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Council Building  
2 High Street  
Perth  
PH1 5PH

27 May 2020

A Meeting of the **Planning and Development Management Committee** will be held virtually via Microsoft Teams on **Wednesday, 03 June 2020 at 10:00**.

If you have any queries please contact Committee Services - [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**KAREN REID**  
Chief Executive

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

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

**Members:**

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



**Planning and Development Management Committee**

**Wednesday, 03 June 2020**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 29 APRIL 2020 FOR APPROVAL 7 - 32**  
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 19/01900/FLM - PERTH - ERECTION OF 82 DWELLINGHOUSES AND ASSOCIATED WORKS (CHANGES TO HOUSE TYPE/LAYOUT ON PLOTS 0024 - 0091 OF PERMISSION 15/01109/FLM), LAND AT BERTHA PARK, PERTH 33 - 50**  
Report of Handling by Head of Planning and Development  
(Recommendation - Refuse) (copy herewith 20/93)
- 5(1)(ii) 20/00020/AMM-ALYTH-SITE MATERPALN & ERECTION OF CARE/NURSING HOME, 20 DWELLINGHOUSES & 8 GARAGES, 3 CLASS 4 BUSINESS UNITS, BIOMASS BOILER HOUSE/STORE, PUMPING STATION, 2 ENTRANCE BUILDINGS/STORES & BOUNDARY TREATMENTS, FORMATION OF 2 VEHICULAR ACCESSES, SERVICE/ACCESS ROAD & TEMPORARY BRIDGE, SUDS POND, PARKING AREAS, SITE INFRASTRUCTURE, BURN RE-ALIGNMENT, LANDSCAPING & ASSOCIATED WORKS (PHASE 1)(S42 TO MODIFY CONDITION 22(II) OF PERMISSION 18/01214/AMM), NORTH OF PITCROCKNIE FARMHOUSE, ALYTH 51 - 70**  
Report of Handling by Head of Planning and Development

(Recommendation - Approve) (copy herewith 20/94)

## **5(2) LOCAL APPLICATIONS**

- |   |   |                  |
|---|---|------------------|
| <b>5(2)(i)</b>                                    | <b>19/01429/LBC - COUPAR ANGUS - ALTERATIONS AND EXTENSION TO OUTBUILDING TO FORM A DWELLINGHOUSE, LAND EAST OF ABBEYHILL, PRECINCT STREET, COUPAR ANGUS</b><br>Report of Handling by Head of Planning and Development<br>(Recommendation - Approve) (copy herewith 20/95)  | <b>71 - 84</b>   |
| <b>5(2)(ii)</b>                                   | <b>19/01673/AML - CROOK OF DEVON - ERECTION OF 10 DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 18/01855/IPL), LAND NORTH WEST OF SCHIEHALLION, CROOK OF DEVON</b><br>Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/96) | <b>85 - 104</b>  |
| <b>5(2)(iii)</b>                                  | <b>20/00007/FLL - PERTH - DEMOLITION OF GYM, CONVERSION AND ERECTION OF 12 FLATS, FORMATION OF COMMUNAL COURTYARD AND ASSOCIATED WORKS, 15 CANAL STREET, PERTH</b><br>Report of Handling by Planning and Development (Recommendation - Approve) (copy herewith 20/97)   | <b>105 - 124</b> |
| <b>5(2)(iv)</b>                                   | <b>20/00061/CON - PERTH - DEMOLITION OF BUILDING, 15-17 CANAL STREET, PERTH</b><br>Report of Handling by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/98)  | <b>125 - 136</b> |
| <b>5(2)(v)</b>                                    | <b>20/00217/FLL - ABERARGIE - ERECTION OF INDOOR EQUESTRIAN FACILITY, RIDING ESTABLISHMENT, NETHERTON FARM, ABERARGIE, PERTH</b><br>Report of Handling by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/99)   | <b>137 - 152</b> |
| <br><b>6 PROPOSAL OF APPLICATION NOTICE (PAN)</b> |   |                  |
| <b>6(i)</b>                                       | <b>20/00003/PAN - MURTHLY - ERECTION OF POULTRY REARING SHEDS, MANAGERS DWELLINGHOUSE, AMENITY AND STORAGE BUILDINGS AND ASSOCIATED WORKS, MURTHLY</b><br>Pre-Application Report by Head of Planning and Development (copy herewith 20/100)   | <b>153 - 162</b> |

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PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
29 APRIL 2020

## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually via Microsoft Teams on Wednesday 29 April 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, A Bailey (substituting for M Barnacle), E Drysdale, T Gray, D Illingworth, I James, G Laing (substituting for vacant position), C Purves, C Reid, R Watters and W Wilson (Councillor Wilson joined the meeting at approximately 10.15am).

In Attendance: L Reid and L MacLean (all Housing and Environment); D Littlejohn; K Smith, J Scott, L MacLean, L Reid, A Rennie G Fogg, S Hendry, A Brown and A Taylor (all Corporate and Democratic Services); C Wright and S Watt (both IT).

Apologies: Councillor M Barnacle.

Councillor R McCall, Convener, Presiding.

Prior to the commencement of business both Councillor McCall and Councillor Laing paid tributes to the late Councillor Bob Band.

### . **WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### . **DECLARATIONS OF INTEREST**

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

### . **MINUTES**

The minute of meeting of the Planning and Development Management Committee of 11 March 2020 (Arts.) was submitted, approved as a correct record and authorised for signature.

### . **DEPUTATIONS**

There were no requests for deputations.

**APPLICATION FOR DETERMINATION**

**(1) Major Application**

- (i) **19/01165/AMM - CRIEFF - Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM), land 200 metres south west of Wiltshire Foods, Broich Road, Crieff (Part of LDP Site MU7) – Report 20/87 – Ogilvie Homes Limited**

**Resolved:**

**Grant**, subject to the following conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.  
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
3. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
  - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from



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- construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

4. Prior to the commencement of development, schemes to provide:

- a) a signalised pedestrian crossing(s) on Broich Road and into the site; and
- b) a vehicular link along the eastern boundary connecting with the approved PPP site,

Shall be submitted to, and approved in writing by, the Council as Planning Authority. Each scheme shall confirm the location, specification, detailed design and delivery timescales of the pedestrian crossing(s) and vehicular linkage. The scheme for the approved crossing shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse. The scheme for the approved vehicular link shall be implemented prior to the occupation of the 200<sup>th</sup> dwellinghouse.

Reason: In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

5. No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted to, and approved in writing by, the Council as Planning Authority. The Travel Plan will have 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 interests of sustainable transport.

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6. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.  
Reason: In the interest of pedestrian and cycle safety.
7. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
  - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - c) their siting and location; and
  - d) ongoing operation and maintenance.
- Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.  
Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.
8. Prior to the commencement of development, and in conjunction with the other details of the approved landscaping scheme, an updated planting scheme with greater numbers of native species should be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved planting scheme shall be implemented in full as part of the approved landscaping scheme and maintained to the satisfaction of the Council as Planning Authority.  
Reason: To ensure the satisfactory implementation of the proposed planting scheme.
9. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted to the satisfaction of the Council as Planning Authority.

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

10. The children's play area (plan reference 19/01165/74) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

11. Two months prior to commencement of development an updated Construction Environment Management Plan (CEMP) shall be submitted for the approval of the Planning Authority in consultation with Environmental Health. The CEMP 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: In the interest of protecting environmental quality and of bio-diversity.

12. Prior to the commencement of development an updated Ecological Assessment including Protected Species Assessment shall be submitted for the approval of the Council as Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed assessments.

Reason: To ensure an up-to-date record of biodiversity in the area; In the interest of protecting environmental quality and of bio-diversity.

13. Two months prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed BMP.

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

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

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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.

15. Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

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

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

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

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

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

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

19. Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services

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offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

20. 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.

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

21. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDs all to the satisfaction of the Council as Flood Authority.

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

22. Prior to the commencement of development, detailed Micro-Drainage results and mitigation shall be submitted to and approved by the Planning Authority in consultation with the Council's Structures and Flooding Department. Thereafter the development shall be fully undertaken in accordance with the agreed details.

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

23. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

24. 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.

25. Prior to the occupation of any residential properties, at the site adjacent to the existing commercial use a 2.5 metre acoustic fence and a 30 metre stand-off zone, in which no housing development will be occupied until these commercial properties cease operations, shall be installed in accordance with the recommendation of the submitted Noise Impact Assessment dated 11 July 2019 and the Noise Mitigation Plan (plan reference: 19/0165/31).

Reason: In the interests of residential amenity.

26. Prior to the commencement of development the developer shall submit a glazing specification for all windows to bedrooms, for the written approval of the Council as Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the Planning Authority, prior to the occupation of the dwellings.

Reason: In the interests of residential amenity.

27. Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason: In the interests of sustainable transport.

### **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.

### **Procedural Notes**

Consent shall not to be issued until a Section 75 Agreement to secure the delivery of affordable housing, primary education contributions and transport infrastructure improvements on Broich Road. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

### **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.

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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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
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 that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. 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.
13. 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.
14. The applicant is reminded of existing ongoing obligations pertaining to PPP 18/02213/IPM and the suspensive conditions as set out.
15. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.



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16. There is a Section 75 legal obligation associated with this planning permission, which relates to financial contributions towards primary education, affordable housing, transport infrastructure improvements and the provision and maintenance of open space and play area. A copy is available to view on the Council's Public Access portal.

(ii) **19/01927/MWM - AUCHTERARDER - Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect), land SW of Arns Farm, Auchterarder – Report 20/88 – C J and A Lockett**

**Resolved:**

**Grant**, subject to the following conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Within 6 months of the date of this decision a detailed Water Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Water Management Plan shall include full details of the management of surface water during earthworks or stockpiling of soils and shall include details of silt management devices, cut off drains, proposed abstractions and welfare drainage. It should also detail de-watering details if this is proposed. The details, as approved in writing, shall be strictly adhered to for the duration of the operations on site to the satisfaction of the Council as Planning Authority.  
Reason: To ensure adequate management of water on site.
3. Within 6 months of the date of this decision notice, an Invasive Non-Native Species Control Plan shall be submitted to and approved in writing by the Planning Authority. The Invasive Non-Native Species Control Plan as approved in writing shall be strictly adhered to during the lifetime of the development.  
Reason: In the interests of protecting environmental quality and of biodiversity.
4. Prior to the commencement of any phases of development which relate to new mineral extraction, a

detailed Operational Environmental Management Plan (OEMP) shall be submitted to and approved in writing by the Planning Authority, to include mitigation measures to minimise the impact of noise, vibration, dust and lighting from the development site. The finalised OEMP can be based upon the draft OEMP (Appendix G of the Environmental Appraisal) submitted with the application. The OEMP is a live document which shall be updated to reflect changing site conditions as works progress on site. The OEMP, as approved, shall be strictly adhered to for the duration of operations on site until the site is fully restored to the satisfaction of the Council as Planning Authority.

Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

5. Within six months of this planning application being approved, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type C Road construction detail. The Type C Road construction detail shall continue for a minimum of 15 metres back from the edge of the road carriageway. The dropped kerbs shown in Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail will not be required as there is no existing footway. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

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

6. Within six months of the date of this decision notice, the road carriageway on the B8062 shall be resurfaced across both running lanes over the length of the Type E access formation, using the construction detail below:

- 40-50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

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

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7. Within six months of the date of this decision notice, the over-run areas to the south verge and north verge on the B8062, as outlined in Figures 5.2 and 5.3 respectively of the Transport Statement dated 17 May 2019, shall be resurfaced, using the construction detail below:

- 50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone
- 100mm Basecourse - Dense Bitumen Macadam with 20mm stone
- 300mm Sub-base type 1

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority. For the avoidance of any doubt, the existing kerb line shall remain in place.

