

Councillor Simpson requested that thorough consideration be given to road drainage and water environment. Councillor Simpson also requested that the construction management plan take into recreational usage of the area.

Councillors Wilson and James requested that consideration be given to noise impact for local residents.

Members also noted the issues identified by the Head of Planning and Development's Report.

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Perth and Kinross Council  
Planning & Development Management Committee – 24 September 2019  
Report of Handling by Head of Planning & Development (Report No. 19/287)

|                  |                                                                                                                                 |
|------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of 58 dwellinghouses, 9 garages, formation of parking areas, drainage infrastructure, landscaping and associated works |
| <b>LOCATION:</b> | Land East of Honeyberry Crescent, Rattray                                                                                       |

Ref. No: [19/00254/FLM](#)

Ward No: P3 - Blairgowrie and Glens

### Summary

This report recommends approval of the application for the erection of 58 dwellinghouses with associated open space and infrastructure. The proposals are considered to comply with the relevant provision 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 2.6 hectares (ha) of agricultural land, situated on the southern extents of Rattray settlement boundary, south and east of the residential area of Honeyberry Crescent. The southern boundary of the site is bounded by Loon Braes rights of way (17/30) and a core path (BLAI/30) with Kirkton Park and Kirkton Road on the eastern extents. Mixed species hedge and self-planted trees define the lower boundaries to the west, south and lower eastern sections.
- 2 The site is strongly characterised by its slope from a high point on the northern boundary (68.5m), dropping down steadily and flattening out at the southern section (57m) before dropping further (1.5m approx.) to the Loon Braes at the bottom.
- 3 As set out in the planning history, there has been a number of applications on this site over the last decade with the most recent detailed planning permission granted in 2013 (12/01460/AMM) for sixty dwelling houses. This permission lapsed in 2015.
- 4 The proposed housing mix is:
  - 32 x bungalows, consisting:
    - 3 x 2 bed linked garage
    - 3 x 3 bed linked garage
    - 16 x 3 bed detached



- 8 x 2 bed semi-detached
  - 2 x 3 bed semi-detached
  - 11 x 2 storey 3 bed terraced
  - 12 x 2 storey semi-detached, consisting -
    - 2 x 2 bed
    - 10 x 3 bed
  - 1 x 1.5 storey 3 bed detached
  - 2 x 2 storey detached, consisting -
    - 1 x 2 bed
    - 1 x 3 bed
- 5 Over 50% of the site is proposed to be single storey bungalows. The net site density is circa 22 dwellinghouses per ha. This is considered a medium density for urban developments within Perth and Kinross and appropriate for this site context.
- 6 The application has been accompanied by supporting information as requested through pre-application and the EIA screening process. This includes further drainage and flooding information and clarification on other matters. The submission of this information resulted in the application being re-advertised and neighbours re-notified.

## **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. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 As required an EIA screening has been undertaken (18/01615/SCRN), concluding that an EIA was not required as the proposal was not considered likely to have significant effects on the environment.

## **PRE-APPLICATION CONSULTATION**

- 10 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was required to undertake formal pre-application consultation (PAC) with the local community. The submitted



PAC Report outlined that a public exhibition was held at the Community Connect facility on Rattray High Street. At the public exhibition 59 interested parties attended, with 28 feedback forms submitted. A poster drop was undertaken (covering 10 shops within Rattray and Blairgowrie) along with a follow up onsite meeting with the Community Council and a local Councillor.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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 (NPF)**

- 12 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 (SPP) 2014**

- 13 The SPP was published in June 2014 setting 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.
- 14 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
  - Affordable Housing: paragraphs 126 – 131
  - 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 (PANs)**

- 15 The following Scottish Government Planning Advice Notes and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 76 New Residential Streets
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 2/2011 Planning and Archaeology

## **Creating Places 2013**

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

## **Designing Streets 2010**

- 17 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**

- 18 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**

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

### **TAYplan Strategic Development Plan 2016-2036**

- 20 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.”*

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

Policy 1 – Location Priorities

Policy 2 – Shaping better quality places

Policy 5 – Housing

### **Perth and Kinross Local Development Plan 2014**

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

- 23 The principal relevant policies are, in summary:

Policy PM1A, B & C – Placemaking

Policy PM2 – Design Statements

Policy PM3 –Infrastructure Contributions

Policy RD1 –Residential Areas

Policy RD4 – Affordable Housing

Policy TA1A & B –Transport Standards and Accessibility Requirements

Policy CF1B – Open Space Retention and Provision

Policy CF2 – Public Access

Policy HE1B –Scheduled Monuments and Non Designated Archaeology

Policy NE2A & B – Forestry, Woodland and Trees

Policy NE3 – Biodiversity

Policy NE4 – Green Infrastructure



Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes  
 Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction  
 Policy EP2 –New Development and Flooding  
 Policy EP3A, B & C – Water, Environment and Drainage  
 Policy EP12 – Contaminated Land

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 24 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

The following new LDP2 policy is relevant:

Embedding Low and Zero Generating Technology in New Development.

### **SITE HISTORY**

- 25 [07/02346/OUT](#) Proposed housing development (in outline) Refused under delegated powers 30 January 2008
- 26 [PPA-340-660](#) Planning Permission Appeal of application 07/02346/OUT. Appeal Allowed 18 August 2008
- 27 [11/01364/AMM](#) Erection of 60 No. dwellinghouses and associated works (Approval of Matters Specified In Conditions - 07/02346/OUT) Refused by Development Management Committee (Decision Issued 14 March 2012)
- 28 [12/01308/FLM](#) Erection of 60 dwelling houses and associated parking/garages Application withdrawn 7 August 2012
- 29 [12/01460/AMM](#) Erection of 60 dwelling houses and associated parking/garages. Approved by Development Management Committee (Decision Issued 20 March 2013)



- 30 [18/00008/PAN](#) Residential development, landscaping and associated works  
PAN decision issued 14 August 2018
- 31 [18/01615/SCRN](#) Residential development screening decision issued 27  
September 2018

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Blairgowrie and Rattray Community Council**

- 33 No response.

#### **Perth and Kinross Heritage Trust (PKHT)**

- 34 No objection, recommending a suspensive condition in light of the archaeology potential for this area.

#### **Scottish Environment Protection Agency (SEPA)**

- 35 Original objection (29 March 2019) received based on a lack of flood risk information, subsequently withdrawn (15 April 2019) based on the submission of a Flood Risk Assessment. Recommend attaching a condition requiring a Construction Environment Management Plan (CEMP) and submitted to SEPA for further consultation.

#### **Scottish Water**

- 36 No objection, advising sufficient capacity currently at both Lintrathen Water Treatment Works and the Blairgowrie Waste Water Treatment Works.

### **INTERNAL**

#### **Biodiversity Officer**

- 37 No objection, subject to adherence with ecology report, landscaping recommendations and suspensive conditions.

#### **Community Waste Advisor - Environment Service**

- 38 No objection, requesting suspensive condition's to establish final details for bin storage accommodation, lorry access and encourage communal recycling opportunities to be investigated.



### **Development Negotiations Officer**

- 39 No objection with a commuted sum of £17,250 towards affordable housing previously paid relating to this site. No further payment is required for this application towards affordable housing or education.

### **Environmental Health (Contaminated Land)**

- 40 No objection, recommending a suspensive condition to appropriately assess and deal with the site for potential contamination given its historic and neighbouring land uses.

### **Strategy and Policy**

- 41 No objection.

### **Community Greenspace**

- 42 No objection, seeking a proportionate financial contribution towards the upgrading of core and link path.

### **Structures and Flooding**

- 43 No objection following the submission of updated drainage proposals. Suspensive condition relating to construction drainage is recommended.

### **Transport Planning**

- 44 No objection, with conditions recommended.

## **REPRESENTATIONS**

- 45 47 objections from 43 households (not including follow-up comments) and a petition (which included 42 signatures) were received. These are summarised under the following headings:

### **46 Transport Issues**

- Width of existing road network too narrow and proposed roads and access not safe to cope with the construction, other traffic and occupation of the future houses;
- Proximity of new and additional traffic to existing houses;
- Lack of existing and proposed pavements; and
- Lack of car parking.

### **47 Amenity**

- Noise and light pollution;
- Loss of sunlight or daylight; and
- Impact on privacy and visual amenity.



- 48 **Flooding/drainage**
- Rattray Burn cannot cope with any additional run off;
  - Drainage proposals cost and maintenance prohibitive.
- 49 **Open space and biodiversity**
- Loss of open space, trees and impact on local wildlife.
- 50 **Design and Placemaking**
- Layout, design and density out of character with area.
  - Not respecting topography.
- 51 **Other**
- Land ownership not within applicant's control;
  - Education concerns for Rattray Primary School;
  - Pressure on medical facilities, local shops and amenities;
  - Impact on the Catheran Trail and local core paths;
  - No long-term employment prospects;
  - No demand for housing; and
  - Questioned scope of environmental improvements.
- 52 Additional neighbour notification was undertaken (as referred to in Para 6). Overall, no new material considerations were raised, with some specific reference to the updated and new material submitted.
- 53 These representations are addressed in the Appraisal section below. However, the concerns in respect of site stability, loss of a view and impact on house value are not material planning considerations.

## **ADDITIONAL STATEMENTS**

54

|                                                |                                                                                                                                                                    |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Report                             | Not Required                                                                                                                                                       |
| Screening Opinion                              | Completed                                                                                                                                                          |
| Environmental Impact Assessment                | Not Required                                                                                                                                                       |
| Appropriate Assessment                         | Not Required                                                                                                                                                       |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                                          |
| Reports on Impact or Potential Impact          | Submitted:<br>flooding/drainage<br>information, landscape<br>strategy, ecology report,<br>tree report, transport<br>assessment and ground<br>contamination report. |



## **APPRAISAL**

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

### **Principle**

- 56 In both the LDP and Proposed LDP2 the site is within the settlement boundary of Blairgowrie and Rattray. In the LDP it is annotated as an area with `significant housing planning consent` to reflect the planning permission approved in 2013 for the development of 60 dwelling houses. While this permission has expired, this history is a material consideration in the determination of this application. The site is a logical extension within the settlement, adjacent to existing housing and within walking distance to local shops, community facilities and easy access to Davie Park. The principle of residential development is therefore considered appropriate.

### **Design and Layout**

- 57 The layout is considered to satisfy placemaking policy criteria, taking cues from surrounding built development in scale and form. The layout seeks to maintain a logical movement pattern, particularly non-motorised users (NMUs) with emphasis on a range of choices, tying into a wider network such as neighbouring Core Paths and Rights of Way. As set out in the transport section, a formal review of the secondary access onto Kirkton Road was undertaken with the single access from Honeyberry Crescent considered the best solution, with safety overriding placemaking objectives.
- 58 The proposal provides a suitable mix of 2-3 bed units with a variety of house types, appropriately accommodating options for downsizing and first time buyers. Overall the proposal presents a suitable layout, the siting and design taking into consideration the topography of the site, allowing for natural surveillance and overlooking for paths and public open spaces. External finishes include grey concrete roof tiles, buff facing brick, light render, UPVC windows and doors which are appropriate.
- 59 Retaining walls have been proposed to take account of topography (plan 19/00254/56 identifies the most significant section). The overall height of the retaining wall and associated boundary fence were reduced during consideration to ensure the least visual and residential amenity impacts.



Similarly, the fences on top were reduced to 1.5m to ensure the combined retaining wall and fence is no greater than 3.7 metres in height.

- 60 Overall, the proposed design, scale, layout, material finishes and mix is considered acceptable and in accordance with LDP placemaking Policy PM1A and PM1B.

### **Energy Requirements**

- 61 LDP Policy EP1 requires proposals of this scale to identify and include carbon emission reduction measures. LDP2 sets out a departure from Policy EP1 with a more pragmatic requirement in relation to pursuing Low and Zero Generating Technology in New Development.
- 62 The application was supplemented by an energy statement. Whilst the background detail was useful, it was concluded that in order to understand that the terms of the new Policy will be fully met, SAP calculations would be required. The applicant has agreed to provide these in advance of construction, (Condition 16). On this basis, the terms of New Policy of LDP2 are considered to have been satisfied, which is a material consideration of this application.

### **Landscape and Visual Amenity**

- 63 Safeguarding and enhancing landscape character relates to satisfying LDP policies NE4 and ER6. The site sits within a well contained landscape settings and the proposal retains the existing trees along the southern and western boundaries. Links to the existing Core Path Blai/30 along the southern boundary of the site are welcomed; providing good permeability and a more direct access to Davie Park and the countryside for proposed and existing residents to the north.
- 64 Extending the existing grassed area to the north of the site provides an opportunity to integrate the development and create an attractive amenity space, which can be used for informal play and recreation. The landscape plans were further refined to include more native species.
- 65 The proposed landscaping elements are considered to satisfy the policy terms of policies NE4 and ER6.

### **Natural Heritage and Biodiversity**

- 66 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. A detailed tree survey and preliminary ecological assessment were submitted in support of the application. The tree survey and ecology assessment were both considered competent. The revised landscaping scheme with native species delivers multiple benefits for biodiversity, whilst also creating more interest and diversity for human sensory experience. The Council's Biodiversity Officer has



concluded that if the landscaping measures are fully implemented, the site may be an exemplar of best practice in the future.

- 67 Overall, the proposals alongside the inclusion of recommended conditions are considered to satisfactorily address the requirements of LDP Policy NE3.

### **Residential Amenity**

- 68 Amenity in terms of overlooking and overshadowing to neighbouring dwellings and garden ground has been considered. The overall distances between the proposed and existing dwellinghouses ensures a minimum of 18 metre window-to-window separation creating a sufficient buffer, in the interest of ensuring reasonable private residential amenity is provided. The layout arrangement is considered to be acceptable for single and two storey properties alike with no adverse daylighting or sun lighting issues calculated.
- 69 The recommendation of a Construction Environmental Management Document (CEMP) (Condition 2) will consider amongst other things, the potential for dust/airborne pollution and noise during construction. Control through an approved CEMP will ensure air and noise pollution concerns are suitably reduced or mitigated. Having regard to these measures, the terms of LDP Policy EP8 are satisfied.
- 70 In terms of light pollution, the street lighting will be designed to ensure minimum light spillage for efficiency and to avoid unnecessary light pollution to neighbouring amenity.
- 71 Overall, the criteria for LDP Policy RD1 is considered to have been satisfied with a reasonable level of amenity for new residents addressed, causing no unacceptable impact on the amenity of occupants of nearby properties.

### **Roads and Access**

- 72 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network provided. SPP also emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 73 A volume of objection was received concerning the ability of the existing road network to cope with the proposals. The increase in traffic from the development at the A926/Honeyberry Drive junction will be 4.6% during AM peak and 3.5% PM. This represents a minimal increase and within anticipated daily traffic variation. No recorded accidents have been reported from 2008 to present, with the junction benefitting from an adjacent signalised controlled pedestrian crossing. Other comments related to traffic movements and parking in and around the School concern driver behaviour issues, unrelated to the proposed development and not a material planning consideration. The site sits



within 400m of the School, which is considered a reasonable walking distance to minimise vehicle journeys.

- 74 Significant concern was raised regarding any use of Kirkton Road by vehicles, including construction traffic. For clarification, the proposed road layout of the development includes a road junction with Kirkton Road. However, this access will be controlled through bollards preventing daily vehicular access/egress, but could be used for the purposes of carrying out road maintenance works or emergency services. It is considered appropriate to request a construction traffic management plan in order to establish whether Kirkton Road could be used for any construction traffic through suitable temporary traffic management arrangements (Condition 3).
- 75 In response to the community consultation process, the applicant investigated an alternative site access road, connecting into Honeyberry Drive (plans 19/00254/40 & 41). The resultant road gradient was 15%, exceeding the recommended maximum 8% road gradient (set out in the National Roads Development Guide) and would not be supported in this case.
- 76 The proposed site layout makes best use of the existing path network with a legible network of paths linking up with the right of way 17/30 and Core Path Blai/30. This is considered to complement existing non-motorised user (NMU) access and will open up safer options from the north to the Loon Braes area in the South. A contribution is being sought by community greenspace in relation to an upgrade of the core path and link path. This is proposed to be achieved with an upfront payment, but could alternatively be secured by legal agreement.
- 77 Overall, it is considered the submission and supporting information go far enough to address the concerns raised, complying with LDP policies TA1B and CF2.

### **Drainage and Flooding**

- 78 Policies EP2 and EP3C require development on a site to have appropriate consideration towards flooding and drainage. There has been concern from local objection relating to drainage of this site and subsequent surface water flooding to the wider site area. Following an initial objection from SEPA and the Structures and Flooding team, it was considered appropriate to seek further clarification on the flooding and drainage elements. The updated flooding information and drainage layout is now acceptable, subject to conditions recommended in relation to detailing for temporary surface water plans (Condition 6).
- 79 Overall, the updated proposals are considered to comply with current LDP policies EP2 and EP3C.

### **Waste Collection**



- 80 Waste collection requirements can be accommodated in terms of provision and access for each property. The Waste Services team have requested further detail on the collection will be achieved and to explore complementary recycling opportunities within the site will be achieved and have requested that a condition is recommended to address these elements (Condition 14).

### **Conservation Considerations**

- 81 Policy HE1B seeks that where it is not possible to protect archaeology, it may be necessary to survey, excavate, record and analyse sites of archaeological interest.
- 82 The site lies within an area which is considered to be archaeologically sensitive due to the density of prehistoric sites recorded in the surrounding environs, some of which include designated scheduled monuments. There is therefore scope for extensive and significant archaeology with groundworks having high potential to impact on buried archaeological remains. The inclusion of a suspensive condition to secure an archaeological investigation is considered appropriate and sufficient to address LDP Policy HE1B (Condition 5).

### **Developer Contributions**

- 83 As previously set out, an off-site contribution requirement of £18,540 towards the improvement of the connecting paths within the Loon Braes area has been identified. Ideally, this should be secured as an upfront payment in advance of the issuing of any planning permission, otherwise a S.75 legal agreement will be required.
- 84 Affordable housing was specifically raised as an objection. An up-front payment has already been made through planning permission 12/01460/AMM and this remains satisfactory, with no on-site provision required. This addresses the required Affordable Housing requirement for this site.
- 85 In relation to primary education provision, a capacity constraint is defined as where a primary school is operating, or likely to be operating at or above 80% capacity. Falling within the Rattray primary school catchment, there are no capacity concerns for this catchment area at this time. No contribution is therefore required.
- 86 Subject to securing monies for the upgrade of path works, the application is considered to satisfy LDP contribution and infrastructure requirements.

### **Economic Impact**

- 87 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term,



additional residents to the area will support existing local employment and services in the area.

### **Site Contamination**

- 88 In view of the historical agricultural activities conducted, in advance of any development taking place it is deemed appropriate to have an assessment undertaken to identify any potential constraint that would be required to be mitigated through remedial measures (Condition 13).