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

8. Within six months of the date of this decision notice, road signs showing that the public road narrows on both approaches to the Ruthven Water Bridge must be installed. Diagram 516 with a supplementary plate (S2-2) "Oncoming vehicles in middle of road" must will be installed on both approaches. The location of the signs must be agreed with the Area Roads Engineer prior to installation and be erected in accordance with standards of the Roads Authority.

Reason: In the interests of road safety.

9. The conclusions and recommended action points within the supporting biodiversity survey (19/01927/28) submitted and hereby approved 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).

10. 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 150mm outside diameter being blanked off at the end of each working day.

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

11. Noise from any plant and machinery associated with the development shall be controlled such that it does not exceed 55dBLAeq, 1 hour (free field) at 3.5m from the façade of noise sensitive properties (except during temporary operations as referred to in condition 12.

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

12. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council, Environmental Health and all neighbouring noise sensitive dwellings should be advised in advance of the activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

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

13. The hours of operation shall be limited to Monday to Friday 08:00 to 18:00 hours and 08:00 to 13:00 Saturdays. No workings permitted on Sundays.

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

14. All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall always be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.

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

15. The existing dry wheel bath on site shall be retained for the duration of site works and until all aftercare measures have been completed and shall be utilised at all times. The dry wheel bath shall be supplemented by a road brush as required.

Reason: To ensure the public road is kept clear of debris from the site.

16. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

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

17. No blasting shall take place on the site at any time.

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

18. The extraction of sand, gravel and sandstone and subsequent restoration and aftercare shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, restoration, landscaping and proposed aftercare as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted unless agreed in writing with the Council as Planning Authority.

Reason: In order to ensure the development proceeds in accordance with the approved plans and documents and to serve the rights of the Council as Planning Authority.

19. If any aspects of the operation results in justified complaints the applicant shall, if required by the Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Planning Authority.

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

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

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

21. Should any external materials be required for site restoration a detailed Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority (Structures) prior to commencement of that phase of restoration. The TMP shall detail the number of HGV movements required for bringing additional materials into the site to complete the restoration phase. The Traffic Management Plan (TMP) 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

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

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

Reason: To ensure adequate controls are put in place should there be a significant uplift in HGV movements to the site as a result of the restoration process.

22. Prior to the commencement of Phase 7 of the development full details of the proposed footpath recreational access plan and any associated buildings shall be submitted to and approved in writing by the Planning Authority. The footpath recreational access plan shall be implemented in full as part of the Phase 7 works to the satisfaction of the Council as Planning Authority.

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Reason: To ensure appropriate final restoration of the site in accordance with the agreed phasing.

**Justification**

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

**Procedural Notes**

No permission should be issued until a bond has been agreed through a Section 75 Legal Agreement which has been signed by the Council and applicant associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily available to the public
  - Printed on durable material.
5. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the

approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. 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.
8. The applicant should be aware of the advice contained within SEPA's consultation response dated 28 January relating to pollution prevention control and the potential requirement for CAR Authorisation and should make contact with SEPA's regulatory team to discuss these matters.
9. The application should be aware of the guidance contained within Scottish Water's consultation response dated 16 December 2019 relating to Drinking Water Protected Areas.
10. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
11. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.
12. Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for



- the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.
13. Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials or extraction methods.
  14. The applicant should be aware of the guidance contained within Scottish Water's consultation response dated 16 December 2019 with particular regard to Drinking Water Protected Areas and Surface Water Drainage.
  15. The applicant is reminded that there is a duty of compliance with other requirements such as The Water Environment (Controlled Activities) (Scotland) Regulations 2011, The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012. The SEPA consultation response letter of 28 January 2020 gives further specific guidance on the responsibilities of the site owner / operator and the applicant is expected to establish an on-going site environmental management plan in liaison with SEPA to meet their regulatory requirements.
  16. The applicant should be aware of the potential requirement for licensing in relation to protected species and should make contact with licensing department at Scottish Natural Heritage to discuss these requirements.
  17. There is a Section 75 legal obligation associated with this planning permission, which relates to a financial bond for restoration. A copy is available to view on the Council's Public Access portal.

**(iii) 19/02106/MWM - BANKFOOT - Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM), land south of Loak Farm, Bankfoot – Report 20/89 – Breedon Northern Limited**

**Resolved:**

**Grant**, subject to the following conditions and informatives:

**Conditions**

1. The approved development shall continue to be carried out in accordance with the approved plans and documents associated with 18/00395/MWM, unless otherwise provided for by conditions imposed by this decision notice.

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

2. All sand and gravel extraction within the site shall be completed within 3 years of the commencement of development i.e. 25 March 2022.

Reason: In accordance with the terms of the application and in order for the Council as Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

3. The total volume of sand and gravel extracted from the mine shall not exceed 400,000 tonnes. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.

Reason: To ensure that all associated mine operations do not exceed maximum volumes of extraction assessed and ensuring a satisfactory standard of local environmental quality is maintained.

4. The extraction of sand and gravel shall continue to only be in accordance with the details of area and depth of working, as shown on the approved plans. No deviations shall be permitted.

Reason: In the interests of visual and residential amenity.

5. The approved Construction Environment Management Plan (CEMP) dated January 2019, incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of construction and operation programmes shall continue to be fully undertaken in accordance with the agreed CEMP.

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

6. Restoration shall be fully implemented within twelve months of the completion of extraction and shall be in accordance with the restoration scheme approved under Condition 7 below and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

7. The approved restoration scheme (plan reference 18/00395/4) shall be implemented in full following the completion of mineral extraction.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

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8. Prior to the commencement of restoration of the site a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved by the Planning Authority. Thereafter, the approved scheme shall be implemented in full.  
Reason: To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial after use and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).
9. Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0600-1900 Mondays to Fridays and 0600-1300 hours on Saturdays. No operations are permitted on Sundays.  
Reason: In the interests of residential amenity.
10. All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.  
Reason: In the interests of residential amenity.
11. Only the plant machinery and equipment specified in the noise assessment submitted in support of this permission (or similar plant which generates no greater sound power levels) shall be used, to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of residential amenity.
12. If any aspects of the operation results in justified complaints the applicant shall, if required by the Council as Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Council as Planning Authority.  
Reason: In the interests of residential amenity.
13. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the hours of 06:00 – 19.00 Monday to Friday and 06:00 -13.00 on Saturdays.

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Loak Farm	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Jackstone Steadings and Farm	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Watermill Cottage	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
House of Nairne	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Kilburn	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Barn House, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Holm Cottage, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Anvil Cottage, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Westwood Farm	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)

Where there is more than one property at the above sites, noise limits apply to all properties at that location.

Reason: In the interests of residential amenity.

14. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB L<sub>Aeq</sub>, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council (Environmental Health) and all neighbouring noise sensitive dwellings shall be advised in advance of the aforementioned activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

16. Wheel cleaning facilities shall be provided at the exits from the site for the entire duration of operations and restoration. All vehicles leaving the site will be required to use these facilities.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

17. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity.

18. No blasting shall take place on the site.

Reason: In the interests of residential amenity.

19. The approved Traffic Management Plan (TMP) shall continue to form part of the works documentation for the

A9 Luncarty to Pass of Birnam dualling scheme by Transport Scotland.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

20. No part of the access road from the borrow pit shall extend beyond the parallel road to the west of the existing A9 until this is demonstrated to be necessary to allow the movement of material from the borrow pit to the works for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

21. The approved drawings of the link road, agreed as part of the Traffic Management Plan, between the parallel road to the west of the A9 and the existing A9 carriageway shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme; To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

22. The approved drawings show the construction and alignment of the link road and the connection to the existing A9. The approved junction shall continue to prevent right turns to and from the link road to the existing A9.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

23. The agreed timing of any works necessary to allow the movement of material from the borrow pit to the dualling works for the Luncarty to Pass of Birnam dualling scheme, shall continue as approved.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

24. No works necessary to allow the movement of material from the borrow pit to the dualling works for the A9 Luncarty to Pass of Birnam dualling scheme, shall be

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undertaken without the approval of the appointed contractor.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

25. The use of the borrow pit shall cease on the completion by Transport Scotland of the A9 Luncarty to Pass of Birnam Dualling Scheme.

Reason: To restrict the use of the borrow pit to the duration of the contraction for the A9 Luncarty to Pass of Birnam dualling scheme.

26. The development shall not adversely impact public access particularly on core path AGVN/115 which must remain safely available for public access throughout construction and on completion. Any damage to the core path must be reinstated prior to completion.

Reason: To protect an existing core path.

27. The agreed programme of archaeological work in accordance with the written scheme of archaeological investigation shall continue to be 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 protect known and potential archaeology in area.

28. Protective fencing shall continue to be erected around MPK 2337 and along southern red line boundary at SM1562 and SM1524, and in a manner agreed with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To protect known archaeology and Scheduled Monuments in area.

**Justification**

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

**Informatives**

1. This planning permission will last only for 3 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)).

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2. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The operation of this site will need to be licenced under SEPA's Pollution Prevention and Control (PPC) Certification as activities involve road stone coating and crushing and the cement batching.
5. This permission continues to be tied by the Section 75 legal agreement for restoration of the site associated with 18/00395/MWM 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](http://www.ros.gov.uk)).

**(2) Proposal of Application Notice (PAN)**

**(i) 20/00002/PAN - PERTH - Erection of a replacement primary school and associated works – Report 20/90 – Perth And Kinross Council**

Councillor Gray requested that consideration be given to local concern that the new school should not be named North Muirton Primary School. He suggested that there should be a new name as the school will combine both North Muirton and Balhousie Primary Schools and that it should not be referred to as North Muirton Primary in any future reports and instead referred to simply as “replacement school”.

Councillor Bailey requested that consideration be given to the provision of covered bike stands for children who wished to ride a bike or scooter to school.

Councillor Watters requested that development was undertaken to the highest possible standard in relation to construction methods, materials, heating and insulation.

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Councillor Wilson requested that consideration be given to green transport and road safety issues.

Councillor Anderson requested that consideration be given to ensuring proper drainage and any possible impact on neighbouring properties regarding flooding.

Members noted the issues identified by the Head of Planning and Developments Report.

DRAFT



Perth and Kinross Council  
Planning & Development Management Committee – 27 May 2020  
Report of Handling by Head of Planning & Development (Report No. 20/93)

**PROPOSAL:** Erection of 82 dwellinghouses and associated works (changes to house type/layout on plots 0024 - 0091 of permission 15/01109/FLM)

**LOCATION:** Land at Bertha Park, Perth

Ref. No: [19/01900/FLM](#)

Ward No: P5 - Strathtay

### Summary

This report recommends refusal of the application for 82 dwellinghouses and associated works at Bertha Park. The site forms part of the allocated site MU345 – Bertha Park within the Perth and Kinross Local Development Plan 2 (2019) for mixed-use development.

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Bertha Park is located to the north west of Perth, originally covering a site area of 333 undeveloped hectares (Ha), consisting of predominantly agricultural land. The application site extends to 1.72 Ha of this area. Previously a larger area, which included this site, saw detailed permission approved for 1061 dwellings in December 2016 (15/01109/FLM); the current site relates to 'plots 0024-0091' and, referred to as part of the 'East Village' character area. Phase 1 of this 2016 permission is under construction, with Bertha Park High School to the south.
- 2 The current proposal seeks to increase dwelling numbers from 68 to 82; an increase of 14. House types would differ, from the approved 5 blocks of flats (each containing 4 units) and 48 dwellinghouses comprising wide range of terraced, semi-detached and detached properties.
- 3 The unit numbers and tenure mix (private rental sector), include:
  - 16 x 2-bedroom terraced dwellinghouses
  - 62 x 3-bedroom terraced dwellinghouses
  - 4 x 4-bedroom terraced dwellinghouses

#### Infrastructure proposed:

- Pocket park (circa 550sqm)
- Local Streets (4.1m wide)
- Footpath/cycleway (3m wide)

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

- 4 An EIA screening exercise (19/02026/SCRN) was carried out for residential development and associated works, concluding that EIA was not required. On this basis, an EIA Report was not required to be submitted, with the extant permission identifying what was of environmental significance (or not) and addressed via a suite of mitigation. An overview is contained in the submitted planning statement.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

- 7 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.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the 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**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 11 Designing Streets is the 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**

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

### **DEVELOPMENT PLAN**

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

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

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

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

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 4: Homes
  - Policy 6: Developer Contributions
  - Policy 8: Green Networks

### **Perth and Kinross Local Development Plan 2 (2019) (LDP2)**

- 16 The Perth and Kinross LDP 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:
- Policy 1: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 14B: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 23: Delivery of Development Sites
  - Policy 25: Housing Mix
  - Policy 26: Archaeology
  - Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
  - Policy 40B: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53: Water Environment and Drainage
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 58: Contaminated Land and Unstable Land
  - Policy 60: Transport and Accessibility Requirements

### **LDP 2019 Allocation – Site Reference MU345**

- 17 The site area for the allocation is 178 Ha (approximately), allowing for 3000 plus dwellings and in excess of 25 Ha of employment land and community facilities.

The Site-Specific Developer Requirements set out the background of the site, including Planning Permission in Principle (PPP), clarifying that future development requires to implement the approved planning permissions, masterplan and S75 legal obligations. Proposals should also not result in adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation (SAC).

## **SITE HISTORY**

- 18 [14/00001/PAN](#) Proposed housing development. PoAN sufficient. Decision issued 10 February 2014.
- 19 14/01767/SCOP Housing development. Decision issued 24 November 2014
- 20 [15/01109/FLM](#) Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works. Approved by Planning and Development Management Committee, June 2016 (Decision issued 12 December 2016, following conclusion of S75).
- 21 [15/01112/IPM](#) Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle). Approved by Planning and Development Management Committee, June 2016 (Decision issued 12 December 2016, following conclusion of S75).
- 22 [18/01800/IPM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM (residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)). Approved by Planning and Development Management Committee, February 2019 (Decision issued 25 September 2019, following conclusion of modification of planning obligation).
- 23 19/00918/MPO Modification of planning obligation associated with permission 15/01112/IPM (Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)) to amend the S75 agreement. Application approved under delegated powers 30 July 2019.
- 24 [19/00552/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 11 (sustainable construction) of planning permission 15/01109/FLM (Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works). Approved by Planning and Development Management Committee, July 2019 (Decision issued 4 July 2019).
- 25 19/02026/SCRN Erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM). Decision issued March 2020 (EIA not required).

## CONSULTATIONS

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

### External

- 27 **Scottish Water** – No response received.
- 28 **Luncarty, Redgorton and Moneydie Community Council** – No response received.

### Internal

- 29 **Development Negotiations Officer** – No objection, contribution requirements identified and secured through the S75 obligations.
- 30 **Transport Planning** – Object in relation to lack of clear provision for visitor space parking and the associated ability to achieve such provision, given the narrow carriageway width of the affected roads. This objection was maintained following review of follow-up supporting information submitted by the applicant.
- 31 **Environmental Health (Contaminated Land)** – No objection, acknowledging that an investigation had been undertaken previously, with no concerns identified in relation to contamination.
- 32 **Community Waste Advisor** – No objection, set out standards required.
- 33 **Environmental Health (Noise Odour)** – No objection, subject to conditional controls.
- 34 **Biodiversity/Tree Officer** – No objection.
- 35 **Strategy and Policy (LDP Team)** – Concerns set out in relation to the appropriateness of the proposed mix of housing, relating to policy 25 of LDP2, and failure to meet minimum garden ground sizes. Concerns maintained following review of further supporting information submitted by applicant, which sought to justify the scale of departure from the guidance proposed.
- 36 **Community Greenspace** – No response received.

## REPRESENTATIONS

- 37 None received.

## ADDITIONAL STATEMENTS

38	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not submitted. Some relevant information previously provided (for application 15/01109/FLM).

## APPRAISAL

- 39 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 LDP2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves consideration of the Council's other approved policies and supplementary guidance.
- 40 The principle of residential development on this site has already been assessed against Development Plan policy and continues to be acceptable. This application seeks to change the detail of the residential development proposed, including increased dwelling numbers, house types and plot layout changes; as well as amendments to car parking locations and arrangements. The general road layout and open space configuration is however similar, only serving more dwellings.
- 41 The existing approval sees 68 units, which would be replaced, with 82 units now proposed, an increase of 14. The stated number of affected units (64), in the applicant's Planning Statement is incorrect and this has been acknowledged. However, it is not necessarily the number of dwellings which is problematic, rather the way in which the increase in density affects various 'Placemaking' principles. Particularly, the extant permission saw 20 units within five flatted blocks, approximately 30% of the approved development. This provided a higher net density, which was supported in terms of its placemaking attributes. The private garden ground requirements are assessed on the individual merits (including review of the communal and surrounding open space offering). Thus, whilst the principle of residential development is already established, the detailed consideration of the submission, which contains no flats, requires further review of:
- the density and mix;
  - private space allocation;
  - open space comparison;
  - car parking provision; and
  - general layout in placemaking terms.

## Mix and Tenure

- 42 LDP2 includes new policy requirements, including Policy 25 - Housing Mix. However, although this application could assist in adding to the wider mix of tenures at Bertha Park, by providing private rental properties, this should not be to the significant detriment of Placemaking objectives. It is also noted that, in terms of house sizes, 16 of the 82 proposed dwellings are 2 bed terraced. In this regard Policy 25 states that for development of more than 20 dwellings, the market element should, *'meet the needs of smaller households, including older people and lower income households, and address part of this need by providing at least 10% of their homes as one or two bedroom homes.'* This planning application would therefore meet the needs of smaller households (over 19%). The policy also requires that *'Where there are identified clusters of households with specific housing needs within the settlement, such as housing for wheelchair users, there may be a requirement for up to 10% of the development to be designed to meet these specific identified needs or for the developer to demonstrate that the house is capable of adaption.'* It is considered that within Perth there are likely to be specific housing needs and it is not clear how this element is addressed by the properties proposed.

## Design and Layout

- 43 The 82 dwellings proposed across 1.72 Ha represents a density of 47 dwelling per Ha. This is acknowledged as a high density for an edge of settlement location, particularly given that this does not include any flats. Although the location is near a commercial area and school, with the retention of the pocket park within the site layout providing some local public open space. So overall the idea of this type of residential model may not be inappropriate, although the way in which it has manifested itself results in several significant compromises. In this context, support for a tenure type and mix of this nature must fulfil the other relevant LDP2 policy criteria, in terms of the detailed design and layout.
- 44 The proposed house types are extremely modest, with frontages narrower than 6 metres and, in some cases, overall footprints of less than 50 sqm. Although this is not directly contrary to LDP2 policy it provides limited scope for special needs housing occupation and leads to the delivery of insufficient private garden ground for most dwellings, which is further discussed below.
- 45 The proposed design style and material palate and architecture of the proposed dwellings are considered appropriate and consistent with nearby completed and approved development and that of Bertha Park High School.
- 46 Generally, support is given for terraced dwelling houses where forming an appropriate urban context; particularly through the opportunity and ability to provide strong attractive street frontages and provide a higher net density. In this sense terraced rows are considered satisfactory, when assessed in isolation, albeit with a very modest footprint.
- 47 The layout also introduces timber screen fencing as a boundary treatment on key public elevations, where it previously this was not the case in the existing



permission. It is considered that these public boundaries should be addressed by walling and/or hedging, which better enhances placemaking, including landscape and visual amenity values and biodiversity connectivity opportunities. Finally, the introduction of increased street frontage car parking expanses across the re-designed layout dominates the streetscene, diluting the placemaking merits of the original scheme. The detail of these elements is further discussed in the following sections. However, it is considered that the proposal and layout is contrary to LDP2 Policy 1 - Placemaking.

### **Residential Amenity**

- 48 LDP2 Policy 1 and Policy 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of light and noise pollution respectively. Analysis has found no concerns in relation to light and noise pollution, other than that of noise associated with any mechanical ventilation and heat pumps, which could be adequately controlled by condition.

### **Private Amenity Space**

- 49 It is important for all dwellings to have enough garden ground provision. The Council's Placemaking Supplementary Guidance was approved in January 2020 and sets out: *"As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres"*.
- 50 Consistent with this, minimum standards seek to achieve an outside area that can perform the minimum to be expected of a garden; i.e. clothes drying, waste and recycling storage areas, sitting out facilities and plot futureproofing (such as development under permitted development regulations). The private garden ground incorporated into this layout falls way short of these minimum standard guidelines and is not considered adequate to cater for occupants' needs. Across the 82 units, only 11 (13%) achieve or exceed the minimum rear garden requirements set out in guidance. This leaves 71 units (87%) falling significantly short of appropriate provision (by more than 10sqm shortfall). Of those that do not meet the minimum standards, there are substantial failings in many cases, with up to a 50% reduction in the minimum standard (including the three-bed Plot 9 with only 40sqm and two-bed Plot 10 - 36sqm). This is considered unacceptable in this context and constitutes a departure from LDP2 Policy 1 and a reason for recommending refusal.
- 51 It is acknowledged that, in some limited cases, there is potential for an exception for semi-private/communal spaces, which are carefully designed to replace or off-set private gardens. However, there is no such provision made and for most properties affected, it is not considered to constitute a viable option as a genuine alternative.
- 52 In addition, the Draft Open Space Supplementary Guidance states that: *"The standard for public open space should be achieved in addition to providing sufficient private garden ground as outlined in the Council's Placemaking*

*Guide*". The applicant identified that additional private garden ground may be achieved if elements of open space were to be sacrificed, setting out that they considered the open space allocation more valuable in this context. Contrary to this view, and for clarification, it would not be acceptable for any established open space to be sacrificed in order to achieve or offset the required minimum private open space standards of individual dwellings. Both are required to meet at least the minimum standards, if not more. Only where one element significantly exceeded the minimum could a balanced assessment take place, possibly allowing for some shortfall on one side or another. As discussed above however, given the number of properties with inadequate garden ground, and the extent to which many properties fall short of the minimum standards, no such allowance can be made here.

### **Overlooking**

- 53 The house designs would not result in overlooking to neighbouring properties, consistently maintaining a minimum 18 metre window-to-window separation at the rear.

### **Overshadowing, loss of sunlight and daylight.**

- 54 A reasonable level of daylight and sunlight is maintained for all properties and the extent of overshadowing of the limited amenity ground between properties is considered acceptable.