### **Other**

- 89 Concern was raised regarding the red site line boundary extending beyond the applicant's ownership or control. The applicant has confirmed through solicitors that they have applied the correct land title. We are therefore content that the land ownership as declared in the application is satisfactory. Any further concerns of individuals would be civil matter as opposed to a planning matter.
- 90 In respect of healthcare provision, there has been no formal consultation undertaken regarding this application. No objection has however been received from NHS Tayside regarding the capacity of the doctors' surgery or their ability to cope with the population increase.

### **LEGAL AGREEMENTS**

- 91 If the commuted sum associated with the Core Path and link path upgrade is paid up front, there will be no requirement to enter into a legal agreement.

### **DIRECTION BY SCOTTISH MINISTERS**

- 92 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**

- 93 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 94 In this case the application seeks permission for the erection of 58 dwellinghouses on a site within the settlement boundary of Blairgowrie and Rattray, identified in the development plan as '*significant housing planning consent*' previously benefitting from detailed permission for 60 dwellinghouses.
- 95 Overall, the proposal is considered compliant with the key principles of the DP and is recommended for approval. Account has been given to the matters raised in representation and these have been addressed in the appraisal above.



There are no material considerations which would warrant a refusal of the proposal.

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

## **RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA). Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 3 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 (CTMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) 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 CTMS 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.

- 4 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 5 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 - In the interest of protecting archaeological interest within the site.

- 6 Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.



Reason - To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

- 7 The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved (plan 19/00254/45) 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).

- 8 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.

- 9 Prior to the commencement of development hereby approved, details of the location and specification of the bat/swift brick(s) and/or bat/swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority (incorporated into 50% of buildings). Thereafter, the bat/swift brick(s) and/or bat/swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

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

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

- 11 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.

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

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

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- 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
- vi. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 14 Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and communal recycling facilities shall be submitted to and approved in writing by the planning authority and thereafter undertaken in accordance with the approved details to the satisfaction of the Council's Planning Authority.

Reason - To ensure there is adequate provision for waste disposal and recycling.



- 15 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

- 16 Prior to the commencement of development hereby approved, detailed SAP calculations shall be submitted to, and approved in writing by, the council as Planning Authority. The calculations as approved shall thereafter be implemented as part of the building programme.

Reason – To ensure that the development accords with LDP Policy seeking to secure a percentage of low and zero carbon generating technology within new development.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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

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 or presentation at Development Management Committee.

## **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 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.
- 6 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
- 7 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill.
- 8 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team



for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- 10 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 11 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 12 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 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.
- 13 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 14 The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.
- 15 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 16 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 17 The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

Background Papers: 47 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 12 September 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**



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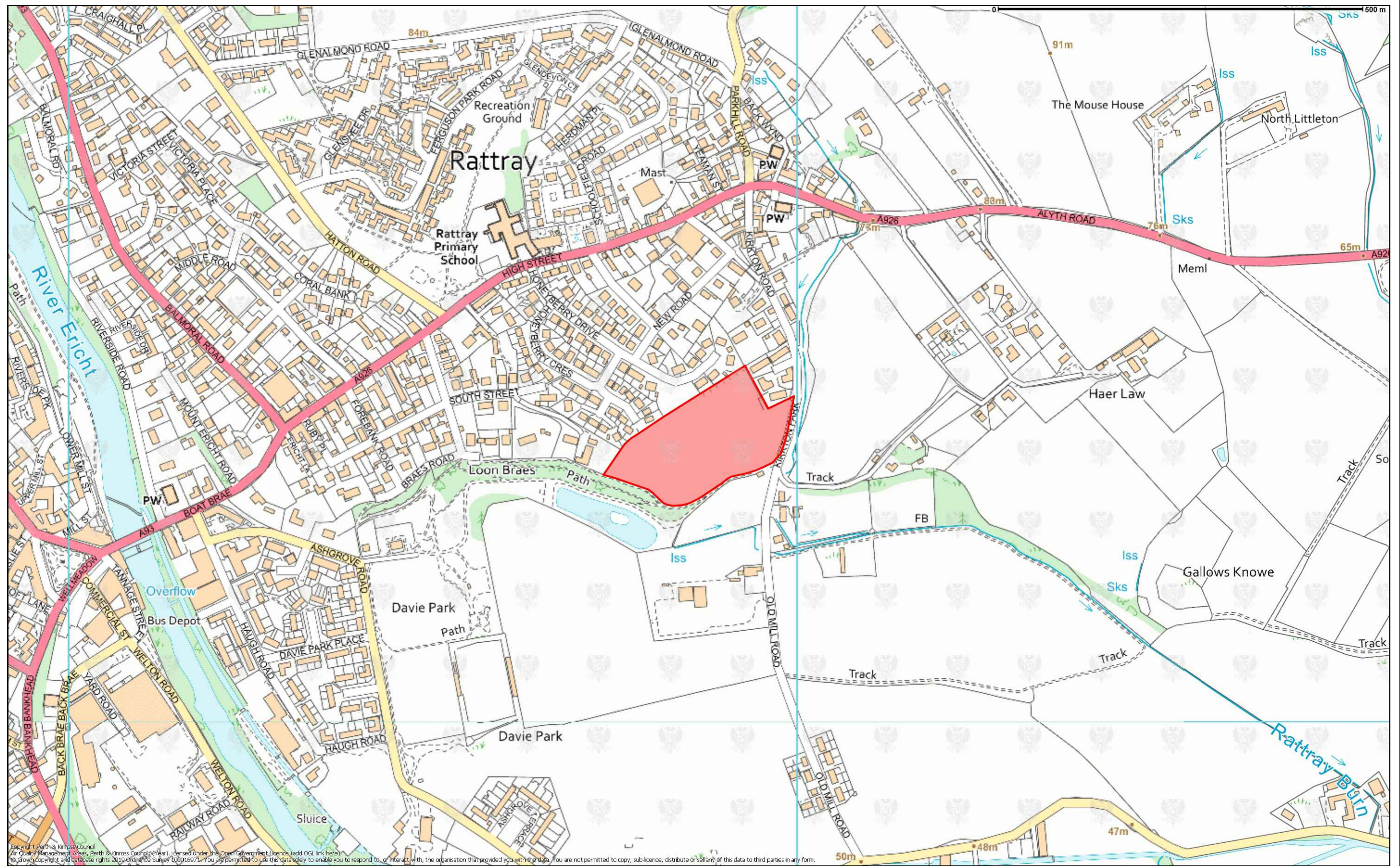
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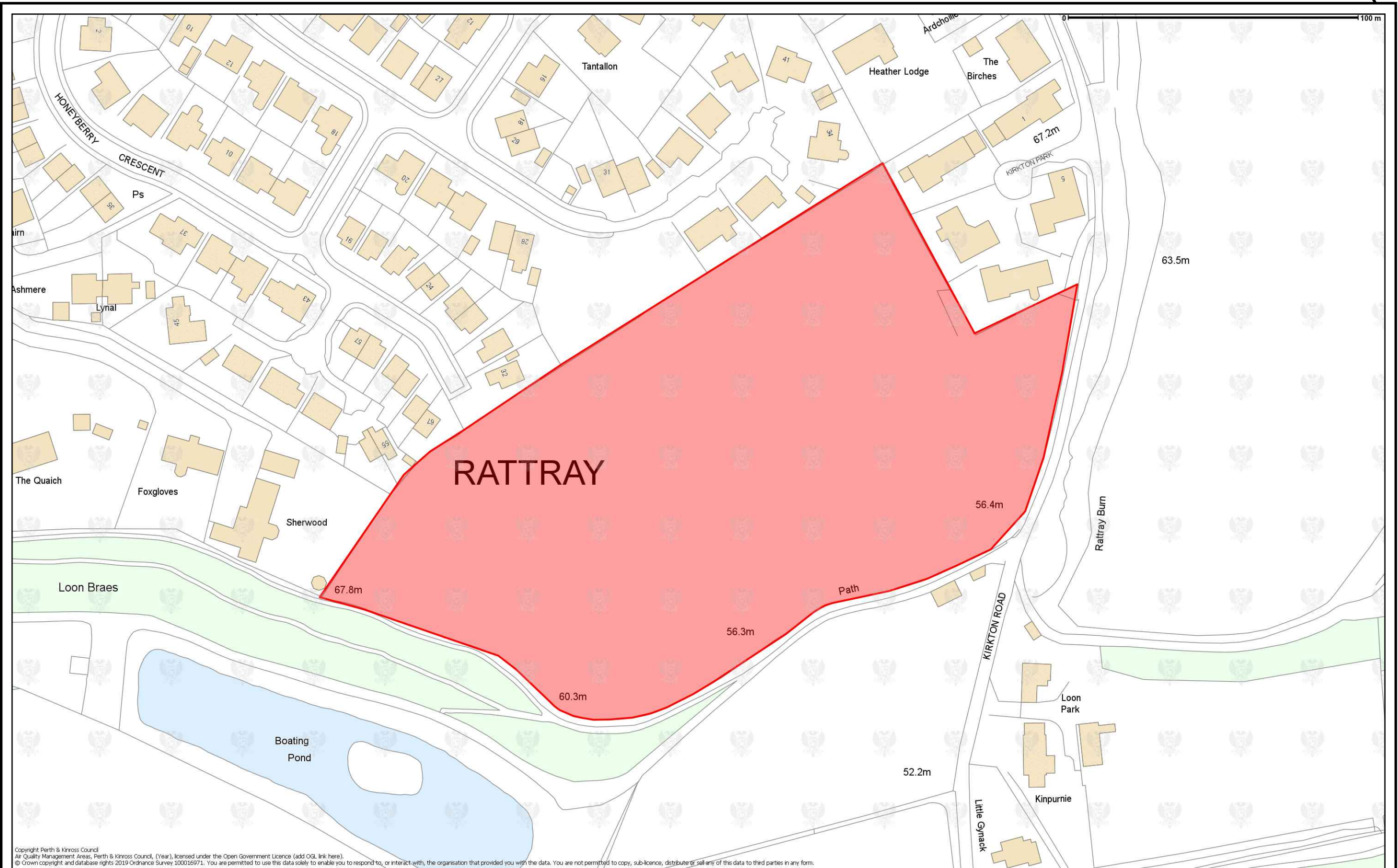
Erection of 58 dwellings, formation of parking areas, drainage infrastructure, landscaping and associated works land to the east of Honeyberry Crescent, Rattray











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Perth and Kinross Council  
Planning & Development Management Committee – 24 September 2019  
Report of Handling by Head of Planning & Development (Report No. 19/268)

|                  |                                                                                     |
|------------------|-------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Formation of a battery storage facility, vehicular access and associated works      |
| <b>LOCATION:</b> | Land 130 Metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus |

Ref. No: [19/00513/FLM](#)  
Ward No: P2 - Strathmore

### Summary

This report recommends approval of the application for the formation of an electrical energy storage facility, including up to 15 battery storage containers and associated infrastructure adjacent to Coupar Angus Substation. The proposals are considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.1.21 hectares (Ha), with 0.6 Ha to be permanently developed; along with a new section of associated access track. It is c.250m south-west of the settlement boundary of Coupar Angus, with the surrounding area largely agricultural land (Broad Valley Lowland), with a recently upgraded substation directly west. Local topography is generally level, with a slight slope up and away to the north, or down towards Coupar Angus.
- 2 The project seeks to support the flexible operation of National Grid and decarbonisation of electricity supply, by balancing electricity supply and demand. The intermittent nature of renewable energy creation is such that, depending on site specific conditions, electricity produced can be lost if demand is low or it is not produced during peak demand times.
- 3 In physical terms, the proposals are for 17 containerised storage units (dimensions 12.19 x 2.44 x 2.6m) for up to 15 battery units (2 additional units containing spares); 15 x transformer (4) and inverter (1) groupings on skids (skid -footprint consistent with container); an electrical grid compound (40.6 x 29m x <6m); a transfer station (to regulate current); a switchgear container; and a welfare hut.
- 4 The site will be enclosed by a 2m high palisade security fence, with up to four c.6m high security camera and lighting columns. Substantial native species planting is proposed to the boundaries, outwith safety corridors of existing power line infrastructure.



- 5 Access (principally for construction elements) would be via a new junction, off Pleasance Road, to a 175m long new access track, connecting to an existing track serving the existing substation.
- 6 The submission of further information, relating to visualisations and landscaping saw the application re-advertised and neighbours re-notified.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

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

### **PRE-APPLICATION CONSULTATION**

- 10 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed. The applicant was therefore required to undertake formal pre-application consultation with the local community. The initial public exhibition was criticised by objectors as being deficient in detail and room accessibility, which was brought to the attention of the case officer. The Planning Authority recommended a follow up event be undertaken to include full accessibility, provide further technical background and supported the applicants proposal to be present at the event.
- 11 The submitted Pre-Application Consultation (PAC) Report identified that a letter drop to local properties (within a 2 km radius) was undertaken, outlining the consultation event/ public exhibition at Coupar Angus Town Hall. Local ward councillors were also notified, along with the Coupar Angus and Bendochy Community Council. During the event, 60 interested parties attended. A second event was organised, held on the ground floor of the Town Hall, allowing full accessibility. Previous attendees, local councillors and the Community Council were notified in advance. The second event was again attended by c.60 individuals. A number of comments and concerns were reviewed and addressed within the PAC report and the wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate.



## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework (NPF)**

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

### **Scottish Planning Policy (SPP) 2014**

- 14 The current 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. It 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
  - Promoting Rural Development: paragraphs 74 – 91
  - Supporting Business and Employment: paragraphs 92 – 108
  - Delivering Heat and Electricity: paragraphs 152 – 173
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Managing Flood Risk and Drainage: paragraphs 254 – 268

### **Planning Advice Notes**

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation



- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2016-2036**

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

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

- 19 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

### **Perth and Kinross Local Development Plan 2014**

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It sets out a vision statement for the area, which includes 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 recently adopted statement of Council policy and is augmented by Supplementary Guidance.

- 21 The principal relevant policies are:

- Policy PM1A &B– Placemaking
- Policy PM3 - Infrastructure Contributions
- Policy PM4 – Settlement Boundaries
- Policy ED3 – Rural Business and Diversification
- Policy TA1B -Transport Standards and Accessibility Requirements
- Policy ER5 – Prime Agricultural Land
- Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes
- Policy EP1 – Climate Change
- Policy EP2 – New Development and Flooding
- Policy EP3 – Water Environment and Drainage
- Policy EP8 - Noise Pollution



## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 22 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 23 Of particular note to this application and an amendment to the existing LDP is: Policy 49 - Soils

### **SITE HISTORY**

- 24 [16/02230/FLL](#) Saw the erection of a switch-room facility and associated works approved under delegated powers on 9 March 2017
- 25 18/01672/FLL Proposed the formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works. However, this application was returned on 19 November 2018, following a screening which determined the proposal was a 'Major' development and required public consultation to take place.
- 26 [18/00016/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development comprising: the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. Decision issued on 6 February 2019 clarifying PAN sufficient.

### **CONSULTATIONS**

- 27 The following parties have been consulted:

#### **EXTERNAL**

- 28 **Coupar Angus and Bendochy Community Council** - Detailed objection received, summarised in the representation section below.
- 29 **Dundee Airport** - No objection.
- 30 **Scottish Natural Heritage** -No response.
- 31 **Scottish Water** -No objection.



32 **Scottish Environment Protection Agency** -No objection.

33 **R S P B** - No response.

34 **Perth and Kinross Heritage Trust** - No objection.

#### **INTERNAL**

35 **Biodiversity Officer** - No objection, subject to adherence with ecology report, landscaping proposals and suspensive conditions.

36 **Strategy and Policy** - No objection, recommending consideration of Policy 49 of the LDP2.

37 **Structures and Flooding** - No objection, with a caveat that no land raising shall take place within the 1:200 year flood plain and compliance with associated drainage condition.

38 **Community Greenspace** - No response.

39 **Environmental Health (Noise/ Odour)** - No objection subject to compliance with the noise mitigation measures and additional conditional compliance.

40 **Transport Planning** - No objection subject to suspensive condition to ensure construction traffic is appropriately managed.

41 **Development Negotiations Officer** - No objection, clarifying no contributions required.

#### **REPRESENTATIONS**

42 A total of 102 representations were received, from 77 individual addresses, with 71 objecting and 6 in support (including the Coupar Angus and Bendochy Community Council, a number of follow up comments were also received following re-advertisement). These are summarised under the following category headings:

##### Objection Comments

- Contrary to development plan policy
- Inappropriate land use
- Agricultural land
- Visual impact
- Road safety concerns with unsuitable access
- Noise impact
- Battery safety
- Flood risk
- Excessive height
- Light pollution



- Listed building impact – mention in cultural heritage stuff
- No local benefits.
- Public consultation process flawed and meaningless.
- Out of character

#### Support Comments

- Enhances character of area through supporting renewable energy
- Opportunity for Coupar Angus to be involved in 21<sup>st</sup> Century sustainability.
- Resulting in environmental improvements
- Supporting economic development
- Employment opportunities

- 43 These representations are addressed in the Appraisal section below. However, the source of some representation has been questioned, with one highlighted by a family member as being from a person deceased for c.2 years. Matters such as fire risk/battery safety are not material planning considerations, but have been commented on.

#### **ADDITIONAL STATEMENTS**

44

|                                                |                                                                                                      |
|------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Environment Report                             | Not Required                                                                                         |
| Screening Opinion                              | Undertaken – No EIA required.                                                                        |
| Environmental Impact Assessment                | Not Required                                                                                         |
| Appropriate Assessment                         | Not Required                                                                                         |
| Design Statement / Design and Access Statement | Submitted                                                                                            |
| Reports on Impact or Potential Impact          | Submitted, including: flood report, ecology report, landscape strategy and visual impact assessment. |

#### **APPRAISAL**

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish energy strategy (SES) (December 2017), the future of energy in Scotland.



## **Principle**

- 46 Located within a peripheral rural area on the edge of Coupar Angus, policy considerations seeking to assess its suitability in principle are: Policy ER1 Renewable and Low Carbon Energy Generation; Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction; and ER5 Prime Agricultural Land, which is discussed further in the appraisal section.
- 47 Policy ER1 supports the utilisation, distribution and development of renewable sources of energy, where factors such as: impact on landscape character; and residential amenity will be considered. Policy EP1 supports proposals which contribute to mitigating and adapting to climate change, to meet targets to reduce carbon emissions.
- 48 In these regards the proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO<sub>2</sub> reduction targets, supporting the strategy principles of the SES. Electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required. Energy storage facilities such as that proposed could reduce reliance on non-renewable resources, decreasing CO<sub>2</sub> emissions. The principle of a development for a proposal of this nature and scale at this location is considered acceptable as set out further in the following sections.