### **Landscape & Visual Amenity**

- 55 LDP2 Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy and 42: Green Infrastructure are all relevant considerations in relation to landscape and visual amenity.
- 56 No detailed landscape plans are provided in support of this application. This is disappointing given the layout and density changes proposed. Overall the scheme remains heavily reliant on the extant permission for this information; however, this is not directly transferable to this proposal for what is a stand-alone application. Further to the layout concerns identified above, this lack of detail further dilutes the ability to consider the standard of Placemaking.
- 57 Street planting, public open space and private garden grounds provide different functions and they should be complementary but not a replacement for one another. While the general allocation for the public open space remains consistent with that of the extant permission, there are noticeable dilutions in areas of the proposed boundary treatment, impacting on the public/private interface on key public boundaries. This is considered a negative and should be avoided. Overall, in order to ensure that the terms of LDP2 Policies 39, 40A and 42 are satisfactorily met, there would be a requirement for conditional control, including a review of the boundary treatments currently proposed. Based on the current proposals however, the boundary landscaping treatment is considered unacceptable and a material reason for refusal.

## **Roads and Access**

- 58 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. Transport Planning identified immediate concerns regarding the level of parking provision provided. The 168 parking spaces is deemed an acceptable number in terms of meeting requirements for the dwellinghouses. However, no provision is identified for visitor parking. This requirement is set out within the National Roads Development Guide, as 0.25 spaces per dwellinghouse, equating to 21 visitor spaces. While there can be scope for unallocated on-street parking in some circumstances, this is dependent on road widths. In this case, due to the narrowness of the roads (4.1 metres), it is considered unacceptable to use these roads for visitor parking, as it would restrict vehicle flow. Furthermore, car parking dominates the layout and dilutes the outcome of the extant permission (which included parking courtyards, avoiding excessive street frontage parking) contrary to designing streets and LDP2, Policy 1 objectives.
- 59 The current submission is therefore considered to fail to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

## **Drainage and Flooding**

- 60 The drainage proposals and flood risk remain consistent with that of planning permission 15/01109/FLM and is not considered to depart or materially change through this current proposal. Any support for this application would require planning conditions for flooding and drainage elements and would remain consistent with LDP Policies 52 and 53.

## **Energy and Low Carbon Technology**

- 61 LDP2 through Policy 32 requires all new developments to deliver a minimum of 10% renewable energy technology across the development. The supporting planning statement suggests this policy is not applicable, referring to the extant permission in continuing to work towards silver standard building warrant regulations. This does not in itself go far enough however to establish that the terms of LDP2 Policy 32 has been satisfied and if supported contrary to recommendation, would require to be controlled through a suspensive condition to ensure the terms of Policy 32 is met.

## **Waste Collection**

- 62 The waste collection arrangements have not been specified to confirm that suitable provision exists for required kerbside waste and recycling services. This element is not however considered to be insurmountable and could be addressed through a planning condition and informative.

## **Natural Heritage and Biodiversity**

- 63 LDP Policy 38A - Environment and Conservation: International Nature Conservation Sites requires consideration for the possible impacts of

development on internationally protected sites, which is further set out in LDP designation MU345.

- 64 It is generally considered that there will be no significant additional impact on the biodiversity of the site, in comparison to extant permission 15/01109/FLM. The recommendations related to that previous decision could be re-applied, along with the associated background conditions, to ensure the status quo is maintained. At the same time however, it is also observed that, despite no detailed landscaping plan, the proposed boundary treatments to the new layout introduces more hard landscaping and less soft hedging alternatives, which provide less opportunity for biodiversity connectivity and incidental foraging. Whilst not a sufficient reason for refusal on biodiversity grounds alone, the dilution of this element is disappointing and should be resisted to pursue the previous higher quality landscaping approach.

### **Developer Contributions**

- 65 LDP2 Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 66 The Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on 3000 dwellings regardless of the dwelling size. Should this application be supported against recommendation however, it is appropriate to ensure the necessary arrangements are in place, through either the existing S75 or a new or amended agreement. This would be addressed prior to any permission being issued.

### **Economic Impact**

- 67 The impact to the local economy both during construction and occupation is anticipated to be moderate through additional available expenditure on local facilities and services.

### **Conditions**

- 68 As the development comprises part of a larger strategic application site (15/01109/FLM), all salient conditions attached to planning permission 15/01109/FLM ought to be attached to any new permission.

### **Summary**

- 69 The proposed layout re-design and the associated increase in unit numbers raises several concerns. Over 80% of the proposed units within the layout fail to meet or be close to Perth and Kinross Placemaking Supplementary Guidance minimum garden ground sizes for 2 and 3 plus bedroom dwelling houses. The applicant contends this layout has been designed to purposely increase density

in this area, considering this appropriate for Bertha village centre. In comparing the extant permission however, five blocks of affordable flats are removed in order to deliver this new layout, with 100% terraced housing units in their place. This reduces the rich mix previously delivered, even considering the wider context of the approved Bertha Park development and sees a less easily accommodated dwelling type used to increase density, but without adequate mitigations to address resultant failures in placemaking standards and overall design quality. The layout is now far more car dominated, with increased parking now proposed street-side as opposed to the extant permission layout. There has been a dilution to soft and appropriate boundary treatment replacing boundary walls and hedges with high level fencing. Fundamentally, the proposal is not satisfactory and does not fulfil the amenity and placemaking standards as required of LDP2 policy, as supported by Supplementary Guidance. A significant re-design would be required to achieve a satisfactory scheme on this site.

## **LEGAL AGREEMENTS**

- 70 Should planning permission be granted, the decision notice shall not be issued until appropriate reference and tie-back to the extant legal agreement covering the site as part of planning permission 15/01109/FLM has been made, ensuring required Developer Contributions have been secured or paid in full.

## **DIRECTION BY SCOTTISH MINISTERS**

- 71 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**

- 72 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, there is a conflict with transport planning, placemaking and associated private open space standards proposed. The proposed layout and design changes from the existing approval, which included over 30% flats and wider dwelling type mix, to the current 100% terraced development has resulted in consistent failings in achieving minimum garden ground standards, failing to satisfy minimum car parking standards, in turn departing from the current roads construction consent, and creating an avoidable dominance of on-street car parking with diluted hard and soft boundary treatments.
- 73 It is therefore considered that the proposed development would conflict with the Development Plan, constituting a departure in the key areas mentioned and is thereby not supportable.
- 74 Accordingly, the proposal is recommended for refusal.

## **A RECOMMENDATION**

### **Refuse the application for the following reasons:**

- 1 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 1 – Placemaking, as the proposed scale of development would be an overdevelopment of the site and would result in an unacceptable impact on the proposed residential amenity available to occupants on all but 11 of the dwelling houses proposed (Plots 15, 23, 41, 44, 59, 60, 61, 62, 63, 66 and 69). Further, the information provided does not justify either the scale of development nor the failure to provide the required residential amenity standards and does not justify a departure from the Development Plan.
- 2 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 1 – Placemaking, Policy 39 – Landscaping and Policy 42 – Green Infrastructure, as a result of the proposed public boundary treatments of key plots and introduction of a car parking dominated layout on the street.
- 3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 60 –Transport Standards and Accessibility Requirements due to a failure to provide satisfactory visitor parking without creating an unacceptable impact on two-way vehicle flow on the road widths proposed.

## **B JUSTIFICATION**

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

Background Papers: 0 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 21 May 2020

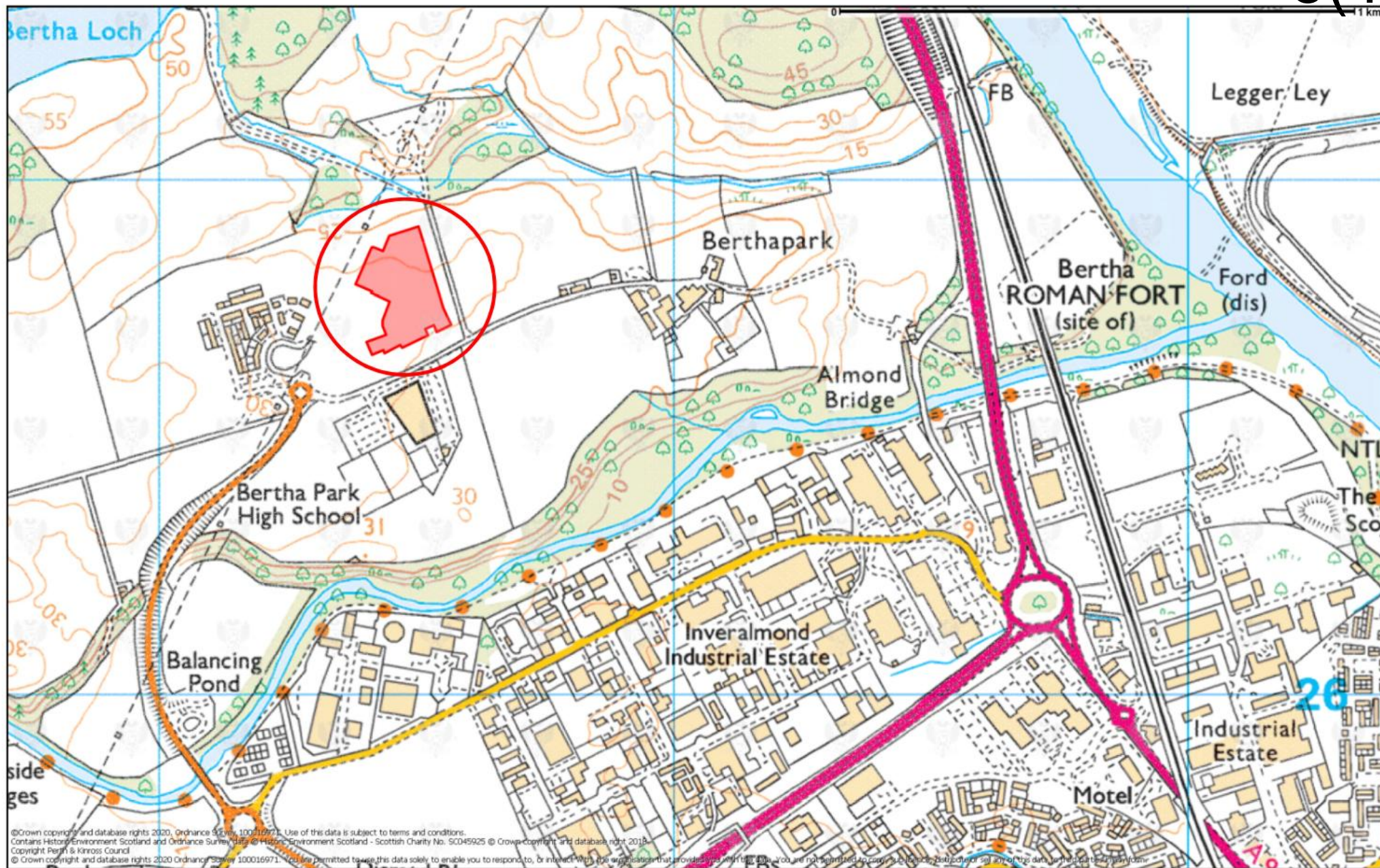
### **DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT**