## **Site Selection**

- 49 A search for potential sites saw 147 substations in Scotland investigated. Each sites designations (SSSI etc.) and the associated environmental constraints were reviewed and the search narrowed to 46 sites across Scotland, 7 in Perth and Kinross. Further refinement saw Coupar Angus identified as a principal candidate. Detailed micro siting saw land adjacent to Coupar Angus substation selected, primarily to reduce cabling costs and due to the availability of land, making the scheme viable and its relative geographical association with residential receptors. The site selection process is considered competent and consistent with the site selection assessment of energy storage facilities elsewhere within Perth and Kinross, where proximity to existing electrical infrastructure is an important factor. However, the overall acceptability of the site must also be reviewed in relation to visual and landscape impact; and impact on neighbouring amenity.

## **Design and Layout**

- 50 The design and layout reflects the physical and engineering requirements. Infrastructure details are consistent with industry standards. In physical terms, apart from elements making up and the proposed security columns, structures are below 3m in height, thus horizontal massing is more significant than vertical impacts. This is further considered in the landscape and visual impact sections below. Separation between each container is a minimum of 3m, for installation and maintenance purposes. The final colour finish of the containers and proposed security fence can be controlled by condition 10.



## **Landscape and Visual Impact**

- 51 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies PM1, NE4 and ER6. In this instance, the proposed utilitarian design is largely set by the type of equipment and infrastructure required for electricity storage, thus some landscape and visual impact inevitable. Due to the current lack of defined boundaries and screening, as well as the site's prominent location at an entry point to Coupar Angus, it is especially important to ensure robust landscaping and associated green infrastructure, providing screening from key viewpoints, softening the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy ER6, the cumulative visual impact of the new proposal and the existing sub-station should also be taken into account.
- 52 A landscape visual impact assessment (LVIA) was requested, along with a fully detailed structural landscape plan. These were key in assessing if the proposals could be successfully accommodated visually.
- 53 Existing landscape features would be supplemented by robust and comprehensive native planting (plan 19/00513/34). These proposals are considered sufficient to satisfactorily accommodate the development in the landscape. Following establishment, it is not considered that there would be unacceptable impact on landscape or visual amenity, as set out in photomontages (plan 19/00513/38).
- 54 The proposal is therefore considered to accord with policies PM1, NE4 and ER6 of the LDP.

## **Residential Amenity**

- 55 The closest residential properties (grouping of 5) are approximately 250m to the north east (including Tweedside Cottages, Tweedside Bungalow, Pleasance Farm and The Firs), with further residential properties approximately 500m (off Pleasance Road and within Abbey Gardens).
- 56 Environmental Health initially raised concerns of the potential of noise impact on residential properties. Noise sources include: air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise. This can see: a steady hum from transformers; instantaneous noise events from switchgears; and reactor noise with a higher tonal content.
- 57 A noise impact assessment (NIA)(19/00513/27) assesses the potential impact on nearby residential properties and sets out associated mitigation recommendations.
- 58 Based on the proposed mitigation measures outlined in the NIA (including lowering AC units and housing inverter units to reduce noise transmission) and subject to conditions 2, 3, 4 and 5, the proposal is considered to comply with



Policy EP8 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

### Lighting

- 59 The impact of artificial lighting has been raised as a concern by objectors. However, the use of lighting is to be minimal and primarily for security purposes. Condition 6 can control spillage and limit operation.

### **Public Health**

- 60 Wider public health concerns are set out in representations, including: potential fire risk from batteries; and poisonous gas emissions, etc. Such impacts are controlled by separate legislation however, and not material planning considerations. Notwithstanding, the associated risks were not identified in the submission as adverse in relation to managing wider environmental considerations. Condition 7 can require written approval of an Operational Environmental Management Plan (OEMP), setting out how such matters are to be addressed. A number of best practice safety features and environmental mitigation factors are already set out within the application background and an OEMP will formalise and collate these elements as part of an approved transparent document (considering associated risks of air or liquid pollution events, to future proof and mitigate them). As such, it is considered that the proposal will have no likely adverse impact on the local and wider environment, or public health.

### **Roads and Access**

- 61 LDP Policy TA1 requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Objections concerning the ability of the existing road network to cope with the proposals were received.
- 62 However, the existing operation of the substation facility is not considered to cause any road capacity issues. It is however acknowledged that the present road layout and narrow pinch points, sees potential for issues during the development phase, due to the size of vehicles. As such a Construction Traffic Management Scheme (CTMS) can be required via condition 8, to ensure access requirements are accommodated, including potential construction movements via alternative routes: to avoid Precinct Street.
- 63 In relation to non-motorised users, a core path to the west (COUP/139), c.300 metres away. However, this is not directly impacted, but should be considered within the CTMS.
- 64 Subject to compliance with condition 8, the proposal is considered to remain in accordance with Policy TA1B and CF2 of the LDP.

### **Drainage and Flooding**

- 65 Policies EP2 and EP3C, require development to appropriately consider flooding



and drainage. In this regard, objections refer to part of the site sitting within a flood risk area.

- 66 However, both SEPA and the Structures and Flooding team are satisfied that the development is unlikely to be impacted by significant flooding. With all principal infrastructure elements situated out with the functional floodplain, and there unlikely to be any flood risk elsewhere. No land raising within the functional floodplain is proposed and condition 17 can control this, to safeguard the storage and conveyance function.
- 67 The proposals are thus considered to satisfy LDP Policies EP2 and EP3.

### **Conservation Considerations**

- 68 In relation to above and below ground conservation considerations, there is no indication of any significant designations locally. Otherwise, due to the low lying topography and existing/ proposed planting, inter-visibility will be limited and not considered to cause any adverse impact on the setting of any listed buildings or the wider conservation area of Coupar Angus.

### **Natural Heritage and Biodiversity**

- 69 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. The submitted Preliminary Ecological Appraisal (plan 19/00513/20) provides satisfactory information and mitigation proposals. The Landscape Masterplan includes largely native species and has been described as an exemplar, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy.
- 70 Subject to conditions 11- 14 and compliance with the ecological appraisal, the proposal is considered to accord with policy NE3 of the LDP.

### **Developer Contributions**

- 71 There has been comment that no local benefits would result from the development. However, in planning policy terms, no developer contributions are triggered for this type of development. As a result the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

### **Economic Impact**

- 72 In the short term, construction will create jobs with scope for local employment. Beyond this local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross Area.



## **Loss of Prime Agricultural Land**

- 73 Policy ER5 sets out that development outwith settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land. ER5 states that renewable energy generation may also be permitted on prime agricultural land, provided appropriate restoration proposals are implemented when the use ceases.
- 74 Whilst the site comprises prime agricultural land (LCA Class 2). The reasons for selecting the location are clearly set out and considered reasonable, highlighting the proximity of the existing substation as beneficial, reducing the need for long transmission cables and increasing the efficiency of the storage facility.
- 75 It is also clarified that there are no peat or carbon rich soils present and the layout and design minimises land take, with no farm unit rendered unviable. Measures to manage, protect and reinstate soils have been set out to be incorporated into the development, which will be appropriately covered by condition 16, all satisfying the objective terms of Policy 49 of LDP2, which is a material consideration.
- 76 Overall, the loss of this prime agricultural land is nominal and considered acceptable, when balanced against the wider benefits of the proposed development. As such material considerations outweigh the preference of ER5.

## **Lifespan of Facility**

- 77 The lifespan of the facility is not specified. As such, condition 19 can require that should the energy storage facility not be in use for a continuous period of 12 months, that the site is then decommissioned and re-instated to its original condition.

## **LEGAL AGREEMENTS**

- 78 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 79 None.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 80 The application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise.  
In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal assessed to only conflict with Policy ER6. There are however, sufficient material considerations to support a policy departure; particularly in relation to other wider policy grounds.



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

## **RECOMMENDATION**

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

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

- 3 Noise from the hereby approved development shall not exceed 33dB LA<sub>eq,(15 min)</sub>, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, when measured at any residential property in accordance with BS4142 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 4 Noise mitigation measures outlined in Section 7.1 and Appendix 3 of the hereby approved Noise Impact Assessment undertaken by ARCUS - dated March 2019 (Plan reference 19/00513/27) , shall be implemented prior to the hereby approved development being brought into use.

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

- 5 In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 2 and 3. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise



assessment shows that the noise levels do not comply with conditions 2 and 3 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 within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

- 6 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

- 7 Prior to the operation/commissioning of the development, an Operational Environmental Management Plan (OEMP) shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all operations associated with the development shall be carried out in accordance with such approved OEMP.

Reason - In order to ensure the development does not impact negatively on the environment during its operational life.

- 8 Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of 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 activities 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.

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

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

- 10 Prior to the commencement of the development hereby approved, details of the recessive, natural colour of the proposed external finishing materials to be used for the fence and structures 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.

- 11 The conclusions and recommended action points within the supporting biodiversity survey (plan 19/00513/20) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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



such written confirmation should be submitted in advance 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).

- 13 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. These 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 closed off at the end of each working day.

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

- 14 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme, prior to the commissioning of the energy storage facility and thereafter maintained.

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

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

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

- 16 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a soil management plan. The plan as approved shall be strictly adhered to.

Reason - To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 49 of LDP2.

- 17 For the avoidance of doubt, parts of the site are located within the 1/200 (0.5% AEP) flood extent, with a medium to high risk of flooding. Such areas must not be raised above existing ground levels. This applies to the entirety of the site.

Reason - Ensure no displacement of floodwater to the rest of floodplain.

- 18 Storm water drainage from all impermeable surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems which meet the requirements of best management practices.



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

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

Reason - To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.



- 6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 7 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

Background Papers: 102 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 12 September 2019

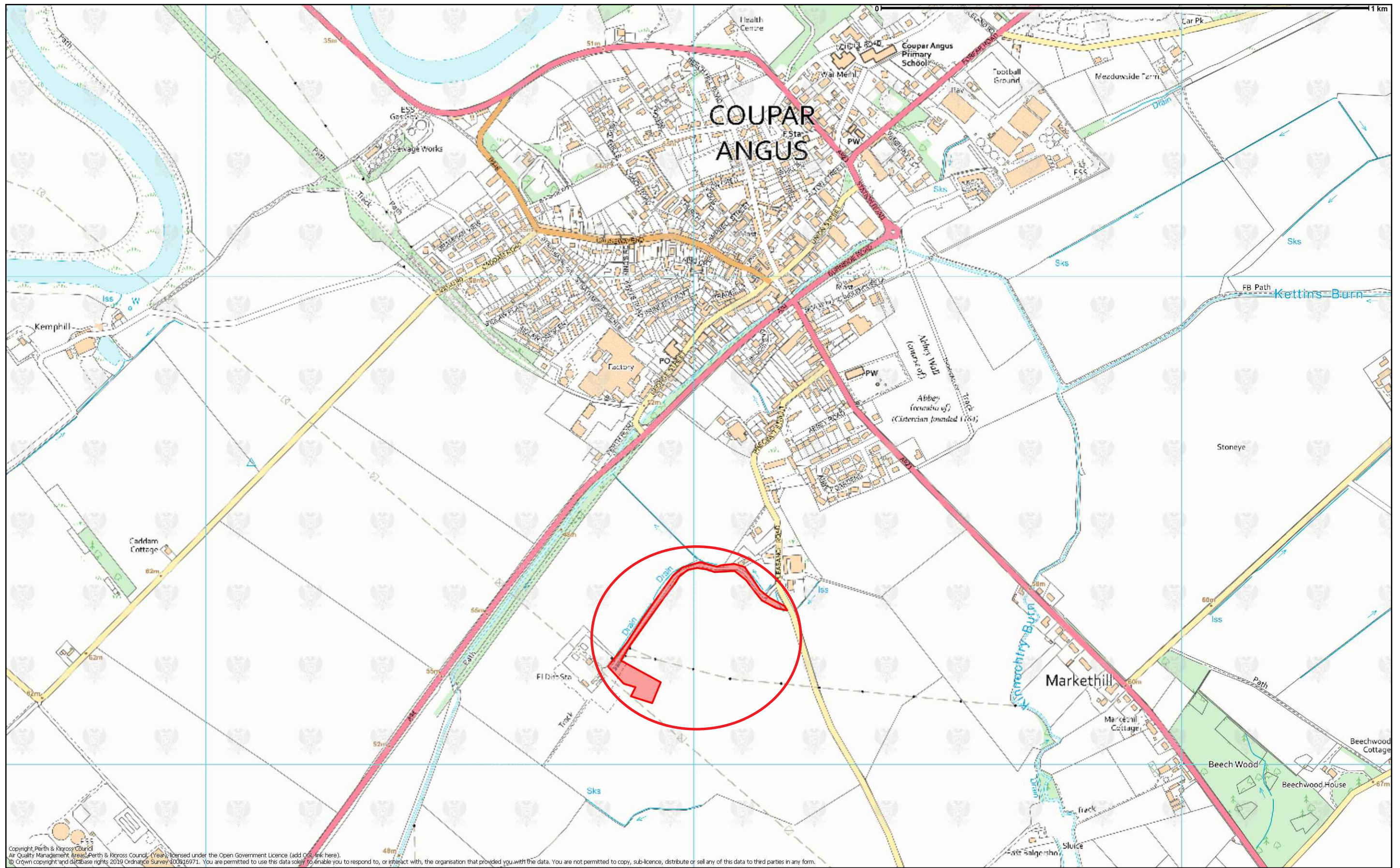
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

|                                                                                                                                                                                                                                                             |
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Scale 1:7500



19/00513/FLM

Formation of a battery storage facility, vehicular access and associated works, south east of Coupar Angus Substation, Coupar Angus

















Perth and Kinross Council  
Planning & Development Management Committee – 24 September 2019  
Report of Handling by Head of Planning and Development (Report No. 19/269)

|                  |                                                       |
|------------------|-------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of a dwellinghouse                           |
| <b>LOCATION:</b> | Land East of Abbeyhill, Precinct Street, Coupar Angus |

Ref. No: [19/00090/FLL](#)  
Ward No: 2 - Strathmore

### Summary

This report recommends approval of a detailed planning application for the erection of a single dwellinghouse in Coupar Angus as the development is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations which justify refusal. Concerns raised by this Committee, and the Scottish Government Reporter in relation to a previous proposal have been adequately addressed by reducing the number of units (to one) and adopting a different design approach.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to obtain detailed planning permission for the erection of a single dwelling within the settlement boundary of Coupar Angus. This application follows a Scottish Government appeal decision which rejected a two dwellinghouse proposal on the same site. That appeal followed an earlier refusal by the Planning & Development Management Committee on the 9 May 2018.
- 2 The site is sandwiched between Precinct Street to the north and Abbey Road to the south and is roughly linear in its shape with a width (east to west) at its Precinct Street end of approx. 30m. For approximately two thirds of the site towards Abbey Road the width tapers down to approximately 17m. North to south, the site's length is approximately 75m, with the proposed dwellinghouse positioned at the northern end.
- 3 The surrounding area is residential in character, with residential properties on all sides. The site lies within the Coupar Angus Conservation Area and is immediately adjacent to a residential property named Abbeyhill which is a category B listed building. The site was formerly part of the extended garden area of Abbeyhill but is now within separate ownership but retains its 'garden' appearance with the majority of the site being grassed over. Within the site there are three medium sized trees as well as a scattering of small ornamental bushes. Along the western and eastern boundaries are existing hedging along the mutual boundaries with the neighbours. Hedging also aligns the Abbey



Road boundary. To the west of the site, within the garden area of Abbeyhill, is a large mature tree which has part of its canopy spread and root system crossing over into the application site. Approximately in line with Abbeyhill is an existing dwarf wall garden feature that crosses full width of the site. At the north eastern corner of the site, adjacent to Precinct Street is an existing outbuilding which is listed by virtue of it being joined to a historic wall which is considered to form the original boundary of Abbeyhill.

- 4 As a result of the previous refusal, the proposal has been significantly amended with only one dwelling now proposed as opposed to the previous two. The general design principles have also changed, with the proposed dwelling now a contemporary design as opposed to the more traditional house types which were previously proposed. Living accommodation will be provided over one level only, with the principal external finishes a mix of smooth render and sandstone features with timber windows and doors. Feature panels of fibre cement cladding boards are also proposed. The contemporary design incorporates an interesting 'green', flat roof feature. Vehicular access to the dwelling is proposed directly from Precinct Street via the existing vehicular access.
- 5 One medium sized tree and several small bushes are proposed to be removed from the northern part of the site. Two other trees within the centre of the site are to be retained. The root protection area of the large mature tree within the garden ground of Abbeyhill will be respected, with the footprint of the proposed dwelling being in excess of 35m away from the root protection area. The existing dwarf wall across the site is also proposed to be retained, as is the outbuilding. As part of the proposal, it is proposed to renew the external timber boarding of the outbuilding and it will, upon completion of the dwellinghouse be used as ancillary storage/workshop space. An existing modern greenhouse and a lean-to extension attached to the southern gable of the outbuilding are to be removed to accommodate the new dwelling. The applicant has indicated within their design statement that the existing entrance gates are to be renewed but no details relating to this have been submitted.
- 6 An application for listed building consent has been submitted by the applicant for the external works to the outbuilding, the alterations to it to create a dwellinghouse and also the removal of the lean too extension. This application remains under consideration.

## **NATIONAL POLICY AND GUIDANCE**

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



## **National Planning Framework**

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

- 9 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.
- 10 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
  - Historic Environment : paragraphs 135-137

## **Planning Advice Notes**

- 11 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 71 Conservation Area Management
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places 2013**

- 12 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**

- 13 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**

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

### **Historic Environment Policy for Scotland 2019**

- 15 This document sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

### **DEVELOPMENT PLAN**

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

### **TAYPlan Strategic Development Plan 2016-2036**

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

- 18 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."*

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

- Policy 6 - Developer Contributions
- Policy 9 - Managing TAYplans Assets



## **Perth and Kinross Local Development Plan 2014**

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The site lies within the settlement boundary of Coupar Angus, within the town’s Conservation Area and within the grounds of a Listed Building. To this end, the principal relevant LDP policies are,
- Policy RD1 – Residential Areas
  - Policy PM1A & B - Placemaking
  - Policy PM3 - Infrastructure Contributions
  - Policy HE2 - Listed Buildings
  - Policy HE3A - Conservation Areas

## **Proposed Perth and Kinross Local Development Plan 2**

- 22 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 23 There are no policies or proposals within the LDP2 which affect the consideration of this application.

## **OTHER COUNCIL POLICY/GUIDANCE**

### **Coupar Angus Conservation Area Appraisal**

- 24 This appraisal is a management tool which helps to identify the special interest and changing needs of the Coupar Angus Conservation Area. It serves as supplementary planning guidance to the Local Development Plan.



## **Developer Contributions and Affordable Housing 2016**

- 25 This document sets out the Council's policy on Developer Contributions and Affordable Housing provision.