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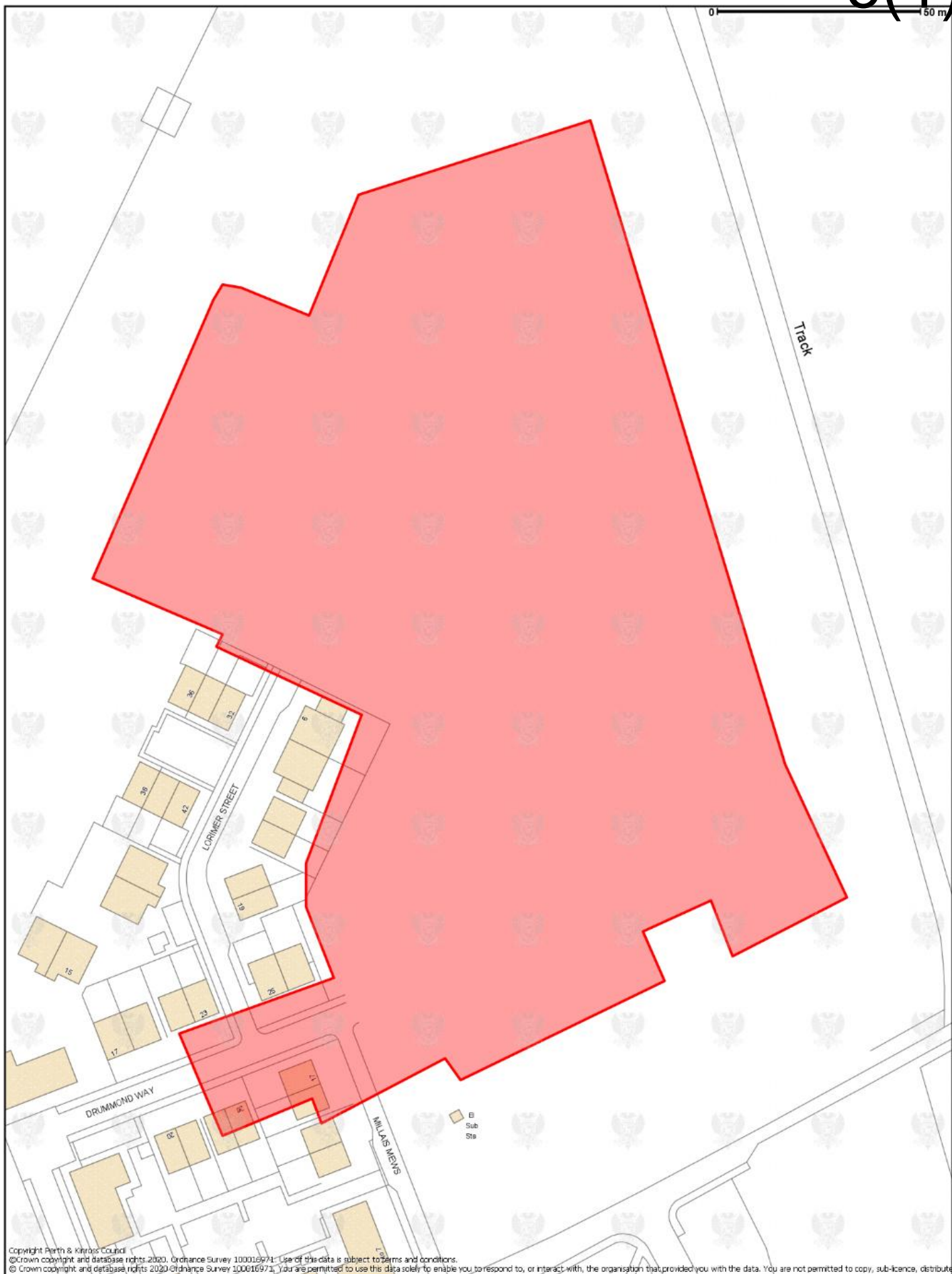


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Scale 1:1250

19/01900/FLM

Erection of 82 dwellinghouses and associated works  
 (changes to house type/layout on plots 24 - 91 of  
 permission 15/01109/FLM) Bertha Park, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/94)

**PROPOSAL:** Site masterplan and erection of a care/nursing home, 20 dwellinghouses and 8 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM)

**LOCATION:** Land north of Pitcrocknie Farmhouse, Alyth

Ref. No: [20/00020/AMM](#)  
 Ward No: P2 – Strathmore

### Summary

This report recommends approval of the application as the proposed modification 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 relates to 51 hectares, being part of part the former Glenisla golf course located 750 metres east of the village of Alyth. South and adjacent to the site is the Alyth Burn which is a tributary to the River Tay. Immediately to the north is the B952 that leads to Alyth village. South of the site is Alyth Golf Course, which now incorporates 9 holes of the former Glenisla golf course. At the south eastern corner of the application site is the former Glenisla Golf Clubhouse and car parking area.
- 2 Mature trees also line the site's northern boundary and there are trees planted throughout the site as part of the development of the golf course. Bunkers and greens are still evident from its most recent use but are now overgrown. In the north western corner is the Pitcrocknie Stone Scheduled Monument.
- 3 The site has In Principle Planning Permission (PPP) which was granted in 2010 (09/01345/IPM) and again in 2016 (16/01595/IPM). Following the PPP, detailed permission for Phase 1 (18/01214/AMM) was granted in April 2019 for the following:
  - A 60-bed care home
  - 20 dwellings (including 8 associated garages)
  - 3 employment units (Class 4)

- Energy Centre
  - 2 Entrance/Storage buildings
  - De-culverting and realignment of Back Burn
  - Pumping station
  - Temporary Bridge over Back Burn
- 4 18/01214/AMM was subject to 22 planning conditions and the terms of a Section 75 legal agreement, covering core path improvements and bus service provision.
- 5 Works commenced on site in summer 2019 and significant progress on the Care Home, the first phase of housing, and employment units has occurred to date. One potential issue has arisen during the construction process is the requirement of Condition 22(ii) of the permission that states:
- “The external shell of the care home must be completed and fully wind and watertight prior to the occupation of the first residential dwelling within the site.*
- Reason: To ensure the delivery of the employment generating uses in early phases of the development.”*
- 6 A review by the applicant of the development programme indicated that the first houses will be ready for occupation in late Spring/early Summer 2020 but, in light of the nature of the external finishes required for the Care Home, it will be several months later before the final shell of the Care Home is complete.
- 7 The applicant has Approval of Matters Specified in Conditions (ASMC) again for the development approved through application ref: 18/01214/AMM. However, they are now seeking only to modify the specific requirements of Condition 22(ii), so that it has no impact on the completion and opening of the care home but still allows the occupation of the dwellings from Spring/Summer 2020 and continue to accord with the approved phasing plan. The applicant’s requested re-wording of Condition 22 (ii) is as follows:
- “Prior to the occupation of the first residential dwelling within the site, the construction of the Care Home shall be completed to the following specification:*
- *the timber kit shall be fully erected on the foundation;*
  - *all windows and doors fitted; and,*
  - *the roofing and wall membranes shall be applied.*
- Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.”*

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

- 8 The PPP applications (09/01345/IPM and 16/01595/IPM) were both screened for an EIA. It was found that EIA was required for the 09/01345/IPM application, but a new/updated EIA was not required for 16/01595/IPM. The site was re-screened, for the 18/01214/AMM application, having regard to the more detailed proposals. It was found that no further EIA procedure was required for

Phase 1. As the site and surrounding circumstances have not altered in the past 2 years and recognising that this is a S42 application to modify a condition associated with Phase 1, it was again determined that no further EIA procedure was required.

## **PRE-APPLICATION CONSULTATION**

- 9 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, the amended Regulations, which came into force on the 30 June 2013 removes the requirement for Pre-Application Consultation (PAC) for Section 42 applications (which relate to a 'major planning application') made on, or after the 3 February 2013. Accordingly, there is not a requirement for the applicants to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

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

## **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 77 Designing Safer Places

## **DEVELOPMENT PLAN**

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

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

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

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

- 17 There are no sections of the TAYplan 2016 of particular relevance in the assessment of this S42 application.

### **Perth and Kinross Local Development Plan 2019**

- 18 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 19 The principal relevant policies in assessing the extent of the changes proposed in this application are, in summary;

- Policy 1: Placemaking
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology

## **SITE HISTORY**

- 20 The following planning history is of relevance:

- 21 [04/00862/OUT](#) Proposed development of residential plots (in outline). Application refused June 2004.

- 22 [09/00002/PAN](#) Erection of approximately 200 private houses, a nursing home and affordable units, a hotel and business starter units with associated servicing, access and landscaping. Withdrawn June 2009.
- 23 [09/01345/IPM](#) Improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units - 25% affordable plus mainstream housing (in principle). Application approved September 2010.
- 24 [13/00660/FLL](#) Erection of 18 dwellinghouses with garages. Application withdrawn October 2013.
- 25 [13/01114/IPM](#) Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved September 2014.
- 26 [14/00282/AMM](#) Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused January 2015.
- 27 [16/01595/IPM](#) Variation of Condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel). Application approved February 2017.
- 28 [18/01214/AMM](#) Site masterplan and erection of a care/nursing home, 20 dwellinghouses and 8 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM). Application approved April 2019.

## CONSULTATIONS

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

### External

- 30 **Scottish Environment Protection Agency** – No objection to the proposal as it does not impact on their interests.
- 31 **Scottish Natural Heritage** – No response received.
- 32 **Scottish Water** – No objection.
- 33 **Sport Scotland** – No objection.
- 34 **Scottish Gas Network** – No response received.
- 35 **Perth And Kinross Heritage Trust** – No objection to the proposal but recommend the archaeology condition from the 18/01214/AMM is continued.
- 36 **Alyth Community Council** – No response received.

## **Internal**

- 37 **Environmental Health** – No objection.
- 38 **Land Quality** – No objection.
- 39 **Transport Planning** – No objection.
- 40 **Structures and Flooding** – No objection.
- 41 **Development Negotiations Officer** – No objection.
- 42 **Biodiversity/Tree Officer** – No objection.
- 43 **Community Greenspace** – No response received.

## **REPRESENTATIONS**

- 44 None received.

## **ADDITIONAL STATEMENTS**

45	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Supporting Statement

## **APPRAISAL**

- 46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and LDP2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies, supplementary guidance, consultation response and any representation received.

## **Principle**

- 47 Since the approval of the 18/01214/AMM application in April 2019 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained under the extant permission as the approved site is currently under construction. The proposed modification Condition 22 (ii)



(construction phasing), to allow changes to the timing of delivery of the care home, and Class 4 employment uses to be altered, must be assessed to ascertain if there is any adverse impact on the area or a risk that some elements will not be completed. Such changes cannot undermine the required delivery of the employment elements of the masterplan, which was a key requirement in the PPP approvals.

### **Phasing/Delivery**

- 48 The applicant has advised that the care home structure will be wind and water-tight (in accordance with industry standards) by Spring 2020 and will be fully completed by the end of 2020 and open to residents in 2021. It is assumed with the ongoing Covid-19 pandemic that this timescale will now slip as there is no construction activity on-site at time of writing this report. Progress on this care home structure is easily visible on site and a building warrant is in place. The applicant has advised that full funding of £8.2million is in place for the care home and Healthcare Management Solutions has been appointed to manage the home. To date £1.2million has been spent on the development of the care home facility.
- 49 The applicant has also confirmed that 15 of the 20 dwellings in Phase 1 are now reserved. It is appreciated that funding from the sale of the houses is part of the applicant's financial plan for Phase 1 of the development and the proposed modification will allow for purchase of the new dwellings to move forward.
- 50 The proposed modification to the condition will not impact the delivery of the Class 4 employment uses within the development. The modification is simply to allow the occupation of purchased dwellings as part of the larger committed and on-going development.
- 51 It is clear that significant progress in the construction of the care home and, notwithstanding current delays enforced during the Covid-19 pandemic, the construction continues, with a view to it opening in 2021. Likewise, development of the 3 employment units has taken place on site and the delivery of these units will not be affected by the proposed change and will continue to be "fully serviced before the occupation of the first residential dwelling" as per the requirements of Condition 22(i). As noted, the construction of dwellings has been ongoing in parallel to the employment uses, as permitted under the existing approval. Given these circumstances, it is considered that the risk of completed dwellings with no care home or employment units is very low. This proposed modification of Condition 22(ii) does not reduce the applicants commitment to the project or indeed their obligation to deliver the employment elements or future phases. The proposed changes considered to be a justified in the context of the construction details for the care home and it represents a pragmatic solution to the phased delivery of the development as a whole.
- 52 Overall, the proposed modification of Condition 22(ii) is considered acceptable and is compliance with LDP2 Policy 23 – Delivery of Development Sites.