## **SITE HISTORY**

- 26 06/02505/OUT Erection of 2 dwellinghouses and 2 domestic garages (in outline) Application Approved under Delegated Powers in January 2007
- 27 [10/00113/IPL](#) Renewal of previous consent (06/02505/OUT) - Erection of 2 dwellinghouses and 2 domestic garages (in principle) Application Approved under Delegated Powers in March 2010
- 28 [13/00309/IPL](#) Renewal of consent (10/00113/IPL) Erection of 2 dwellinghouses and 2 domestic garages (in principle) Application Approved under Delegated Powers in March 2013
- 29 [16/00187/IPL](#) Renewal of permission 13/00309/IPL (Erection of 2 dwellinghouses and 2 domestic garages) (in principle) Application Approved under Delegated Powers in March 2016
- 30 [17/01260/FLL](#) Erection of 2no. dwellinghouses. Refused by the Development Management Committee of the 9 March 2018. A subsequent [appeal](#) to the Scottish Government was dismissed.
- 31 [19/01429/LBC](#) Alterations to outbuilding and extension to form dwellinghouse Pending Consideration.

## **CONSULTATIONS**

- 32 As part of the assessment of the planning application, the following bodies were consulted:

### **EXTERNAL**

#### **Perth & Kinross Heritage Trust**

- 33 No objection to the proposal in terms of the impact on local, unscheduled archaeology subject a condition being attached to any permission requiring the implementation of a programme of investigative works.

#### **Scottish Water**

- 34 No objection to the proposal in terms of water supply or sewerage connections.



## **INTERNAL**

### **Transport Planning**

- 35 No objection to the proposal in terms of parking provision or the vehicular or pedestrian safety of the proposed means of vehicular access to and from the site.

### **Structures & Flooding**

- 36 No objection to the proposal. They have recommended that clarification of the final details concerning the surface water drainage should be agreed before the commencement of the development.

## **REPRESENTATIONS**

- 37 Twenty five letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are:
- Conflict with the Local Development Plan
  - Conflict with the appeal decision
  - Adverse impact on Conservation Area & setting of Listed Building
  - Impact on archaeology
  - Impact on existing boundary wall
  - Impact on a tree outwith the site
  - General road safety issues including traffic volumes & parking issue
  - Adverse impact on residential & visual amenity
- 38 These issues are addressed in the Appraisal section of the appraisal.

## **ADDITIONAL STATEMENTS**

39

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | None         |

## **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 Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

- 41 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, consideration of the site's planning history, consideration of the recent appeal decision and also consideration of the specific legislative requirements of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
- 42 Section 59(1) of this act places a duty on planning authorities in determining an application for planning permission to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the same Act places a further duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. These are material considerations in the determination of applications for planning permission which affect listed buildings, their settings and, or, conservation areas.

### **Planning History**

- 43 Planning permission was initially granted on the site in 2006 when an outline permission was approved (06/02505/OUT) for a residential development. That permission was later renewed in 2010 (10/00113/IPL), in 2013 (13/00309/IPL) and then again in 2016 (16/00187/IPL). The 2016 In Principle permission has now expired (9 March 2019), but was still extant at the time when this current planning application was submitted to the Council.
- 44 Since the granting of the 2016 In Principle permission, a detailed planning application for the erection of two dwellinghouses was refused by this Committee on the 1 May 2018 (17/01260/FLL). The reason attached to the Council's decision notice was:

*"The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed development does not contribute positively to the surrounding built environment as the house proposed for plot 2 to the south of the site would not fit within the local landscape due to inappropriate narrow size of the plot"*

- 45 An appeal to the Scottish Government was subsequently dismissed. In summary, in dismissing the appeal the Reporter concluded that the proposed two dwelling development would:



- Fail to preserve the historic setting of the listed Abbeyhill
- Have an adverse impact on the relationship between Abbeyhill and the associated outbuilding
- Would neither preserve nor enhance the character or appearance of the Coupar Angus Conservation Area
- Would unacceptably increase the risk of vehicle/pedestrian conflict by virtue of the proposed vehicular access arrangements.

## **Principle**

- 46 Within the adopted LDP, the site lies within the settlement boundary of Coupar Angus where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms, the proposed residential use is entirely compatible with the existing uses and acceptable in principle.
- 47 However, the views expressed by the Reporter in his decision notice, and also those of the Council through its own decision notice, both in relation to the previous two house proposal, are relevant. Unusually, whilst both decision-making bodies considered the previous proposal to be unacceptable, both had a different reasoning for coming to that decision.
- 48 The decision notice issued by the Council related solely to concerns about the house proposed on Plot 2 and the narrowness of that plot. The Council's decision notice did not make any specific references to the unacceptability of Plot 1, the impact on the Conservation Area/setting of a listed building or any reference to the principle of a residential development on the site not being acceptable.
- 49 In contrast, the Reporter took the view that the main issues for him were whether the proposal would a) preserve the setting of Abbeyhill; b) preserve or enhance the character or appearance of the Coupar Angus Conservation Area; and c) the effect of the proposal upon road and pedestrian safety. On these fronts, he considered the previous two dwellinghouse proposal unacceptable. The Reporter made no specific mention or assessment of the narrowness of Plot 2 within the decision notice or the impact that it may have on the acceptability of the proposal.
- 50 In light of the above, the key issues for this revised proposal are a) whether or not the proposal protects the existing character and amenity (visual and residential) of the area, b) whether or not the proposal is acceptable within its historic setting and c) whether or not a safe vehicular access can be delivered.
- 51 These three points address the main issues raised by both the Council and the Reporter in relation to the previous proposal.



## **Impact on the Listed Building**

- 52 The outbuilding is considered to be listed as it is physically joined to the boundary wall which is listed as a historic feature of the curtilage of Abbeyhill (category B). The proposed dwellinghouse joins the gable wall of the outbuilding and it is also proposed to renew the timber boards of the outbuilding. There is therefore a direct physical impact on the listed building. The applicant has submitted an application for listed building consent for the proposed works.
- 53 In terms of the physical impact on the listed outbuilding, the development proposed is considered acceptable and would help to preserve the long term use of the outbuilding. Whilst listed, the Council does not consider the existing outbuilding to be of special architectural or historic interest, and it is not of the quality or interest which would be ordinarily be considered for potential listing in its own right. However, it nevertheless remains the case that the building is in prominent location within the streetscene and is within the Conservation Area, therefore its long term retention as part of the development is welcomed. The applicant has indicated that it is proposed to renew the existing timber boards with larch boards with a clear lacquer finish which, in principle, is acceptable. Clarification on the proposed materials will however be sought, and agreed, prior to the development commencing to ensure that they are suitable for this location (Condition 6).
- 54 The outbuilding is listed and this includes the lean-to extension on the southern gable which is proposed to be removed. The removal of the lean-to, the proposed recladding of the external walls of the outbuilding and the proposed link between the outbuilding and the proposed dwellinghouse are all acceptable, and do not have any direct impact on any features of special architectural or historic merit. The proposal is therefore considered to be in accordance with the requirements of the PLBCA and Policy HE2 of the LDP.

## **Impact on Historic Setting**

- 55 Abbeyhill is category B listed and the application site is within the wider historic setting associated with Abbeyhill and includes the outbuilding and part of the boundary walls.
- 56 It was the view of the Council that the two dwellinghouse development would not have a negative impact on the historic setting of Abbeyhill and would not have a negative impact on the relationship between Abbeyhill and the outbuilding. Conversely, it was the view of the Reporter that the two dwellinghouse proposal would have an adverse impact on the setting of Abbeyhill and he suggested within his decision notice that any development within the application site would cause *'permanent, serious and irreversible harm to the significance of the setting of Abbeyhill'*.
- 57 Potential breaches and alterations to the existing boundary wall, and provision of new hard boundaries were also raised as concerns by the Reporter as, in his



view, they collectively added to the adverse impact on Abbeyhill's historical setting.

- 58 There have been some significant changes to the proposal from what was previously considered by the Council and the Reporter. Firstly, the proposal is now for a single dwellinghouse which reduces the density on the site and addresses fully the concerns raised by the Council in relation to Plot 2. Secondly, the applicant has opted for a contemporary, single storey, flat roofed design for the dwellinghouse, which does not require any physical alterations to the existing wall and uses the existing opening in the wall for the vehicular access. The outbuilding is also incorporated into the design which will secure its long term use. The combination of a modern design with accommodation over one level, good quality external finishes and its location at the northern end of the site, partly behind the existing boundary wall, contribute to ensuring that the historic character of the streetscape, which is associated with Abbeyhill as seen from Precinct Street, would not be adversely affected by the proposal.
- 59 In terms of the direct impact on the setting of Abbeyhill, whilst the site is now in separate ownership from Abbeyhill, it was historically the garden ground of Abbeyhill and remains an important element to Abbeyhill's historic setting. The key test of whether a potential development is acceptable is whether or not the proposal would preserve (or enhance) the historic setting or any features of special architectural or historic interest which it possesses as per the requirements of the PLBCA.
- 60 The proposed dwellinghouse would be seen over the top of the existing wall and would therefore be seen in the same view as Abbeyhill from Precinct Street. The flat-roofed, single-storey design avoids the building appearing overly visually intrusive, and the location at the north end of the site will protect the south elevation of Abbeyhill. The use of materials similar to both the existing boundary wall and also Abbeyhill itself will serve to soften its impact. To ensure their appropriateness, the pallet of external materials will be requested by condition (Condition 6), as will details of any replacement entrance gates (Condition 4).
- 61 It is noted that the Reporter in his decision notice made strong references to the relationship between the outbuilding and Abbeyhill, and that the erosion of the space between them would impact adversely on the historic relationship between the two. It is also noted that the same issue has been raised within the letters of representations. As well as protecting the historic setting of Abbeyhill, the Council must also consider protecting the outbuilding and the boundary walls as well as any other features of special architectural or historic interests of relevance within its historic curtilage which form part of this setting.
- 62 The Council does not consider the existing outbuilding to have the special architectural or historic interest that would enable it to meet the criteria for listing in its own right. In accordance with the PLBCA, however, it is technically listed



as it physically joins the boundary wall which is covered by being within the curtilage of the listing of Abbeyhill.

- 63 The proposed dwellinghouse would be located immediately adjacent to the outbuilding. A development of the scale and nature proposed, however, is considered acceptable given that the walls and outbuilding will retain their streetscape prominence, allowing their historic relationship with Abbeyhill to be read.
- 64 Based on the above, the current proposal is considered to be acceptable as it will preserve the historic setting of Abbeyhill, including the outbuilding and the wall. Accordingly, the proposal is consistent with Policy HE2 of the LDP which seeks to ensure that the setting of listed buildings is protected, and also the requirements of the PLBCA.

### **Impact on Conservation Area**

- 65 As well as considering the impact on Abbeyhill's setting, the Reporter made comments on the impact which the previous proposal would have on the character and appearance of the Conservation Area.
- 66 The Council has undertaken an appraisal for the Coupar Angus Conservation Area. Within that appraisal, there are number of maps which include the site and these generally confirm that the site was historically part of Abbeyhill, most probably as an ancillary vegetable / allotment area. There is however a specific reference to the site within the appraisal. Para 3.32 of the appraisal states '*There are a few pockets of private gardens visible from the public realm, particularly at the eastern end of Calton Street and to the west of Queen Street, which contribute positively to the character of the central area of Coupar Angus through boundary treatments, stands of mature trees and landscaping*'. Sitting aside this text is a picture looking down the private amenity ground of Abbeyhill. The application site is immediately to the left, outwith the picture frame.
- 67 The proposed development will result in a large area of private garden space being retained, adjacent to Abbeyhill's garden area. There will be an area of open space permanently lost, however this will be confined to a relatively small area to the north at Precinct Street where the proposed dwellinghouse is to be located. There is therefore no significant conflict with this specific reference in the Conservation Area Appraisal, and the reduction from two dwellings to one has suitably addressed the concerns raised by the Reporter.
- 68 The Reporter also made specific mention to the openness of the site, and that the existing open space of the site contributed positively to the character of the Conservation Area and should be preserved. As stated above, the reduction of the number of units will now result in a significant portion of the site remaining as open space.



- 69 The site is not a functional area of open space, nor is it in public use. It is small area of private open space which is only readily visible internally, from adjacent properties or via gaps in the boundary hedges, as mentioned in the Conservation Area Appraisal. The permanent loss of a small area of the top portion of the site (which is not readily within the public view) will not significantly affect the character or appearance of the Conservation Area, or impact adversely on the visual amenity of the area. Furthermore the low profile of the proposed dwellinghouse should mitigate any impact further.
- 70 Based on the above, the proposal would preserve the character and appearance of the Conservation Area by virtue of the design and layout changes which have been made by the applicant to address the Reporter's comments. Accordingly, the proposal is considered to be consistent with Policy HE3A of the LDP which seeks to ensure that new development within Conservation Areas preserves or enhances the character or appearance of the area, and the requirements of the PLBCA.

### **Residential Amenity**

- 71 The proposal will have little direct impact on existing residential amenity in terms of overlooking or loss of privacy. The single storey design will mean that visibility from the dwellinghouse beyond existing boundary enclosures will be limited.
- 72 In terms of being able to provide for an acceptable level of private amenity, an acceptable level of usable private amenity space is provided.

### **Roads and Access**

- 73 Concerns have been raised within the letters of representation regarding the road and pedestrian safety. The use of the existing opening is considered acceptable. Transport Planning have reviewed the proposed access arrangements and have raised no concerns in respect of vehicle or pedestrian safety. It should be noted that this revised proposal proposes to utilise an existing vehicle access with no new arrangements proposed.

### **Drainage and Flooding**

- 74 The site is located within a publicly sewered area. Foul water will therefore be connected to the public system. Surface water soakaways will deal with surface water runoff. Clarification of the means of surface water disposal will be sought prior to the commencement of the development (Condition 2).
- 75 In terms of flooding issues, it is noted that within the letters of representation a concern has been raised in relation to flood risk. The area is not subject to any known flood risk and raises no issues in terms of flooding matters.



## **Waste Collection**

- 76 The collection of waste and recycling will be from Precinct Street, which is an acceptable arrangement.

## **Trees**

- 77 One medium sized tree is located within the northern part of the site and will be removed as part of the development. The other two medium sized trees to the south of the proposed dwellinghouse and all the boundary hedges are to be retained as part of the development. Their retentions are shown on the submitted plans. Suitable conditions are proposed to ensure this (Condition 10) and to ensure that adequate protection measures are in place to protect the trees / hedges during the construction phase (Conditions 8 and 9). In addition to this, to compensate for the removal of the medium sized tree, two replacement trees will be planted within the garden area (Condition 11).
- 78 A concern has also been raised within a letter of representation that the development may affect a large oak tree, which is located at the southern end of Abbeyhill's garden. Whilst the branches of this tree encroach over the application site, the canopy of the tree is a significant distance away from the footprint of the dwellinghouse and any direct impact is therefore considered unlikely. Nevertheless, to ensure that the risk of damage to the tree is minimised this tree will be subject to the standard tree protection to ensure that the root protection area of this tree is not unnecessarily damaged during the construction phase, and that no onsite storage / construction activities take place within the tree's root protection area or under the canopy - which will cross over onto the application site (Condition 9).

## **Natural Heritage and Biodiversity**

- 79 There are no known protected species or local wildlife within the site. As some small trees and bushes will be removed from the northern part of the site to accommodate the footprint of the new dwellinghouse, a standard informative note will be attached to the permission to alert the applicant to their responsibilities under the Wildlife Act (Informative 4).

## **Archaeology**

- 80 Within the letters of representations some concerns regarding archaeology have been raised. PKHT commented on the planning application and have confirmed that the site is within an area that is considered to be archaeologically sensitive, and that the precinct boundary of the medieval Cistercian Abbey is thought to run through the development site. In February 2008, Scotia Archaeology carried out an archaeological evaluation within the northern half of the site on the footprint of the proposed northern dwellinghouse (at that time) and no archaeological remains were encountered. However, trial excavations in 1999 in a garden to the immediate south of the southern half of the



development revealed archaeological deposits associated with the monastery. It is therefore recommended that a further archaeological evaluation takes place to assess the presence / absence, character and significance of archaeological deposits on the site. A compliance condition is therefore recommended to ensure that this evaluation takes place (Condition 12).

### **Impact on Boundary wall**

- 81 Concerns have been raised regarding the impact that the proposal would have on the boundary wall on Precinct Street. The current proposal does not propose any changes to the boundary wall, so there would be no impact.

### **Land Ownership Certificate**

- 82 Within the representations a concern has been raised that the land ownership certificate is not correct. An amended landownership certificate has been submitted to the Council and made available on Public Access. The nature of the amendment does not raise any issues in terms of a requirement for re-advertisement.

### **Developer Contributions**

#### Primary Education

- 83 The local primary school is not operating at over 80% capacity, There is therefore no requirement for a Developer Contribution in relation to Primary Education.

#### Transport Infrastructure

- 84 The site is located outwith the catchment area for Transport Infrastructure contributions.

#### A9 Junction Improvements

- 85 The site is located outwith the catchment area for A9 Junction Improvement contributions.

#### Affordable Housing

- 86 As this development is for less than 5 dwellings there is no requirement for any Affordable Housing requirements.

### **Economic Impact**

- 87 The proposal will have little impact on the local economy except during the period of construction.



## **LEGAL AGREEMENTS**

- 88 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 90 To conclude, the planning application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Local Development Plan and other material considerations have both been fully considered and the proposal is recommended for approval, subject to the following conditions.

## **RECOMMENDATION**

### **A Approve the planning application, subject to the following conditions**

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

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

- 2 Prior to the commencement of any development precise details of the proposed means of surface water disposal shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the site is adequately drained.

- 3 All external doors and windows shall be timber to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 4 Prior to the commencement of any development precise details of any entrance gate(s) shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.



Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 5 The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of all rainwater goods shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 6 Prior to the commencement of the development, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted for the written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting character and appearance of the Conservation Area and the historic setting of the listed building.

- 7 The ancillary outbuilding shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse to the satisfaction of the Council as Planning Authority.

Reason – In order to clarify the use of the existing building.

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

Reason – In order to ensure that unnecessary damage to the existing trees and hedges does not occur.

- 9 Prior to the commencement of any development on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site and all boundary hedges, must be retained and protected during the construction phase. 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. Under no circumstances shall any activities (including the storage of materials) encroach into the root protection areas or under the canopy of the adjacent oak tree.



Reason – In order to ensure that unnecessary damage to the existing trees and hedges does not occur.

- 10 All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason – In order to clarify the terms of the planning permission.

- 11 Prior to the commencement of the development, details of two replacement specimen trees within the garden area shall be submitted for the written agreement of the Council as Planning Authority. The approved details shall thereafter be implemented in full within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. In the event that either of the trees fail to become established within five years, they must be replaced in the following planting season by a tree of a similar size and species.

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period



*(see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).*

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 Trees and scrubs 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.
- 5 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 There is currently sufficient capacity in the Coupar Angus Waste Water Treatment Works. However, the applicant should be aware that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water for connection consent.
- 7 This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow Scottish Water to fully appraise the proposals, that the applicant should complete a Pre Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of Scottish Water's PDE Application Form, and other useful guides from Scottish Water's website at the following link:  
[www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)
- 8 This is approval of your application Ref no 19/00090/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 19/01429/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.



Background Papers: 25 letters of representation  
Contact Officer: Andy Baxter  
Date: 12 September 2019

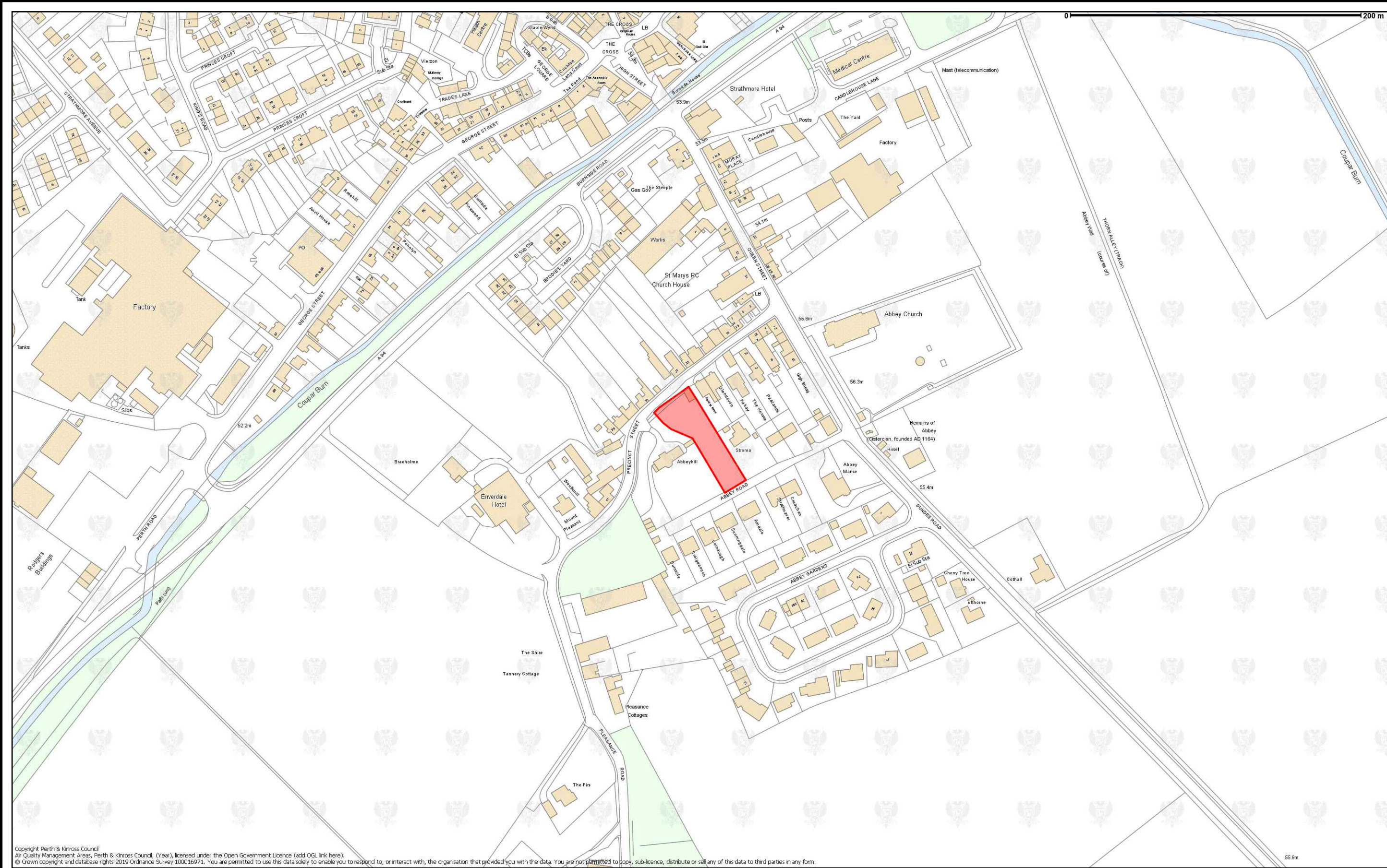
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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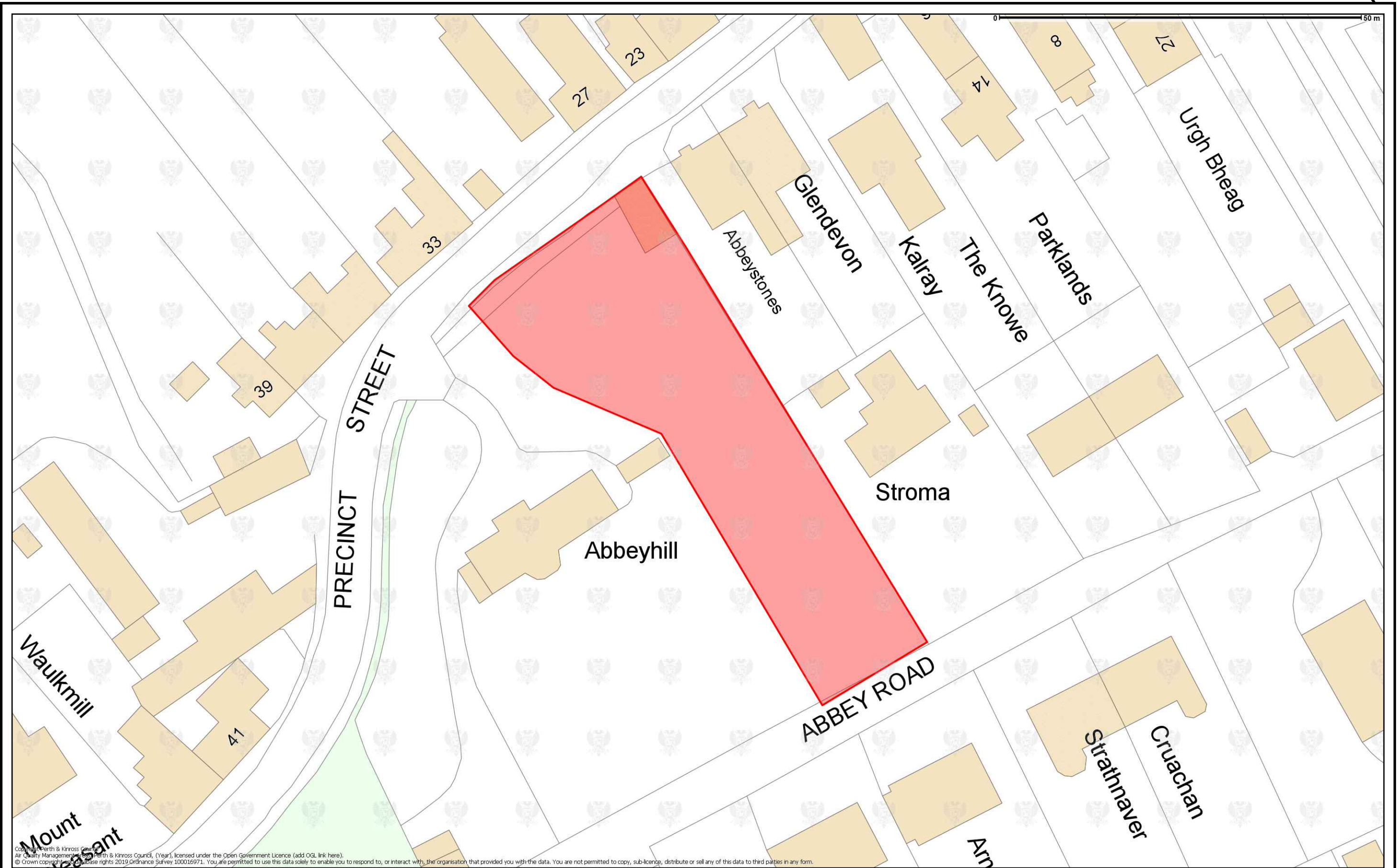
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Perth and Kinross Council  
Planning & Development Management Committee – 24<sup>th</sup> September 2019  
Report of Handling by Head of Planning & Development (Report No. 19/270)

|                  |                                                                                              |
|------------------|----------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of 2 camping pods, formation of hardstanding, vehicular access and associated works |
| <b>LOCATION:</b> | Land South West of Liathach, Leslie                                                          |

Ref. No: [19/01084/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 application site is on land SW of Liathach, Leslie, and forms part of the Loch Leven and Lomond Hills Special Landscape Area. The application seeks detailed planning permission for the erection of 2 camping pods, the formation of hardstanding and vehicular access, and associated works.
- 2 The site is currently utilised as agricultural land. The existing access track to Liathach is proposed to be extended to lead to the proposed site at a width of approximately 3.5m.
- 3 The proposed camping pods will each measure approximately 5.4m in length and approximately 3m in width. Each pod will have timber horizontal weatherboarding for the walls with metal tile roofing. The windows and doors will be timber double glazed units. Each pod will accommodate a bed area and a small bathroom.
- 4 The application forms the resubmission of application 18/01477/FLL which was refused as the previously proposed site was considered to have little landscape containment and there was a lack of justification for the proposed development. This current application seeks to address the previous reasons for refusal.

### PRE-APPLICATION CONSULTATION

- 5 Pre-application Reference: 19/00019/PREAPP



- 6 A formal pre-application consultation was undertaken following the refusal of application 18/01477/FLL. The pre-application consultation identified that the amended proposed development was more acceptable, subject to satisfactory site specific justification.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

- 9 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.

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

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

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 68 Design Statements



### **Creating Places 2013**

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

### **National Roads Development Guide 2014**

- 13 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**

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

### **TAYplan Strategic Development Plan 2016-2036**

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

*"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."*

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

- Policy 1: Location Priorities
- Policy 2: Shaping Better Quality Places
- Policy 9: Managing TAYplan's Assets

### **Perth and Kinross Local Development Plan 2014**

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



Policy PM1A & B- Placemaking  
Policy PM3 - Infrastructure Contributions  
Policy ED3 – Rural Business and Diversification  
Policy ER5 – Prime Agricultural Land  
Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes  
Policy EP8 – Noise Pollution  
Policy TA1B - Transport Standards and Accessibility Requirements  
Policy NE2B – Forestry, Woodland and Trees

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 19 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 20 [18/01477/FLL](#) - Erection of 2. camping pods, formation of hardstanding and vehicular access and associated works Decision Issued 4 October 2018: Application Refused

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 22 No objection to the proposed development as there is currently sufficient capacity in the Glenfarg Water Treatment Works to service the development. There is however no public Waste Water Infrastructure available.



## **Internal**

### **Environmental Health (Noise Odour)**

- 23 No objection to the proposed development, subject to conditional control regarding a noise management plan and plant equipment noise. An informative should also be added in relation to caravan licensing.

### **Environmental Health (Private Water)**

- 24 No objection to the proposed development, subject to informatives being added to any permission granted in relation to private water supplies.

### **Strategy & Policy**

- 25 No objection to the proposed development.

### **Transport Planning**

- 26 No objection to the proposed development subject to conditional control regarding car parking and turning facilities.

## **REPRESENTATIONS**

- 27 6 letters of representation were received objecting to the proposed development. In summary, the letters highlighted the following concerns:

- Overdevelopment of the area
- Inaccuracies & suitability of the submitted justification statement
- Out of character with the area
- Loss of amenity
- Road and access implications
- Contrary to adopted Local Development Plan
- Lack of footpath links
- Proposal sets a precedent for future development

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

## **ADDITIONAL STATEMENTS**

29

|                                 |              |
|---------------------------------|--------------|
| Environment Statement           | Not Required |
| Screening Opinion               | Not Required |
| Environmental Impact Assessment | Not Required |
| Appropriate Assessment          | Not Required |



|                                                |                                          |
|------------------------------------------------|------------------------------------------|
| Design Statement / Design and Access Statement | Submitted (Site Justification Statement) |
| Reports on Impact or Potential Impact          | Not Required                             |

## **APPRAISAL**

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

### **Principle**

- 31 As the proposal is for holiday accommodation units, Policy ED3 'Rural Business and Diversification', is directly applicable. This policy gives favourable consideration to the expansion of existing businesses and the creation of new businesses. There is a preference that this will generally be within or adjacent to existing settlements. Out with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used.
- 32 In this instance, a strong case would need to be made to demonstrate that the proposal meets a specific need (by virtue of its quality or location) in relation to an existing business or tourist facilities, in order to be compliant with the relevant provisions of the adopted Local Development Plan. A site justification statement and plan was submitted with the application following the refusal of the previous scheme.
- 33 The submitted justification statement highlights the site's location in relation to a number of nearby tourist attractions and facilities and the submitted plan identifies the alternative options which were considered for the siting of the camping pods.
- 34 In the assessment of the previous application, it was agreed that the site is in close proximity to a number of tourist and visitor attractions, however further justification was required. Evidence has now been submitted in support of the applicant's argument that there is a lack of self-catering accommodation in the local area, and in Kinross-shire as a whole. It is also noted that the applicant's own established farm business of rare sheep breeding also attracts visitors. This latter point in particular adds weight to the argument for the camping pods



to be located on the proposed site. Furthermore, support has also been expressed from local tourist attractions such as RSPB Loch Leven and Portmoak Gliding Club.

- 35 The Council's Strategy and Policy Team were consulted as part of this application and identified that the applicant has considered the reasonable alternative locations within their land ownership. Six alternative sites were identified on the applicant's land and a justification was put forward to show that the current site is the optimum location. It is therefore accepted that the site chosen is indeed likely to be the most appropriate location within the applicant's ownership for the two camping pods and I agree with my policy colleagues who raise no objection to the proposed development.
- 36 It is therefore considered that the supporting information is sufficient to satisfy the requirements of Policy ED3 and Policy 8 of the new Proposed LDP in terms of providing a site specific justification.

### **Design and Layout**

- 37 The design of the pods is considered to be acceptable as they are of a suitable scale whilst being constructed of sensitive materials to match the rural environment in which they are located. In general, they are considered to be designed to a relatively high standard for this nature of development and are unobtrusive.
- 38 The proposed scheme is now located within a well contained site to the South West of Liathach, which reduces the landscape concerns that were highlighted within the previous application. The new site no longer occupies a large area of prime agricultural land as per the previous scheme. Due to the containment of the site, a suitable layout has been achieved which will help to prevent large scale future development whilst also providing suitable amenity space for each pod.

### **Landscape and Visual Amenity**

- 39 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, as mentioned above, the newly proposed site is well contained to the South West of Liathach and is not considered to erode the visual amenity of the area, or the local distinctiveness, diversity and quality of the landscape due to the scale of the development. It is also not considered to be highly intrusive to the qualities of the Loch Leven and Lomond Hills Special Landscape Area. Whilst the newly planted trees are still at a very immature stage, once matured they will further help to contain the site.



## **Residential Amenity**

- 40 The impact from the proposed development upon the amenity of neighbouring properties was raised as a concern within the majority of representations received. Environmental Health were consulted as part of this application and consider that due to the nearest residential receptor being approximately 170m away, there will be minimal impact upon residential amenity due to the small scale nature of the development. Environmental Health did however request conditional control to be added to any permission regarding the submission of a noise management plan. This will allow the Council as Planning Authority to control the noise level from the units. My colleagues also recommended a further condition in relation to noise from plant equipment. Whilst noting the letters of representation in this regard, it is considered that neighbouring residential amenity can be protected through conditional control on any planning permission and no loss of privacy will be created.

## **Roads and Access**

- 41 Within the letters of representations received, the impacts from traffic and road safety were raised as a concern. However, it is considered that the traffic generation of 2 camping pods (containing 1 bed each) for a leisure/tourism use is likely to be in the region of 2 vehicles (4-6 vehicle movements per day) during off peak times and will therefore have a negligible impact on traffic flow. It is therefore considered that the proposed arrangements are considered sufficient to safely accommodate this level of traffic.
- 42 Transport Planning were consulted as part of this application and have no objection to the proposal subject to conditional control regarding parking and turning facilities. During the assessment of the previous application, it was considered that the existing junction which would be utilised by the proposal has suitable visibility onto the A911. No collisions have been reported in relation to this access, proposed to be used as part of this application. It is therefore considered that there are no adverse concerns in relation to roads and access.
- 43 The sustainability of the site was also raised as a concern within some of the letters of representations received due to the lack of a footpath. However, there are a number of bus services which use the A911 which can be utilised.

## **Drainage and Flooding**

- 44 The site is not in an area of known flood risk and the proposals are not considered to create any drainage or flooding implications. A soakaway has been provided to the south east of the site which is considered to be of an acceptable scale for the development.



## **Waste Collection**

- 45 It is indicated that there will be bins at each pod which will be managed by the applicant and transported to the communal bin store at the junction with the A911. This arrangement is considered sufficient for the scale of the development. An informative is recommended to highlight the Council's waste requirements to the applicant (Informative 8).

## **Conservation Considerations**

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

## **Natural Heritage and Biodiversity**

- 47 The area to be developed is currently utilised as a field and thus does not have a high biodiversity value. There are no trees or shrubbery to be cleared to accommodate the development therefore the impact upon biodiversity is expected to be minimal. The newly planted trees will however mature to provide further habitat opportunities and will help to enhance the natural heritage of the area.

## **Developer Contributions**

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

## **Economic Impact**

- 49 The proposal would likely have a positive economic impact upon the local tourism industry. There will also be some economic gain from the construction phase of the proposed development.

## **LEGAL AGREEMENTS**

- 50 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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



## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

**Approve the application.**

### **Conditions and Reasons for Recommendation**

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

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

- 2 Prior to the commencement of the development hereby approved, a noise management plan shall be submitted to the Council as Planning Authority for written approval. Thereafter, the plan as agreed shall be implemented in full for the life of the development to the satisfaction of the Council as Planning Authority.

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

- 3 Prior to the development hereby approved being completed or brought into use, the car parking and turning facilities shown on the approved drawings shall be implemented and thereafter retained to the satisfaction of the Council as Planning Authority.

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

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

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



- 5 The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.
- 5 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 6 The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and



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

- 7 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 8 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.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 11 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 12 The site will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It is therefore necessary for a caravan site licence to be obtained for the site before the pods were first brought into use and the site would need to comply with the caravan model standards for holiday use.