### **Design and Layout**

- 53 The proposed modification to Condition 22(ii) will have no impact on the approved and under construction layout as no physical changes are being proposed.

### **Landscape**

- 54 The proposed modification to Condition 22(ii) will have no impact on the local landscape as no physical changes are being proposed.

### **Visual Amenity**

- 55 The proposed modification to Condition 22(ii) will have no impact on the visual amenity of the area as this will remain unaltered.

### **Roads and Access**

- 56 The Council's Transport Planning team have not raised any issue in relation traffic and road safety. The proposed modification will have no impact on the road network.

### **Drainage and Flooding**

- 57 Neither SEPA nor the Council's Structures and Flooding department have raised any flood risk or drainage issues with the proposed modification to Condition 22 (ii).

### **Conservation Considerations**

- 58 HES has confirmed that the proposed modification of Condition 22(ii) will not have any impact on the nearby Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area but will require the condition from 18/01214/AMM to be replicated with this permission (Condition 6).

### **Natural Heritage and Biodiversity**

- 59 SNH have no comment to make on the proposed modification and the Council's Biodiversity Officer has confirmed that the proposal will not have an impact on local biodiversity.

### **Developer Contributions**

- 60 No contributions are required by this S42 application.

### **Economic Impact**

- 61 The proposed modification will not have an impact on the local economy.

## **Other Matters**

- 62 The 2018 AMSC permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in Summer 2019. It is good practice, where approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered should remain. These conditions are set out in the recommendation section below.

## **LEGAL AGREEMENTS**

- 63 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, upgrading of Losset Road core path and bus service provision. It is future-proofed for S42 applications so will not require modification in light of this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

- 64 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**

- 65 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.
- 66 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/00020/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/0020/07):

- a) Erection of a 60-bed care home;
- b) Erection of 20 dwellinghouses (including 8 associated garages);
- c) Erection of 3 business units (Class 4);
- d) Erection of an Energy Centre;
- e) Erection of 2 Entrance/Storage buildings;
- f) De-culverting and realignment of Back Burn;
- g) Erection of a Pumping station; and
- h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/00020/12)

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

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/00020/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/00020/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and

archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

7. The approved protective fencing (Drawing ref: 20/00020/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/00020/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

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

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

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

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

11. Following approval by SEPA, the approved realignment design of the Back Burn (drawing ref: 20/00020/13) shall be implemented in full prior to the occupation of the first dwelling.

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

12. Following approval by SEPA of the topographic information (drawing ref: 20/00020/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

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

13. All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

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

14. The approved Phase 1 planting scheme (drawing ref: 20/00020/11) shall be implemented in full. For the avoidance of doubt this should include:

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

Reason: In the interests of protecting and enhancing biodiversity.

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

Reason: In the interests of protecting biodiversity.

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

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

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/00020/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity

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

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

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/00020/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

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

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

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/00020/05) shall continue to include the following:

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

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

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

22. The approved construction programme (drawing ref: 20/00020/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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



## **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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency (SEPA).
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.

9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

Background Papers: 18/01214/AMM Decision Notice and Section 75 Legal Agreement.

Contact Officer: Steve Callan – 01738 475337

Date: 21 May 2020

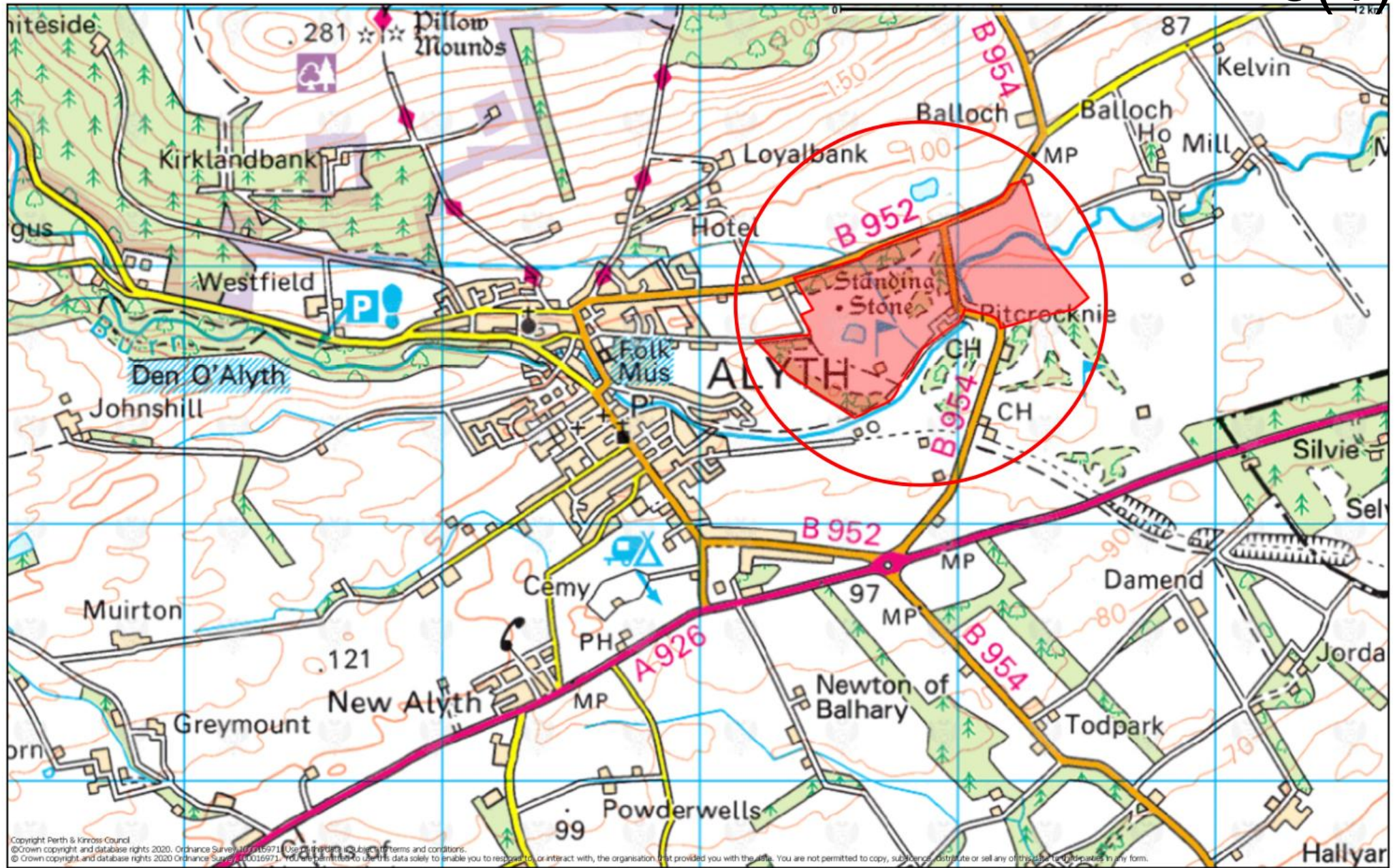
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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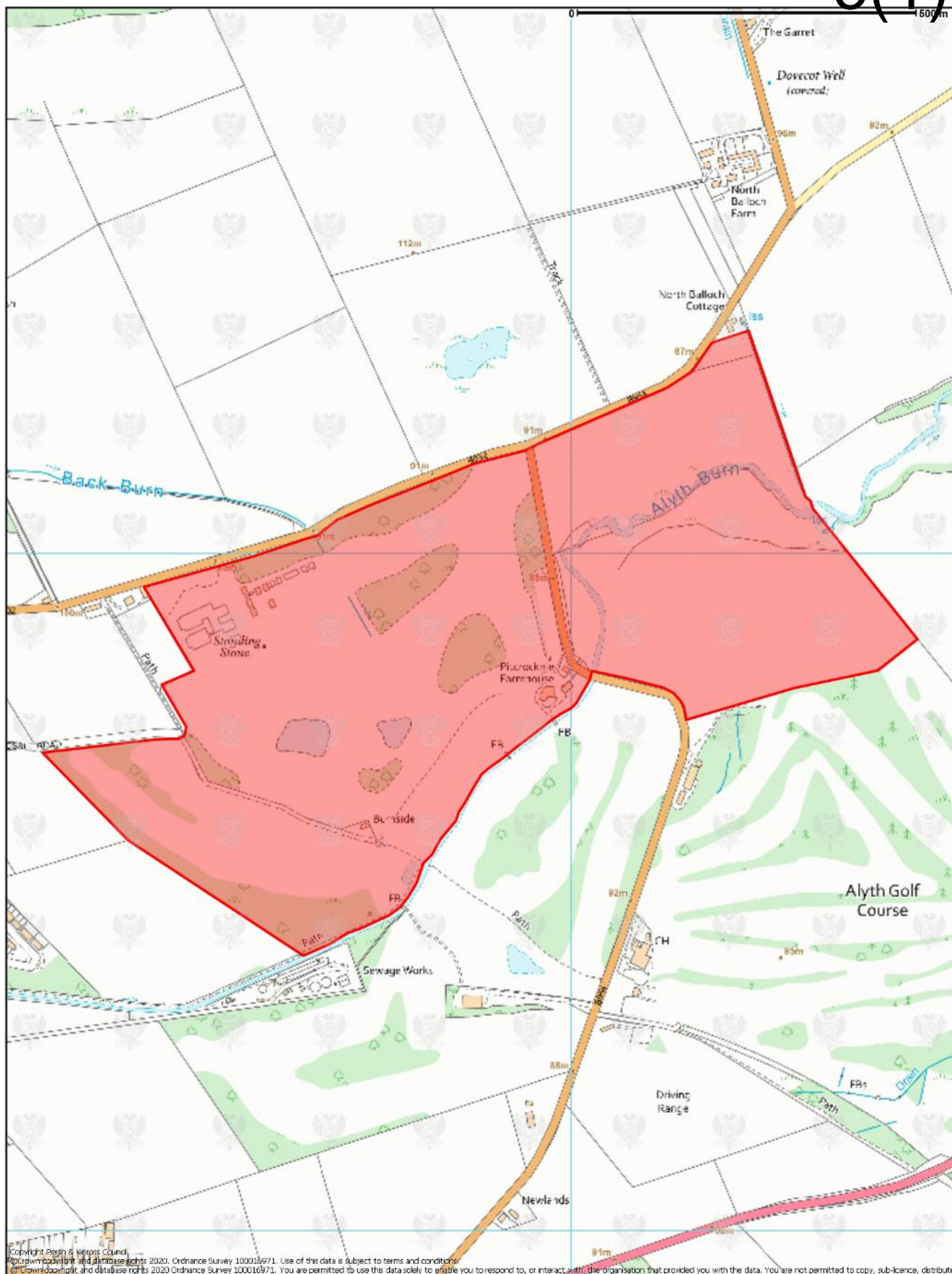
20/00020/AMM

Site masterplan and erection of a care/nursing home, 26 dwellings and 6 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 12 vehicular accesses, a service access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM) land north of Pitcrocknie Farmhouse, Alyth









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Scale 1:7500

**20/00020/AMM**

Site masterplan and erection of a care/nursing home, 20 dwellings and 6 garages, 3 Class 4 business units, a biomass boiler house/store, a pumping station, 2 entrance buildings/stores and boundary treatments, formation of 2 vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM) land north of Picrockie Farmhouse, Alyth





Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/95)

**PROPOSAL:** Alterations and extension to outbuilding to form a dwellinghouse

**LOCATION:** Land east of Abbeyhill, Precinct Street, Coupar Angus

Ref. No: [19/01429/LBC](#)  
Ward No: P2 - Strathmore

### Summary

This report recommends approval of Listed Building Consent (LBC) as the development is considered to comply with the relevant provisions of the Development Plan and that there are no material considerations apparent which outweigh the Development Plan. The recommendation of approval is also considered to be in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCA).