Background Papers: 6 letters of representation  
Contact Officer: Sean Panton  
Date: 12 September 2019

**DAVID LITTLEJOHN**



## HEAD OF PLANNING & DEVELOPMENT

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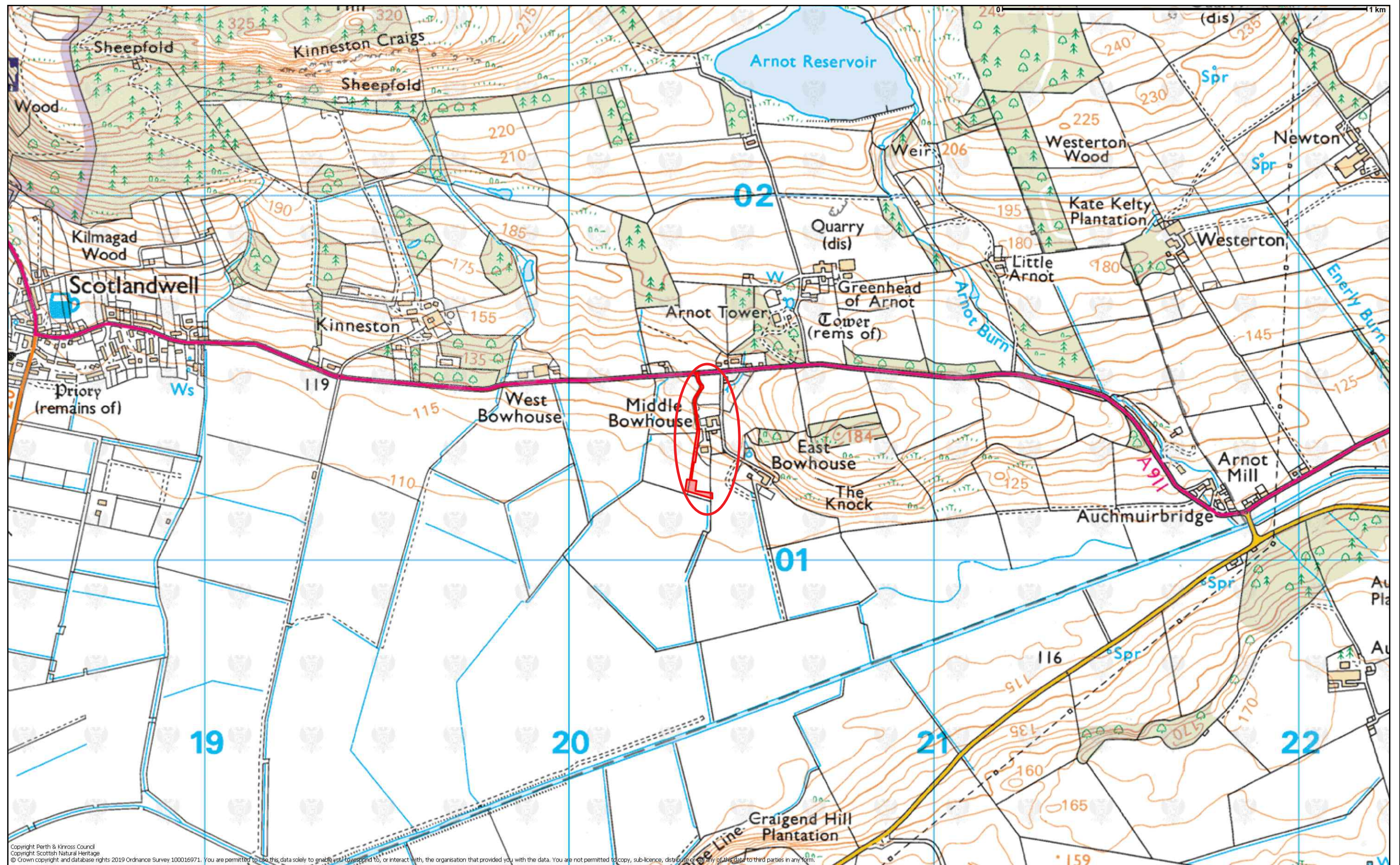
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19/01084/FLL

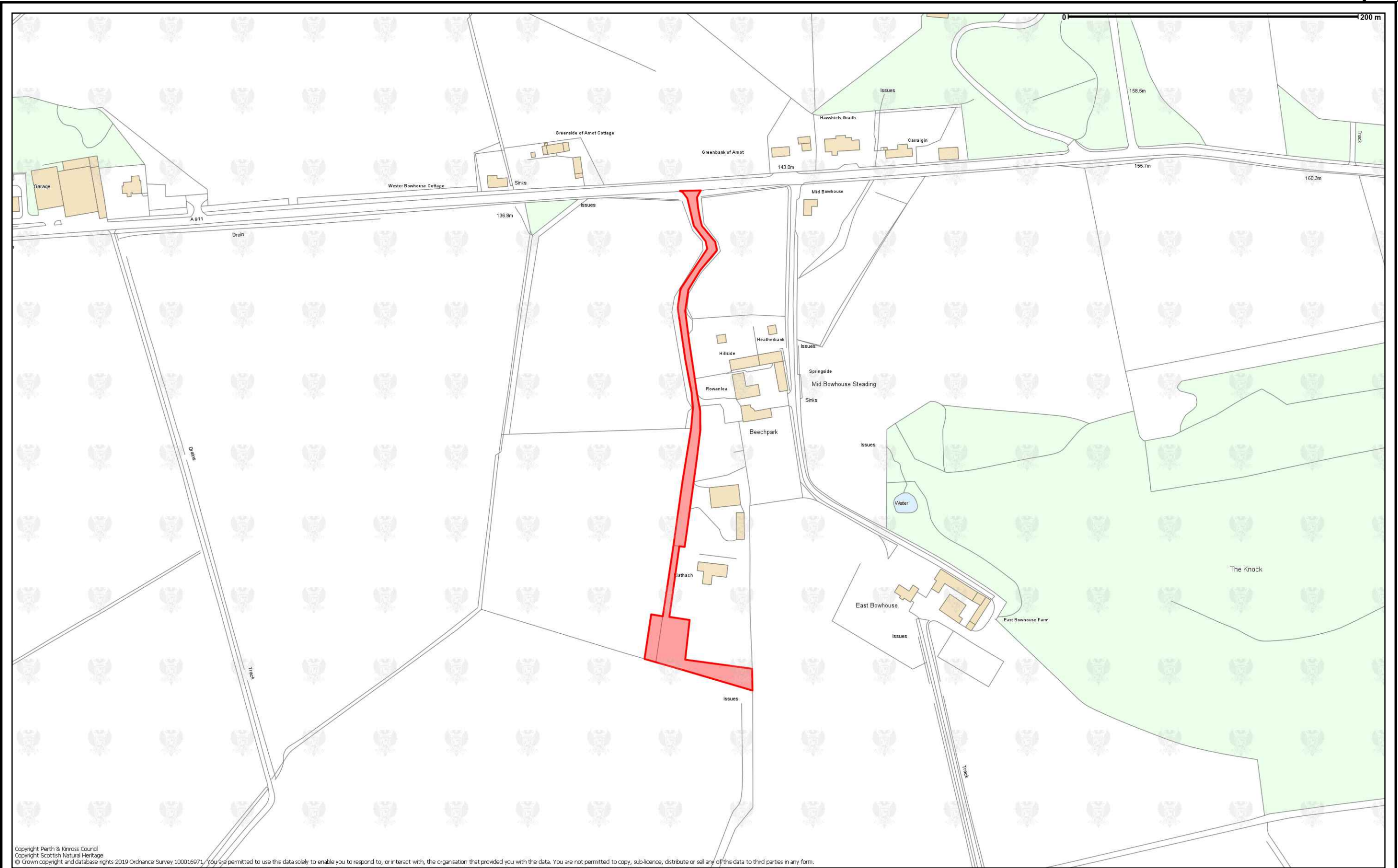
Erection of 2 camping pods, formation of hardstanding, vehicular access and associated works, on land SW of Liathach, Leslie











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Perth and Kinross Council  
Planning & Development Management Committee – 24 September 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/271)

|                  |                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Complete demolition of buildings, erection of 2 dwellinghouses, 4 flats and associated works (in part retrospect) |
| <b>LOCATION:</b> | Kirklands Garage, 10 High Street, Kinross, KY13 8AW                                                               |

Ref. No: [19/01096/FLL](#)  
Ward No: P8 - Kinross-shire

### Summary

This report recommends approval of the planning application for complete demolition of buildings, erection of 2 dwellinghouses, 4 flats and associated works (in part retrospect) the development is considered to comply with the relevant provisions of the Development Plan if conditional control is applied. There are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 An earlier planning application for the redevelopment of the former Kirkland's Garage site on the High Street in Kinross was approved by Committee under application 18/01054/FLL. That application consisted of two dwellinghouses to the front of the site and four flats to the rear. The dwellinghouses to the front of the site were to be formed by utilising and extending the retained façades of the traditional sandstone Manse building located to the front of the site.
- 2 Due to the former use of the site and the content of the phase 1 contaminated land report condition 12 of the 2018 planning permission sought an intrusive ground investigation to ensure that the potential for contamination was considered with any remedial works undertaken to ensure the site was fit for residential development.
- 3 Limited and partial demolition works started on agreement to enable the site investigation to be undertaken under consent 18/01054/FLL. During a visit from the Health and Safety Executive, it was discovered that there were three underground storage tanks that had not been identified in the phase 1 survey and these had not been rendered safe. Works on the site were stopped to allow the tanks to be degassed.
- 4 The location and the positioning of the newly discovered tanks resulted in the design and project management of the scheme being reviewed and prompted the submission of a new Conservation Area Consent Application for full



demolition of buildings on the site (Ref: 19/00818/CON). Unfortunately, following the submission of this application, the building was demolished without the necessary consent which resulted in enforcement action being pursued and a stop notice being placed on the site.

- 5 With the demolition of the Manse, the earlier detailed application cannot be lawfully implemented. As a consequence, the applicant now seeks approval for the full demolition of the Manse in retrospect and the rebuilding of the Manse along with the redevelopment of the wider site as per the original 2018 permission.
- 6 The Conservation Area Consent Application for full demolition of buildings on the site (Ref: 19/00818/CON) is also before the Committee today to be considered in conjunction with this application.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

- 9 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.
- 10 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**

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

- PAN 40 Development Management
- 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**

- 12 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**

- 13 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**

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

## **DEVELOPMENT PLAN**

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

## **TAYPlan Strategic Development Plan 2016-2036**

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

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*



*life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

- Policy 1: Locational Priorities
- Policy 9: Managing TAYplans Assets

#### **Perth and Kinross Local Development Plan 2014**

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

- 19 The principal relevant policies are, in summary;

- Policy PM1A &B - Placemaking
- Policy PM2 - Design Statements
- Policy PM3 - Infrastructure Contributions
- Policy PM4 - Settlement Boundaries
- Policy RD1 - Residential Areas
- Policy RD4 - Affordable Housing
- Policy TA1B - Transport Standards and Accessibility Requirements
- Policy HE3A & B - Conservation Areas
- Policy NE3 - Biodiversity
- Policy EP12 - Contaminated Land

#### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 20 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.



## **SITE HISTORY**

- 21 [18/00155/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 6 flats and associated works Application Withdrawn 28 February 2018
- 22 [18/00156/CON](#) Part demolition of buildings Application Withdrawn 28 February 2018
- 23 [18/00401/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 6 flats and associated works Application Withdrawn 23 April 2018
- 24 [18/01054/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 4 flats and associated works Application Approved 21 November 2018
- 25 [18/01055/CON](#) Part demolition of buildings Application Approved 21 November 2018
- 26 [19/00818/CON](#) Demolition of buildings (in retrospect) currently under consideration and recommended for approval at this Committee

## **CONSULTATIONS**

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

### **External**

#### **Historic Environment Scotland**

- 28 No objection but recommend that more detailed survey information is available to ensure that the rebuilding is done properly.

#### **Scottish Water**

- 29 No objection.

### **Internal**

#### **Transport Planning**

- 30 No objection subject to conditional control relating to the vehicular access.

#### **Development Negotiations Officer**

- 31 No objection if agreed contributions are secured by an updated legal agreement or upfront payment of contributions. The contributions are for affordable housing and education.



### **Environmental Health (Contaminated Land)**

- 32 The tanks require to be removed with the remaining infrastructure that serviced the fuel pumps. The applicant is required to undertake the full site investigation once these tanks have been removed.

### **Structures and Flooding**

- 33 Advise that further details on the SUDS arrangement for the site are required.

### **Community Waste Advisor - Environment Service**

- 34 Provide advice on bin collection requirements.

### **Biodiversity Officer**

- 35 No objection to proposals subject to conditions regarding the biodiversity survey and installation of two bat boxes and two swift bricks in appropriate positions.

### **REPRESENTATIONS**

- 36 The following points were raised in the eleven letters of representation received, eight of which raise objections including a representation from Kinross-shire Civic Trust and three are in support of the development.

- 37 The letters of objection can be summarised as follows:

- Overshadowing
- Impact on privacy
- Retention of communal boundary walls
- Ownership of the communal boundary walls
- Structural risk to walls
- Manse should be rebuilt prior to the other building work on site
- Overdevelopment
- Ground stability
- Design and materials are unacceptable
- Original stone must be re-used in re-construction
- Impact on conservation area
- Lack of justification for demolition

- 38 The letters of support can be summarised as follows:

- Will enhance the High Street and contribute positively to Conservation Area
- New building will replicate the original Manse
- Re-use of original stone would have led to poor appearance due to condition of stone



- 39 Ownership of boundary walls – Concerns or disputes regarding the ownership of any of the walls along the mutual boundaries would be a civil matter to resolve between the parties affected it is not a material planning consideration.
- 40 Structural risk – Impact from the way construction works are undertaken and how this relates to retaining walls/foundations would be a civil matter to resolve between the parties affected it is not a material planning consideration.
- 41 Ground stability – The developer has indicated in the submission that three tanks within the site will be removed. The stability of the ground conditions beneath the site following the completion of the development is not a material planning consideration and will be assessed and verified separately by a qualified structural engineer during submission of the Building Warrant.
- 42 The other remaining points of objection are addressed in the Appraisal section of the report.

### **ADDITIONAL STATEMENTS**

43

|                                                |                                                                                                                                    |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not Required                                                                                                                       |
| Screening Opinion                              | Not Required                                                                                                                       |
| Environmental Impact Assessment                | Not Required                                                                                                                       |
| Appropriate Assessment                         | Not Required                                                                                                                       |
| Design Statement / Design and Access Statement | Submitted                                                                                                                          |
| Reports on Impact or Potential Impact          | Bat Survey, Phase 1<br>Contaminated Land Report,<br>Structural Condition Report,<br>Drainage Strategy,<br>Sustainability Statement |

### **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 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 45 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.



## **Principle**

- 46 It should be noted that an application for Conservation Area Consent has been submitted which deals with the retrospective demolition of buildings on the site, application 19/00818/CON refers. The Conservation Area Consent application and planning application are inextricably linked as the demolition under the Conservation Area Consent cannot be granted until a satisfactory replacement scheme is in place.
- 47 The principle of redeveloping the site has previously been established through the planning permission granted by the Development Management Committee in November 2018 but this approval included the retention of the Manse building that until recently stood on the site. However the demolition of this building has triggered the requirement for a new planning application for the entire scheme.
- 48 The plans for the flatted development to the rear are exactly the same as the plans that were approved under the original permission. The only significant change being proposed under this current application relates to the total demolition and reconstruction of the Manse to provide two semi-detached dwellinghouses, as per the previous permission. The proposals also include relatively minor alterations to the boundary treatments.
- 49 As such it is not considered necessary to revisit the principle of redeveloping the site, with the main consideration in this case being the proposed replacement structure in lieu of the original dwellinghouse.

## **Design and Layout and Conservation Considerations**

- 50 The proposed design and layout of the replacement building has been modelled on the original, with the general layout and frontage remaining almost identical in scale and form. The other contemporary additions to the side and rear all remain as per the previously approved plans with the exception of some minor alterations to the fenestration.
- 51 In terms of materials, unfortunately the condition of the original stonework has been found to not be suitable for the reconstruction of the frontage or the façade of the side extension. Instead it is proposed that the principle façade of the building will be constructed in matching stonework with the remaining original stonework re-used in the construction of new boundary walls within the site. The side extension will also now be entirely clad in brickwork to match the rest of the rear extension and the gables will be constructed in textured masonry. Whilst this approach is considered acceptable it is appropriate in this case to ensure that updated plans are sought at a scale of 1:20 with further information included on the new stone specification and detailing of architectural features. This can be secured by condition (Condition 2). A separate condition (Condition 6) also secures the submission of detailed specifications for all of the remaining finishing materials including the textured masonry product.



- 52 In addition to the above, it is noted that the plans indicate that the windows on the façade of the building will be timber double glazed windows but the opening method is unclear. For the avoidance of doubt and to ensure a high standard of finish a condition has been applied to ensure the windows are timber sash and case windows to match the original windows (Condition 3).
- 53 In respect to the general layout of the development and design of the flatted block to the rear, these elements remain exactly the same as previously approved under the 2018 permission with no changes being proposed.
- 54 Securing the phased development is warranted in this instance and can be secured via conditional control (Condition 5). While it will make sense to remediate, service and undertake ground works in one phase the erection of the superstructure and the completion of the new manse building should be secured prior to the rest of the sites occupation.
- 55 Overall, subject to conditions, it is considered that the proposal with regards to design, layout and conservation issues still complies with policy RD1, HE2, HE3B, PM1A and PM1B of the adopted Perth and Kinross Local Development Plan 2014.

### **Residential Amenity**

- 56 It is noted that concerns have again been expressed regarding overlooking and overshadowing, particularly in regards to alterations to the existing boundary walls.
- 57 It should be highlighted that the boundary treatments being proposed under this current application are exactly the same as previously approved under the 2018 permission. The plans for the flats to the rear of the site are also identical to the previously approved plans with no changes to the detailed design or layout of the flats. As such it is not considered that there is any need to revisit the matters regarding overshadowing and overlooking as they were addressed under the previous permission.
- 58 It was noted that the applicant did initially submit an elevation plan of the new house that showed a section of the boundary wall between the rear garden of House 1 and the converted school building to the north as being reduced in height with a new trellis above. However this was identified as not being consistent with proposed boundary treatment plan. As such the developer has amended the elevation plans and is now proposing a 1.8m meter high stone wall as per the previously approved plans. The plans have been updated to reflect this minor change.

### **Roads and Access**

- 59 It is noted that concerns have been raised regarding road safety, particularly in relation to increased traffic and reduced visibility due to parked cars. As already highlighted, the proposals do not seek any alteration to the access or parking



arrangement that were approved under the previous permission. Nevertheless, Transport Planning has again been consulted and they have raised no concerns in regards to road safety or parking.

- 60 It is therefore considered that with conditional control applied (Conditions 10, 11, 12 and 13) there is no conflict with Policy TA1B.

### **Drainage and Flooding**

- 61 The applicant has again confirmed that the foul drainage will be connected to the public sewer and a condition can be imposed to ensure this connection is achieved (Condition 16).
- 62 The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this will need to be incorporated into the site layout to comply with policy EP3C. The applicant has submitted the same drainage strategy and Structures and Flooding Team have again advised that further information is required in order to demonstrate that it can attenuate flows up to the 1 in 200 year plus climate change rainfall event. As per the previous permission this can be controlled by condition (Condition 8).

### **Contaminated Land**

- 63 As outlined above, during initial investigative works it was discovered that there were three underground storage tanks that had not been identified and rendered safe. These tanks have subsequently been degassed but require to be removed along with the remaining infrastructure that serviced the fuel pumps. This has unfortunately resulted in the requirement to demolish the Manse.
- 64 Upon the removal of these tanks the developer is required to undertake the full site investigation prior to any works commencing on the redevelopment of the site. This is proposed to be conditioned accordingly (Condition 9).

### **Natural Heritage and Biodiversity**

- 65 A full bat survey was previously undertaken. That Report set out a number of recommendations and mitigation works that required to be deployed before demolition. As well as mitigation measures to be incorporated into the redevelopment of the site.
- 66 Following the demolition of the building the Bio-diversity Officer contacted Scottish Natural Heritage (SNH). This confirmed that a licence had been obtained and works had progressed with appropriate supervision. The Bio-diversity Officer reaffirms the requirement for mitigation measures to be incorporated into the redevelopment of the site, namely the placement of two bat boxes and two swift bricks in appropriate locations on the replacement building.



- 67 With mitigation measures secured via condition (Condition 7) there is no conflict with Policy NE3 Biodiversity.

### **Waste Collection**

- 68 The Council's Community Waste Advisor has again advised that a refuse collection vehicle will not enter this development so bins will be collected from the High Street. The proposal includes a bin store area within the central courtyard area and the site layout also incorporates a bin collection point that will allow for refuse uplift at the High Street entrance.

### **Developer Contributions**

- 69 An affordable housing contribution of £18,750 (1.25 x £15,000) and education contribution of £24,225 (3.75 x £6,460) was secured by legal agreement under the previous permission. This legal agreement is still enforceable and will ensure the payment of the aforementioned contributions should permission be granted for this proposal.

### **Economic Impact**

- 70 There will be a positive economic impact associated with the redevelopment of this site. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive but minor impact on consumer spend within the Kinross Market Area.

### **LEGAL AGREEMENTS**

- 71 There is an existing legal agreement that covers the payment of both education and affordable housing contributions.

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

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



## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

#### **Conditions and Reasons for Recommendation**

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

Reason – To ensure the development is carried out in accordance with the approved drawings and document.

- 2 Prior to the re-commencement of development, detailed plans of the proposed new Manse building (Houses 1 & 2) at a scale of 1:20 shall be submitted for the approval of the Planning Authority. These plans shall provide details of the proposed architectural features such as the cornicing, window surroundings, door surrounds and quoins. Thereafter, the building shall be constructed in accordance with the approved plans to the satisfaction of the Council as Planning Authority.

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

- 3 Prior to the re-commencement of development, plans showing the detailed construction of the proposed windows on the façade Houses 1 and 2 shall be submitted for the approval of the Council as Planning Authority. For the avoidance of doubt the windows shall be of a timber sliding sash and case construction. Thereafter, the windows shall be constructed and installed in accordance with the approved plans to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the re-commencement of development a sample board of the proposed stonework to be used in the construction of the façade of the Manse building (Houses 1 & 2) shall be made available on site for the review and approval of the Council as Planning Authority. The sample board is required to demonstrate the stone type, coursing and mortar jointing. Thereafter, the approved stonework shall be used in the construction of the building in accordance with the approved plans to the satisfaction of the Council as Planning Authority.

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



- 5 The reconstruction of the Manse building (Houses 1 & 2) shall be completed to the satisfaction of the Council as Planning Authority prior to the occupation of any of the Units 3, 4, 5 or 6.

Reason – In the interests of visual amenity; to ensure that the principal building at the frontage of the site is reinstated and completed at the earliest opportunity.

- 6 Prior to the re-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.

- 7 Prior to the re-commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).

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

- 8 Development shall not re-commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

- 9 Development shall not re-commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify;

- The nature, extent and type(s) of contamination on the site.
- Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- Measures to deal with contamination during construction works.
- Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority.



Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority and approved in writing.

Reason – In order to deal with any potential contamination of the site as a result of its former use.

- 10 Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 11 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 12 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawing ref 19/01096/18 shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 13 Prior to the development hereby approved being completed or brought into use, the cycle parking facilities shown on the approved drawing ref 19/01096/18 for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 14 The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 15 The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper



level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 16 The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

## **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 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 4 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.



- 6 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 7 This is approval of your application Ref no 19/01096/FLL for Planning Permission only. It does not include any approval for your related Conservation Area Consent Ref no 19/000818/CON.
- 8 There is a Section 75 legal obligation associated with this planning permission, which relates to the payment of both education and affordable housing contributions. A copy is available to view on the Council's Public Access portal.

Background Papers: 7 letters of representation  
Contact Officer: David Niven 01738 475345  
Date: 12 September 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

|                                                                                                                                                                                                                                                             |
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Scale 1:5000



19/01096/FLL

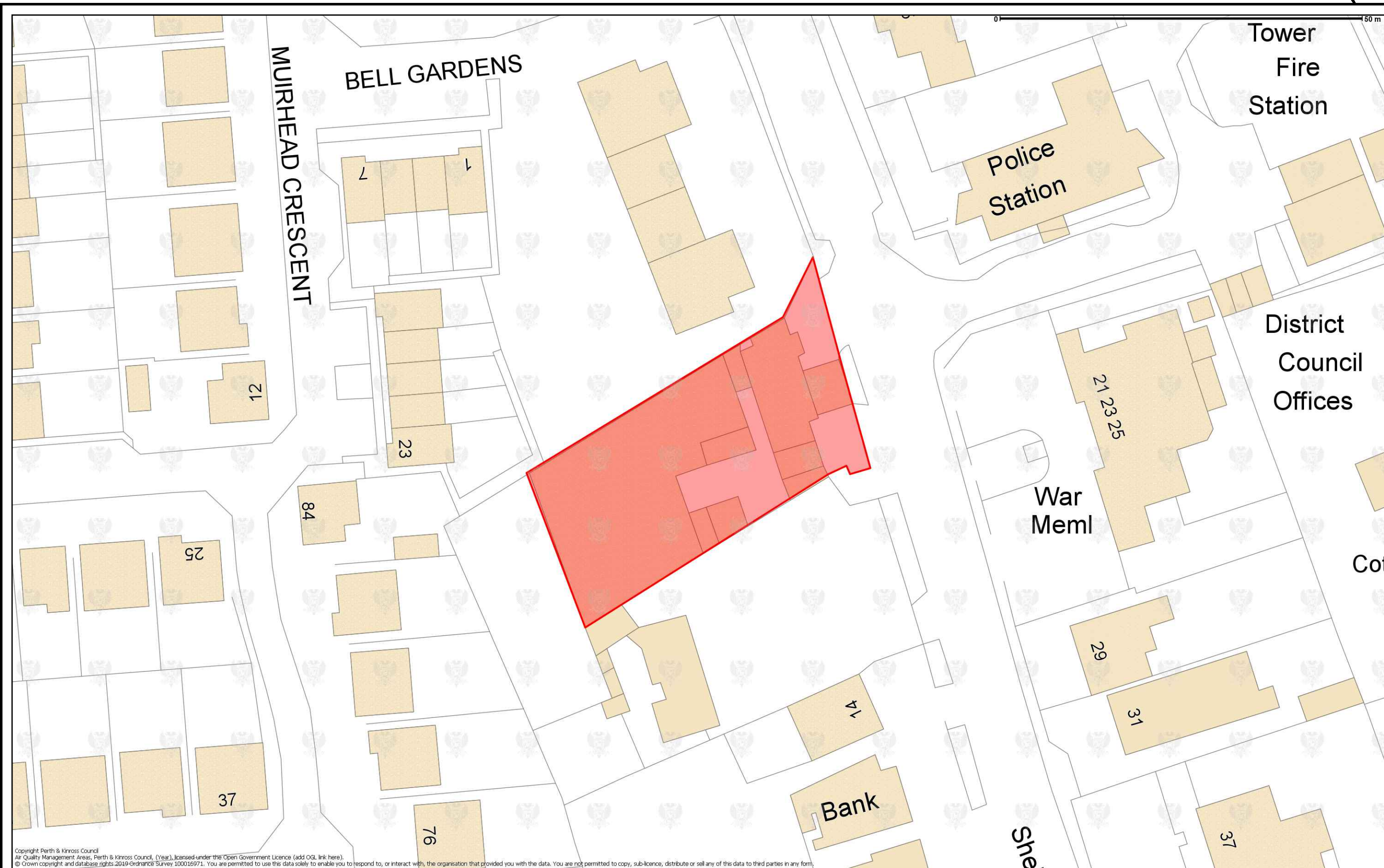
Demolition of buildings (in part retrospect) Kirklands Garage, 10 High Street, Kinross













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|                                                                                                                                                                                                                                                                                                                                       | <p>Scale 1:500</p> |                                                                                       | <p>Demolition of buildings (in part retrospect) Kirklands Garage, 10 High Street, Kinross</p> |                                                                                       |







Perth and Kinross Council  
Planning & Development Management Committee – 24 September 2019  
Report of Handling by Head of Planning & Development (Report No. 19/272)

**PROPOSAL:** Demolition of buildings (in retrospect)

**LOCATION:** Kirklands Garage, 10 High Street, Kinross, KY13 8AW

Ref. No: [19/00818/CON](#)

Ward No: P8 - Kinross-shire

### **Summary**

This report recommends approval of the retrospective Conservation Area Consent application for the full demolition of buildings on the Kirklands Garage site. The proposal is not considered to have a detrimental impact on Kinross Conservation Area and there is no conflict with the Local Development Plan as well as supplementary planning guidance based on the redevelopment of the site under planning application 19/01096/FLL. On that basis the application is recommended for approval.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This is a retrospective application for the full demolition of buildings at Kirklands Garage in Kinross.
- 2 An earlier conservation consent application for partial demolition was approved under 18/01055/CON. That approval allowed for the demolition of outbuildings at the rear of the site, parts of the Manse building including a two-bay pend addition and a later garage canopy. The frontage of the mid-19th century two-storey former manse was to be retained and incorporated into the re-development of the site, see application 18/01054/FLL.
- 3 Due to the former use of the site and the content of the phase 1 contaminated land report Condition 12 of the 2018 planning permission sought an intrusive ground investigation to ensure that the potential for contamination was considered with any remedial works undertaken to ensure the site was fit for residential development.
- 4 Limited and partial demolition works started on agreement to enable the site investigation to be undertaken under the 2018 consent. During a visit from the Health and Safety Executive, it was discovered that there were three underground storage tanks that had not been identified in the phase 1 survey and these had not been rendered safe. As a result works on the site were stopped to allow the tanks to be degassed.



- 5 The location and the positioning of the newly discovered tanks resulted in the design and project management of the scheme being reviewed and prompted the submission of this Conservation Area Consent Application for full demolition of all buildings on the site including the entirety of the Manse building.
- 6 Following the submission of this application unfortunately the building was completely demolished without the necessary consent in place which resulted in enforcement action being pursued and a stop notice being placed on the site. No further works have taken place to date.
- 7 A separate planning application for full demolition of buildings on the site and redevelopment of the site (Ref: 19/01096/FLL) is also before the committee today to be considered in conjunction with this application.

### **NATIONAL POLICY AND GUIDANCE**

- 8 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.
- 9 The most applicable National Policy and Guidance associated with this Conservation Area Consent is produced by Historic Environment Scotland.
- 10 Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019.
- 11 Managing Change in the Historic Environment - Guidance on Conservation Areas and Demolition.

### **DEVELOPMENT PLAN**

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

### **TAYPlan Strategic Development Plan 2016-2036**

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

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



- 14 The following section of the TAYplan 2016 is of particular importance in the assessment of this application.

Policy 9: Managing TAYplans Assets

#### **Perth and Kinross Local Development Plan 2014**

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

Policy HE3B - Conservation Areas

Policy NE3 - Biodiversity

#### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 17 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

#### **SITE HISTORY**

- 18 [18/00155/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 6 flats and associated works Application Withdrawn 28 February 2018
- 19 [18/00156/CON](#) Part demolition of buildings. Application Withdrawn 28 February 2018
- 20 [18/00401/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 6 flats and associated works Application Withdrawn 23 April 2018



- 21 [18/00402/CON](#) Part demolition of buildings Application Withdrawn 23 April 2018
- 22 [18/01054/FLL](#) Part demolition of buildings, erection of 2 dwellinghouses and 4 flats and associated works Application Approved 21 November 2018.
- 23 [18/01055/CON](#) Part demolition of buildings Application Approved 21 November 2018
- 24 [19/01096/FLL](#) Complete demolition of buildings, erection of 2 dwellinghouses, 4 flats and associated works (in retrospect), application pending, recommended for approval at this Committee.

## **CONSULTATIONS**

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

### **External**

#### **Historic Environment Scotland**

- 26 No objection but recommend that more detailed survey information is available to ensure that the rebuilding is done properly.

### **Internal**

- 27 **Environmental Health (Contaminated Land)**

The tanks require to be removed with the remaining infrastructure that serviced the fuel pumps. The applicant is required to undertake the full site investigation once these tanks have been removed.

- 28 **Biodiversity Officer**

No objection to proposals subject to conditions regarding the biodiversity survey and installation of two bat boxes and two swift bricks in appropriate positions.

## **REPRESENTATIONS**

- 29 The following points that are applicable to the assessment of this Conservation Area Consent Application were raised in the ten letters of representation received from eight parties:
- Lack of justification for demolition
  - Manse should be rebuilt prior to the other building work on site
  - Impact on character and amenity of the area
  - Impact on conservation area
  - Impact on biodiversity



- 30 These issues are addressed in the Appraisal section of the report.
- 31 Other issues are raised but are not of relevance to the assessment of this Conservation Area Consent application. Where they are material to the assessment of the planning application for redevelopment then they will be covered under the assessment of planning application 19/01096/FLL. The matters raised are as follows:
- Overshadowing
  - Overlooking
  - Retention of communal boundary wall
  - Ownership of the communal boundary wall
  - Impact on health and safety

## **ADDITIONAL STATEMENTS**

32

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

## **APPRAISAL**

- 33 The determining issue in the assessment of this Conservation Area Consent application is the effect of demolition of the building on the Kinross Conservation Area, bearing in mind the provisions of the section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the terms of policy HE3B of the Perth and Kinross Area Local Development Plan 2014 as well as supplementary planning guidance.
- 34 Historic Environment Policy produced by Historic Environment Scotland is of particular importance. Planning Authorities are directed to this guidance in their consideration of applications affecting the historic environment and the setting of individual elements of the historic environment.
- 35 It specifies the demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a Conservation Area, or part of it. In deciding whether Conservation Area Consent should be granted, Planning Authorities should therefore take account of the importance of the building to the character or appearance of any part of the Conservation Area, and of proposals for the future of the cleared site.



- 36 If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated. In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult.
- 37 In instances where demolition is to be followed by re-development of the site, consent to demolish should in general only be granted where there are acceptable proposals for the new building. As outlined above, following the submission of this application to change to full demolition rather than partial demolition, the developer unfortunately proceeded with the demolition of the building without the necessary consents. However it is assessed that under the circumstances the demolition is justified and the proposed replacement building will not have a negative impact on the character or appearance of any part of the Conservation Area.

### **Conservation Considerations**

- 38 10 High Street was a mid-19th century three-bay former manse with a two-storey, two-bay addition including a flat-arched pend adjoining the south gable. The date of this addition is unknown, but is shown as part of the footprint of the building on the 2nd Edition Ordnance Survey map. This building fronted a variety of mid-20th century outbuildings.
- 39 The earlier Conservation Area Consent Application that was approved sought the partial retention of the Manse with the demolition of remaining structures within the site. At that time it was considered to strike the right balance in preserving and enhancing the Kinross Conservation Area.
- 40 The planning agent's supporting statement notes that location and the positioning of the newly discovered tanks resulted in the design and project management of the scheme being reviewed and prompted the submission of the Conservation Area Consent Application for full demolition. It is unfortunate that the phase 1 contaminated land survey undertaken by the applicant's engineering consultant did not pick up on this constraint to fully inform the initial redevelopment proposal earlier. It is even more unfortunate that the developer undertook full demolition without following due process.
- 41 It is clear from the Contaminated Land Officer's response that the presence of the newly discovered tanks and their relationship to the Manse affects the ability to deliver the earlier approved scheme. The Contaminated Land Officer notes there is a requirement for the removal of the tanks to fully inform the remediation strategy at the site. In light of this it is considered that the full demolition of the building is warranted.



- 42 The planning agent notes that the front façade of the Manse will be rebuilt to the same design using matching materials.
- 43 Historic Environment Scotland (HES) note in their correspondence that it was their clear preference that the façade of the building was retained and that the intention to now rebuild the elevations does not in their view mitigate against the adverse impacts arising from the unauthorised demolition works. They have however not objected to the proposals but instead suggested that the Council should determine if more detailed survey information is available to ensure that the rebuilding is done properly such as additional drawings at a minimum scale of 1:20 in order to show the location of individual stones to ensure that the elevations, its window margins and cornice retain the appearance of a high-status 18<sup>th</sup> century house.
- 44 However, as noted by HES, the method of demolition utilised unfortunately means that the stones of the old house will have been damaged during demolition. It is also the case that none of the stones and architectural details were numbered prior to being taken down as might be expected in a house of more than 200 years of age, or that the house was the subject of a survey that would be sufficiently detailed to achieve an accurate rebuild of the older elevations. Nevertheless a stonemason has reviewed the stonework on site with a view to determining if any of the stonework could be salvaged for reuse on the façade of the building but unfortunately, in discussion with the Conservation Officer, it was agreed that the condition of the stone was not structurally safe to re-use in the rebuild and would also result in a poor finish. Instead it has been suggested that the stonework would be better reutilised in the construction of new boundary walls within the site and this is what the developer now proposes to do.
- 45 There is a requirement to ensure that any new stone elements take account of the architectural details of the previous building. In this case it is appropriate to ensure that updated plans are sought at a scale of 1:20 with further information included on the new stone specification and detailing of architectural features. This can be secured under application 19/01096/FLL for the redevelopment of the site. With this secured it is considered that there will not be an adverse effect on the visual amenity, residential amenity or the character and amenity of the Conservation Area.
- 46 Representations suggest the rebuilding of the Manse should be secured prior to the rest of the site being redeveloped. Securing the phased development is warranted and can be secured via conditional control under application 19/01096/FLL. While it will make sense to remediate, service and undertake ground works in one phase the erection of the superstructure and the completion of the new manse building should be secured prior to the rest of the sites occupation.