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 LBC is required for physical works to a listed outbuilding and boundary wall at Precinct Street, Coupar Angus.
- 2 Full planning permission (FPP) was granted last year by the Planning & Development Management Committee for the erection of a new dwellinghouse and associated works. It is the related minor works (removal of a lean-to and the extension) to the outbuilding and the physical joining of the dwelling to the wall which require LBC. The FPP was approved with an informative note that restricted physical works to both the outbuilding or the boundary wall until LBC was in place, as such activity would be an offence.
- 3 The approved dwelling comprised a contemporary designed, flat-roofed single-story building. The principal external finishes were smooth render and sandstone features, with timber windows and doors. Feature panels of fibre cement cladding boards were also included. The design incorporated an interesting 'green roof' feature. Vehicular access was proposed directly from Precinct Street, via an existing double gated opening, although these gates would be replaced.
- 4 Both the Precinct Street boundary wall and the outbuilding are considered to be B listed by virtue of being within the historic curtilage of the adjacent Abbeyhill property.

## **PRE-APPLICATION CONSULTATION**

- 5 Pre-application advice was issued to the applicant prior to the submission.

## **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.
- 7 Of specific relevance to this LBC application are,

### **Scottish Planning Policy 2014**

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal: paragraphs 135-137 which relate to the Historic Environment.

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

- 10 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**

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

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

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

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



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

- 13 TAYplan 2016 seeks to protect our cultural assets through Policy 7.

### **Perth and Kinross Local Development Plan 2019**

- 14 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that; *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 As this is an application for LBC only, the sole LDP2 policy of relevance is Policy 27A, which seeks to ensure that listed buildings (and their settings) are appropriately protected from new developments.

### **SITE HISTORY**

- 16 The site has a long planning history dating back to 2006. However, most relevant is the FPP approved in 2019. That decision effectively accepted the development of a dwelling, and the design and scale thereof. Details can be accessed at the below link.
- 17 [19/00090/FLL](#) - Erection of a dwellinghouse. Approved, 24 September 2019.

### **CONSULTATIONS**

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

#### **External**

- 19 **Historic Environment Scotland** – No objection. Advise that they have no specific comment in relation to the impact on either the outbuilding or Precinct Street boundary wall.

### **REPRESENTATIONS**

- 20 Twenty four objections have been received. The main relevant issues raised are:
- Conflict with the Local Development Plan
  - Conflict with Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCA)
  - Adverse Impact on existing boundary wall and outbuilding
  - Impact on internal wall
  - Impact on Setting of Abbeyhill

- 21 It should be noted that as this application seeks only LBC, which relates to the physical works to the listed structures. The following matters that were raised within the objections are therefore not relevant to this application,
- Conflict with previous site history
  - Adverse Impact on a tree outwith the site
  - Conflict with previous site history
  - General road safety issues including traffic volumes and parking
  - Adverse impact on residential and visual amenity
  - Adverse impact on Conservation Area & archaeology
- 22 The material issues which have been raised that are relevant to this application, are addressed in the Appraisal section below.

### **ADDITIONAL STATEMENTS**

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

### **APPRAISAL**

- 24 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 25 In terms of other material considerations, this involves considerations of the requirements of the PLBCA, and the sites planning history. Section 14(2) of the PLBCA places a duty on planning authorities in determining an application for LBC to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Principle**

- 26 As FPP for the related dwelling has already been approved, the principle of a dwelling cannot therefore be revisited. Rather only the detail and appropriateness of the physical works to the listed buildings.

## **Impact on the Listed Buildings**

- 27 As stated previously, Section 14(2) of the PLBCA places a duty on planning authorities in determining an application for LBC to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 28 Both the listed outbuilding and the Precinct Street boundary wall are within the historic curtilage associated with the adjacent 'Abbeyhill' property – which is B listed.
- 29 It is clear that the boundary wall has been altered over the years, however it is likely that its original alignment remains and that some original fabric/structure also survives.

## **Impact on Outbuilding**

- 30 In terms of physical impact on the existing outbuilding, the development proposed is considered acceptable and would help to preserve its long-term use. Whilst listed, the outbuilding is not remarkable in its own right and does not have any special features of either architectural or historic interest.
- 31 Nevertheless it remains that it is prominent in the streetscene and within Coupar Angus Conservation Area, therefore its rehabilitation, adaptation and repurposing is welcomed.
- 32 The existing timber boards are to be renewed in larch, with a clear lacquer finish, which is acceptable. Specific details can be controlled via Condition 5.
- 33 It is also proposed to remove a lean-to extension on the southern outbuilding gable and create a structure linking the outbuilding and the substantive new build element of the dwelling. Both individually, and collectively these elements are considered acceptable, and do not have any significant direct impact on any features of special architectural or historic merit.
- 34 In terms of the new build element, this is also considered to be acceptable in terms of its physical impact on the listed building. As before, the outbuilding has little historic or special architectural features which could be diluted by new development. However, notwithstanding this, the proposed dwelling is of a scale and design which is considered acceptable and which will allow for the outbuilding to retain its streetscape prominence and largely allow its publicly visible historic relationship with Abbeyhill (and the boundary wall) to be maintained. As such, the proposal has no adverse impact on any special architectural or historic interest which it possesses.

## **Impact on Precinct Boundary Wall**

- 35 In terms of the physical impact on the wall, the proposed dwelling will sit behind the interior elevation of the wall. As stated previously the wall has been altered over the years, but it does contribute to the area positively.

- 36 Although the proposed dwelling would be partially visible over the top of the wall, its modest height, flat-roofed, single-storey design avoids the building appearing overly in the streetscene, nor dominating the existing wall. The use of materials similar to the wall will also soften its impact. To ensure their appropriateness, external materials will also be requested to ensure their suitability (Condition 5), as will details of any replacement entrance gates (Condition 3). Similar to the position with the outbuilding, the proposed scale and design of the dwelling will allow for the boundary wall to retain its streetscape prominence and allow its historic relationship with Abbeyhill (and the outbuilding) to be maintained.
- 37 It should be noted that Historic Environment Scotland were asked to consider the physical impact on both the outbuilding and boundary wall. They responded that they have considered all the structures within the curtilage of Abbeyhill, and do not wish to make any specific comment.
- 38 In light of the above, proposal is therefore considered to be in accordance with the requirements of the PLBCA and Policy 27A of the LDP2. The proposal will help to ensure the long-term future of both the outbuilding and the boundary wall. The recommendation of approval would also be consistent with Councils decision to approve the earlier planning application.

#### Impact on Setting of Abbeyhill

- 39 This is an application for LBC, which relates to the physical works proposed to listed buildings, and whether or not they are acceptable. Whilst the proposal does not physically touch any part of the adjacent Abbeyhill, there remains a duty for the Council under the PLBCA to preserve the setting of Abbeyhill. It is also noted that this issue has been raised within the majority of the representations.
- 40 In terms of the direct impact on the setting of Abbeyhill, whilst the site is now inseparate 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 S14(2) of the PLBCA.
- 41 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 visually intrusive. The use of materials similar to both the existing boundary wall and also Abbeyhill itself will serve to soften its impact.
- 42 The nature of the development would also allow for both the boundary walls and outbuilding to retain their own streetscape prominence, allowing the wider historic relationship with Abbeyhill to be maintained.

### **Impact on Conservation Area**

- 43 Again this application relates to the physical works to listed buildings, however the PLBCA requires that the impact on the character and appearance of Conservation Areas is accounted for when coming to decisions. Also this issue is raised within most representations.
- 44 The issue of whether or not the character and appearance of the Conservation Area would be affected by the proposal was fully considered in the assessment of the consented planning application, which concluded that what is proposed was acceptable - subject to conditions. This position remains unaltered.

### **Other matters raised within Representations**

- 45 The following matters are not relevant to this LBC application, but were fully considered during the assessment of the planning application.
- Residential Amenity
  - Visual Amenity
  - Roads and Access
  - Drainage and Flooding
  - Waste Collection
  - Natural Heritage and Biodiversity
  - Impact in Archaeology
  - Impact on Trees

### **Impact on Wall**

- 46 Within the letters of representations, concerns about the possible removal of a wall inside the site has been raised. There is an existing dwarf garden wall roughly across the centre of the site. This wall appears to be relatively old and could have originally separated areas of the former garden associated to Abbeyhill. It is therefore reasonable to consider this to be listed by virtue of curtilage, however no physical changes to this wall are proposed.

### **Developer Contributions**

- 47 As this is an application for LBC, there is no requirement for any Developer Contributions.

### **Economic Impact**

- 48 The proposal would have limited impact on the local economy.

### **LEGAL AGREEMENTS**

- 49 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise, and to accord with the provisions with the PLBCA. In this respect, consideration of the Local Development Plan and material considerations have been undertaken, and the development neither conflicts with the Development Plan nor provisions of the PLBCA.
- 52 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions and reasons,**

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 external doors and windows shall be of timber construction. Prior to the commencement of the development hereby approved, precise specification details of all external doors and windows shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In the interest of protecting the character and historic setting of the listed building.

3. Prior to the commencement of any development precise details relating to the construction materials, and finish of any entrance gate(s) shall be submitted shall be submitted to and for the further 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 the character and historic setting of the listed building.

4. The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of relating to the construction materials, and finish of all rainwater goods shall be submitted to

and approved in writing by 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 the character and historic setting of the listed building.

5. Prior to the commencement of the development hereby approved, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted to and approved in writing 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 the character and historic setting of the listed building.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1997 and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
2. This is approval of your application Ref no 19/01429/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 19/00090/FLL. No work should commence until all the associated pre-commencement conditions attached to the planning permission have been discharged in writing.
3. For the avoidance of doubt, the internal dwarf garden wall is listed and any proposed works to it will require a separate LBC.
4. This consent 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. You should therefore submit the required information more than two months before your consent expires. We

cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your consent lapses.