## **Natural Heritage and Biodiversity**

- 47 A full bat survey was previously undertaken. That report set out a number of recommendations and mitigation works that required to be deployed before demolition. As well as mitigation measures to be incorporated into the redevelopment of the site.
- 48 Following the demolition of the building the Council's Bio-diversity Officer contacted Scottish Natural Heritage. This confirmed that a licence had been obtained and works had progressed with appropriate supervision. The Bio-diversity Officer reaffirms the requirement for mitigation measures to be incorporated into the redevelopment of the site, namely the placement of two bat boxes and two swift bricks in appropriate locations on the building.
- 49 With mitigation measures secured via the redevelopment application 19/01096/FLL there is no conflict with Policy NE3 Biodiversity.

## **Economic Impact**

- 50 There will be a positive economic impact associated with the redevelopment of this site. Employment opportunities will exist during the construction phase. There will also be an increased available expenditure through net growth in residential occupation, resulting in a positive but minor impacts on consumer spend within the Kinross Market Area.

## **LEGAL AGREEMENTS**

- 51 None

## **DIRECTION BY SCOTTISH MINISTERS**

- 52 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**

- 53 In conclusion, the application must be determined in accordance with section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In this respect, the proposal is not considered to have a detrimental impact on Kinross Conservation Area and there is no conflict with the Local Development Plan as well as supplementary planning guidance. On that basis the application is recommended for approval.



## **RECOMMENDATION**

### **Approve the Application**

#### **Conditions and Reasons for Recommendation**

No conditions recommended.

## **B JUSTIFICATION**

Taking account of the supporting information sufficient justification has been provided to demolish the Manse. With mitigation measures being deployed under the application dealing with the redevelopment of the site, the proposal is not considered to have a detrimental impact on Kinross Conservation Area and there is no conflict with the Local Development Plan as well as supplementary planning guidance.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This is approval of your application Ref no 19/00818/CON for Conservation Area Consent only. It does not include any approval for your related planning application Ref no 19/01096/FLL.

Background Papers: 10 letters of representation  
Contact Officer: David Niven 01738 475345  
Date: 12 September 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Scale 1:5000



19/00818/CON

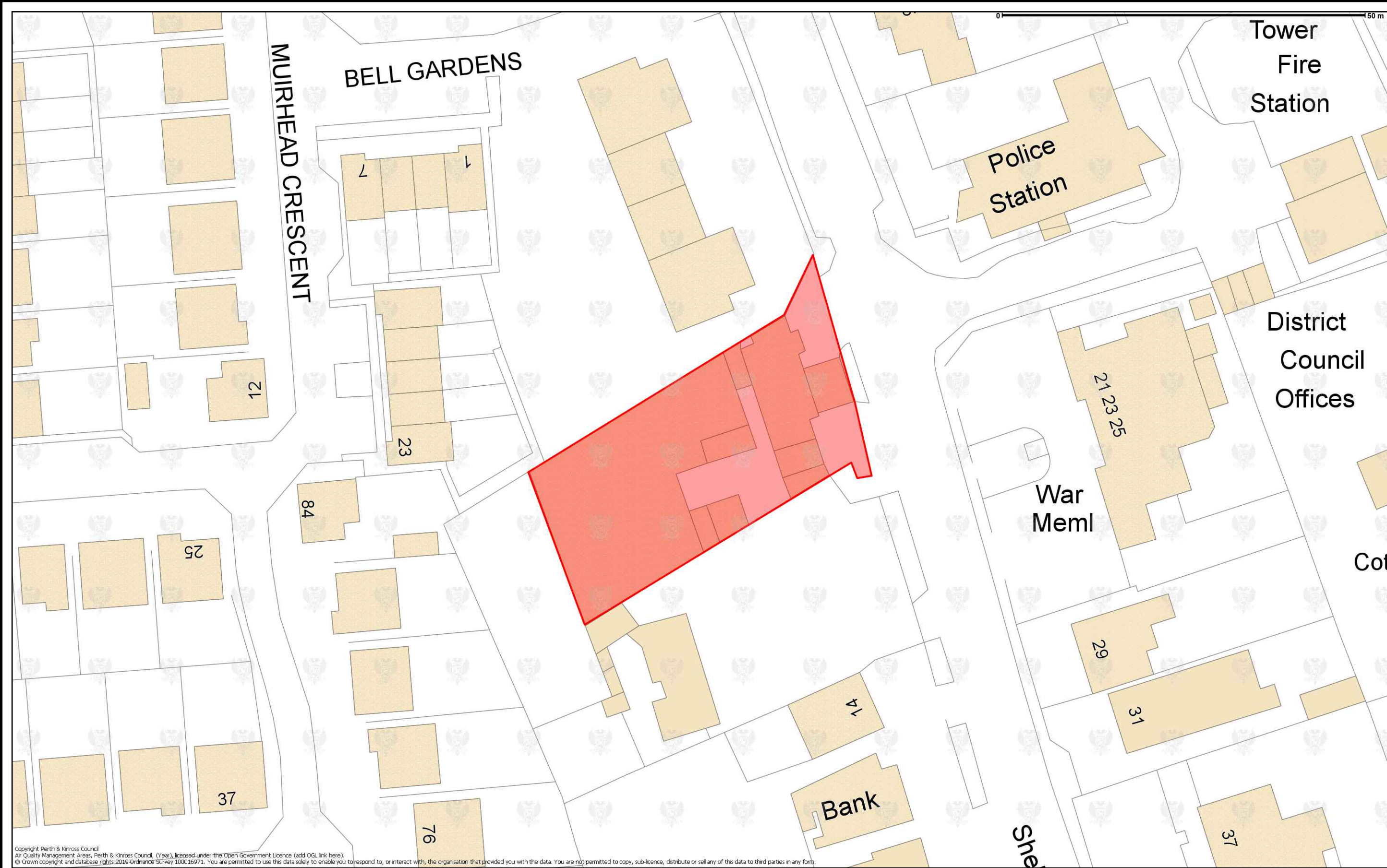
Demolition of buildings (in part retrospect) Kirklands Garage, 10 High Street, Kinross











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|                                                                                                                                                                                                                                                                                                                                | Scale 1:500 |  |                                                                                                            |  |







Perth and Kinross Council  
Planning and Development Management Committee – 24 September 2019  
Pre-Application Report by Head of Planning and Development (Report No. 19/273)

Erection of 196 holiday lodges, hub buildings, landscaping, open space, vehicular access, parking area and associated works at land at East Third Farm, Auchterarder.

Ref. No: [19/00005/PAN](#)  
 Ward No: P7 - Strathallan

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a proposed holiday lodge development on the western edge of Auchterarder near Gleneagles. The report aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 26 July 2019. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is outwith both the Auchterarder and Gleneagles settlement boundaries. The site is in close proximity of the National Grid Gas Pipeline. This PoAN seeks to formally establish a major development comprising uses as set out above. The exact range of uses, scale, design and layout of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

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

### **PRE-APPLICATION PROCESS**

- 4 The PoAN confirmed that a public exhibition will be held on 26<sup>th</sup> September at Aytoun Hall, Auchterarder. The Ward Councillors, Auchterarder Community Council, Blackford Community Council and Muthill & Tullibardine Community Council have been notified. The applicant has also been advised to notify the



local MP and MSP of the proposal and conduct a leaflet drop in the surrounding area. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **The Scottish Planning Policy 2014**

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74 - 91
  - Supporting Business and Employment: paragraphs 92 - 108
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
  - PAN 3/2010 Community Engagement
  - PAN 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 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 73 Rural Diversification



- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- Planning and Waste Management Advice (July 2015)

### **Designing Streets 2010**

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

### **Creating Places 2013– A policy statement on architecture and place for Scotland 2013**

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

### **National Roads Development Guide 2014**

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

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2016-2036**

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

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

- 13 The following policies of TAYplan 2016 are of particular importance in the assessment of this application.
  - Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 3: Managing TAYplans Assets
  - Policy 6: Developer Contributions
  - Policy 8: Green Networks



## **Perth and Kinross Local Development Plan 2014**

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application:-
- PM1 – Placemaking
  - PM2 – Design Statements
  - PM3 – Infrastructure Contributions
  - PM4 – Settlement Boundaries
  - ED3 – Rural Business and Diversification
  - ED4 – Caravan Sites, Chalets and Timeshare Developments
  - ED5 – Major Tourism Resorts
  - TA1 – Transport Standards and Accessibility Requirements
  - CF1 - Open Space Retention and Provision
  - CF2 – Public Access
  - HE4 - Gardens and Designed Landscapes
  - NE2 – Forestry, Woodland and Trees
  - NE3 – Biodiversity
  - NE4 – Green Infrastructure
  - EP2 – New Development and Flooding
  - EP3 – Water Environment and Drainage
  - EP4 – Health and Safety Consultation Zones
  - EP5 – Nuisance from Artificial Light and Light Pollution
  - EP8 – Noise Pollution

## **OTHER POLICIES**

- 17 The following supplementary guidance are of particular importance in the assessment of this application:-
- Developer Contributions including Affordable Housing September 2016
  - Flood Risk and Flood Risk Assessments –June 2014

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 18 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019).



This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the Adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The following policies are of particular importance and will be material to the assessment.

- Policy 1 – Placemaking
- Policy 2 – Design Statements
- Policy 5 – Infrastructure Contributions
- Policy 6 – Settlement Boundaries
- Policy 8 – Rural Business and Diversification
- Policy 9 – Caravan Site, Chalets and Timeshare Developments
- Policy 14 – Open Space Retention and Provision
- Policy 15 – Public Access
- Policy 23 – Delivery of Development Sites
- Policy 29 – Gardens and Designed Landscapes
- Policy 37 – Landscape
- Policy 38 – Forestry, Woodland and Trees
- Policy 39 – Biodiversity
- Policy 40 – Green Infrastructure
- Policy 50 – New Development and Flooding
- Policy 51 – Water Environment and Drainage
- Policy 52 – Health and Safety Consultation Zones
- Policy 53 – Nuisance from Artificial light and Light Pollution
- Policy 54 – Noise Pollution
- Policy 58 – Transport Standards and Accessibility Requirements

## **PLANNING SITE HISTORY**

- 19 There is no known planning history for the proposed site.

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Historic Environment Scotland (HES)
- Scottish Water
- Transport Scotland
- Health and Safety Executive (HSE)
- National Grid
- Forestry Commission Scotland



- Perth and Kinross Heritage Trust (PKHT)
- Auchterarder Community Council
- Blackford Community Council
- Muthill and Tullibardine Community Council

#### **Internal**

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

#### **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

- 21 The key considerations against which the eventual application will be assessed include:-
- a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses including gas pipelines
  - d. Natural Heritage and Ecology
  - e. Landscape
  - f. Water Resources and Soils including private water supplies
  - g. Impact of Noise
  - h. Transport Implications
  - i. Open Space Provision
  - j. Waste
  - k. Tourism and Economy
  - l. Impact on agriculture
  - m. Flooding and Drainage

#### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 22 In the absence of an EIA, the following supporting documents will need to be submitted with any planning application;
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Leisure Impact Assessment
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Phase 1 Habitat Survey including protected species and breeding birds



- Landscape and Visual Impact Assessment
- Archaeological Assessment
- Sustainability Assessment
- Noise Assessment

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None  
 Contact Officer: Steve Callan  
 Date: 12 September 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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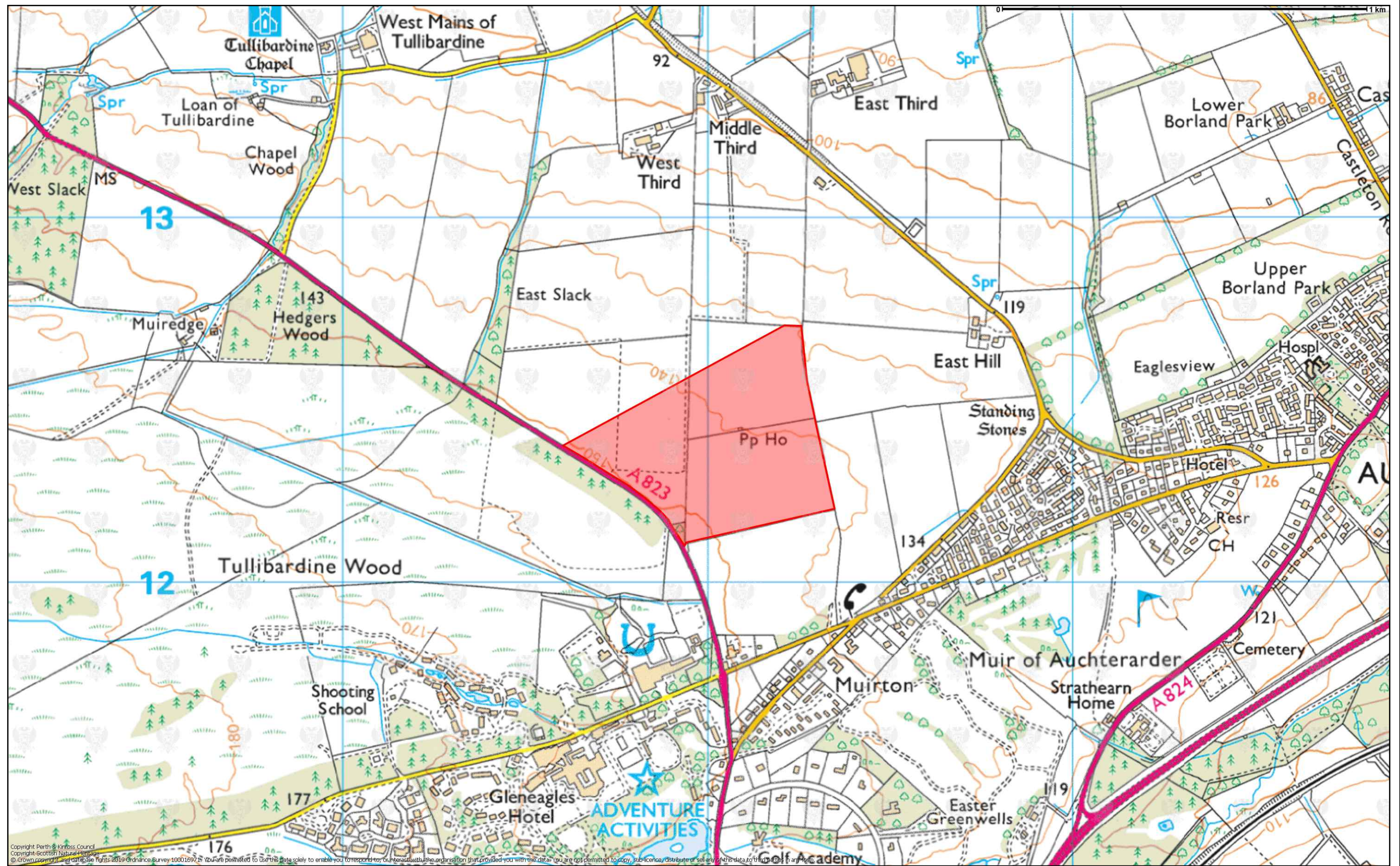
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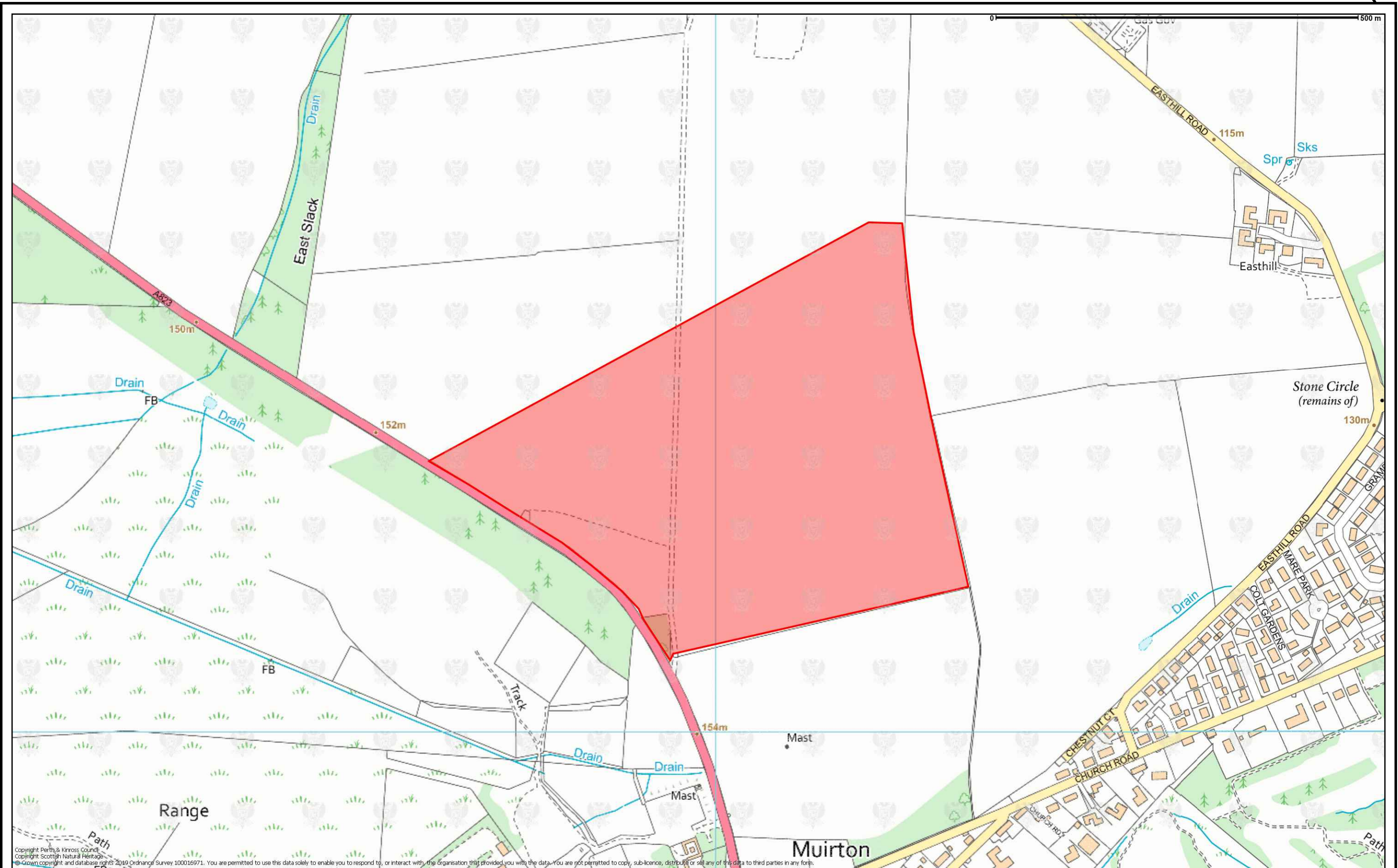


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