Background Papers: 24 letters of representation

Contact Officer: Andy Baxter 01738 475339

Date: 21 May 2020

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

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Scale 1:10000



**Alterations and extension to outbuilding to form a dwellinghouse  
land east of Abbeyhill, Precinct Street, Coupar Angus**











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Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/96)

**PROPOSAL:** Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)

**LOCATION:** Land NW of Schiehallion, Crook of Devon

Ref. No: [19/01673/AML](#)  
 Ward No: P8 - Kinross-shire

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application relates to a paddock (0.9 hectares) laid to grass located on the northern edge of Crook of Devon, within the settlement boundary. It is bound to the: northeast by the Millennium footpath; southeast by a number of residential properties; southwest by the River Devon; and northwest lies the Nine Acres Scout Camp.
- 2 The site has an extant Planning Permission in Principle (Ref 18/01855/IPL) for residential development.
- 3 This application seeks approval of the matters specified in the conditions of the above Planning Permission in Principle (PPP), such that 10 detached dwellinghouses with a mix of detached and integral garages would be developed. Three dwellinghouses are proposed on the north boundary, taking access directly from an existing track. The remaining seven are to be accessed from a new road, adjacent to which would be a small landscaped seating area. Properties are to be a mix of 1 ½ and two storey dwellings.
- 4 The existing single access point to the paddock would see a new junction formed, with no additional vehicular links via neighbouring land.

**NATIONAL POLICY AND GUIDANCE**

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

## **National Planning Framework**

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

- 7 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.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

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

## **Creating Places 2013**

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

## **Designing Streets 2010**

- 11 Designing Streets is the 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**

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

## **DEVELOPMENT PLAN**

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

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

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

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

## **Perth and Kinross Local Development Plan 2019**

- 15 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policies are, in summary;
  - Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing

- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## SITE HISTORY

- 17 [19/00700/AML](#) Erection of 10 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL) Land 100 Metres North West Of Schiehallion Crook Of Devon – Application Withdrawn 10 September 2019
- 18 [18/01855/IPL](#) Renewal of permission 15/01110/IPL (residential development (in principle) Land 100 Metres North West Of Schiehallion, Crook Of Devon – Application Approved under Delegated Powers 14 December 2018
- 19 [15/01110/IPL](#) Residential development (in principle) Land 100 Metres North West Of Schiehallion, Crook Of Devon – Application Approved at Development Management Committee 14 October 2015

## CONSULTATIONS

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

### External

- 21 **Fossoway and District Community Council:** Object and raise the following issues; overdevelopment of the site, foul drainage, no onsite affordable, increased traffic.
- 22 **Scottish Water:** No objection.

### Internal

- 23 **Environmental Health (Contaminated Land):** No objection.



- 24 **Structures & Flooding:** No objection, comments made in relation to SUDs and greenfield runoff rates.
- 25 **Transport Planning:** No objection. Various discussions took place between agent and applicant to resolve concerns relating to passing places and vehicular turning.
- 26 **Development Negotiations Officer: No objection. Advise that** developer contributions are required in respect of affordable housing, but none for education.

## REPRESENTATIONS

- 27 The following points were raised in the 6 representations;

- Inappropriate Housing Density
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Inappropriate design and materials
- Road Safety Concerns
- Traffic Congestion
- Lack of confirmation of foul drainage connection
- Impact on Core Path/Right of Way

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

## ADDITIONAL STATEMENTS

29	EIA Screening Opinion	Not Required
	EIA Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Report on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Tree survey</li> <li>• Otter survey</li> </ul>

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

## **Principle**

- 31 The site is within the settlement boundary of Crook of Devon, specifically within an area zoned for residential and compatible uses under Policy 17 Residential Areas.
- 32 The site benefits from PPP (18/01855/IPL) for residential development. The proposal now seeks detailed approval for 10 dwellinghouses, consistent with the PPP. The principle of residential development on the site is therefore established and the detailed proposal is considered further in the following sections of the report.

## **Design and Layout**

- 33 The site layout plan shows access taken from the northwest corner, with three of the plots fronting the existing track to the north. The remaining seven are accessed from a new road to be formed, within the site, which features a small turning head and a landscaped seating area.
- 34 The three dwellings to the north are 1 ½ storey, with a first floor accommodated within the roof space featuring dormers and rooflights. These dwellings have traditional detailing and proportions, forming a street frontage at the edge of the settlement. This is a positive approach, rather than if the buildings had turned their back on the street, facing into the site.
- 35 Within the site the 7 dwellings are located off the access road, with gravelled parking areas and detached/integral garages. They are a mix of 1 ½ and two storey properties, with design variations but following the same detailing and material finishes as the 3 which face the street.
- 36 All properties would see slate clad roofs, with stone/ off white render/ larch cladding to walls. This reflects and complements the wide range of existing finishes in the area.
- 37 The 2015 PPP included an indicative layout plan showing 9 detached dwellinghouses and a large surface water drainage attenuation pond/feature. This layout was not approved.
- 38 Neither of the PPP decisions restricted the number of dwellings, neither does LDP2 set a capacity range.
- 39 A supporting plot analysis shows plots range from 482 – 1211sq metres, with garden areas of 231 – 504sq metres. The sizes are considered acceptable, exceeding the standards of the Placemaking Supplementary Guidance, and are not out of context with existing house plots in the area. Overall the site layout proposed is considered low density.
- 40 It is thus considered that the layout is not overdevelopment and reflects the general character and layout of the surrounding built form. The design and scale of development proposed is therefore considered to comply with Policies

1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

### **Residential Amenity**

- 41 The site is bound to the south and east by residential areas and dwelling positions along these boundaries have maintained a minimum of 9m set back from the site boundary, where upper floor facing windows are proposed.
- 42 Plot 5 has ground floor windows on the southeast elevation which serve a sitting room within 8metres of a neighbouring boundary and 27m of the property. It is however considered that the boundary planting proposed, and the intervening distance would result in an appropriate relationship.
- 43 In relation to loss of daylight and overshadowing of existing dwellings, particularly to the south and east, see shadow which may be cast by the development contained within the application site and not impact on existing dwellings.
- 44 The site layout has been configured so that all dwellings have adequate garden sizes at least 9metres in depth. The Placemaking Guidance sets out minimum garden sizes for development (80sq metres for 3+ bedroom properties).
- 45 Taking the aforementioned into account, the proposed development is considered compliant with the Council's Placemaking Guide 2019 and LDP2 Policy 1A,1B and 17 in relation to residential amenity.

### **Contaminated Land**

- 46 The Contaminated Land Officer confirms that a search of historical mapping has not identified any contamination and there is no further information held by the Authority to inform that contamination that may cause a constraint to the proposed development.

### **Roads and Access**

- 47 Access will be via the track to the north. Passing places will be required, as shown on the plans, and the track is to be resurfaced.
- 48 The new road layout will run diagonally through the site from the northwest corner, where a turning head has been provided along with a landscaped seating area. Swept path analysis submitted shows how a refuse vehicle can turn at the new road junction. The dwellings all have ample parking and turning areas.
- 49 Representations all raise concerns regarding traffic problems in the area and that this proposal will make the problem worse. In response, the 10 rural residential units is likely to generate vehicle movements in the range of 6-8 two-way movements during the peak AM/PM hours (8-9am & 5-6pm). This is a low level of traffic generation and is not considered likely to cause significant traffic

issues or detrimental impact to the road network. A Construction Traffic Management Statement will be required by condition 7, to ensure that construction traffic movement impacts are managed.

- 50 Conditions are also recommended in relation to passing places, vehicle turning and the road finish (Conditions 8, 9 &10).

### **Core Path**

- 51 The Millennium Core Path (FSWY/109) is located to the north and a section will be upgraded to access the development. As the vehicular trip generation is considered to be low, there would be no significant detrimental impact on the core path or the wider core path network. Condition 11 can ensure that access is maintained throughout construction.

### **Drainage and Flooding**

- 52 The River Devon is located to the south west and the PPP assessment concluded that the site is not at risk to flooding.
- 53 The detail of a Sustainable Urban Drainage System (SUDs) for the road has been submitted, however no information had been provided for plots. However, subsequently calculations and soakaway details submitted have addressed the Flood Teams concerns.
- 54 It is proposed to connect to the public drainage system, although representations indicate that there is presently limited capacity at the Wastewater Treatment Works.
- 55 In this regard Scottish Water have been consulted and raise no objection but cannot confirm capacity therefore a connection will require to be secured. Should a connection not be available then the applicant would need to discuss options with Scottish Water or reapply for planning permission to install a private waste water drainage system to serve the development.
- 56 The proposals are considered to satisfy the objectives of LDP2 Policy 53 Water Environment and Drainage.

### **Waste Collection**

- 57 The site has been laid out with the refuse collection point at the new road junction and a swept path analysis for refuse vehicles has been provided to show that a refuse lorry can turn.

### **Natural Heritage and Biodiversity**

- 58 The River Devon is located to the southwest and a survey has been completed to assess the site's suitability as a habitat for otters.

- 59 There are three designated sites within 5km of the site boundary, however none are designated for otter or watercourses and are not physically connected via woodland or watercourses. The River Devon flows from the Ochil Hills into the Firth of Forth Site of Special Scientific Interest (SSSI), which is designated for its geological features and breeding and non-breeding bird assemblages, however otter is not a qualifying species.
- 60 No evidence of otter was recorded within the survey area, and no recent records of otter in the locale were identified during the desk study, although it is noted that there is some suitable habitat for resting otter.
- 61 The survey notes that it is valid for a period of 12 months providing that ground works commence before September 2019. The survey will therefore need to be refreshed prior to works commencing on site.
- 62 Subject to condition 2, the proposed works are assessed as not being detrimental to biodiversity interests and therefore not conflicting with Policy 41 Biodiversity.

### **Trees**

- 63 A tree survey has been submitted. The report notes that there is little or no tree cover and a relatively flat topography. The surroundings see 3 distinct groups of trees close to the boundaries, but not within land under the applicant's ownership.
- 64 A tree constraint plan sets out required tree protection measures on the two affected boundaries.
- 65 The proposal is therefore considered to comply with Policy 40 Forestry, Woodland and Trees as the loss of trees on the site has been adequately mitigated (Conditions 4 & 5).

### **Developer Contributions**

#### Affordable Housing

- 66 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, be in the form of affordable housing.
- 67 The affordable housing requirement is thus 2.5 units (10 x 0.25). In this case a commuted sum payment will be accepted in lieu of onsite provision. The location within the Kinross Housing Market Area sees a commuted sum applicable of £19,000 per unit. The contribution therefore totals £47,500 (2.5 x £19,000).

#### Primary Education

- 68 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where

a primary school capacity constraint has been identified. However relevant catchment is Fossoway Primary School, where there is no capacity constraint.

### **Sustainability**

- 69 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 70 The proposal includes solar panels on one of the dwellings only. The properties will however need to meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing, and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 3).

### **Economic Impact**

- 71 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.

### **LEGAL AGREEMENTS**

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

### **DIRECTION BY SCOTTISH MINISTERS**

- 73 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**

- 74 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan 2 and material considerations in this case and I am content that the development proposed does not conflict with the Development Plan.
- 75 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 development an updated otter survey will require to be submitted. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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).

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

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

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

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

4. The conclusions and recommended action points within the supporting Tree Survey Report by Blebo Tree Surgery dated 17 October 2018 submitted and hereby approved (plan ref: 19/01673/20) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

6. 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.

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

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



(n) details of HGV movements to and from the site.

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

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

8. Prior to the development hereby approved being completed or the fourth dwelling being occupied/brought into use the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

9. Prior to the occupation of any of the dwellings hereby approved the passing places shown on the approved drawings shall be implemented and thereafter maintained.

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

10. Prior to the commencement of development a scheme for improving the surface of the private access serving the development shall be submitted for the approval of the Council as Planning Authority. The approved measures shall be implemented in full prior to the development being completed or the fourth dwelling being occupied/brought into use.

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

11. The asserted right of way/core path (Millenium Core Path FSWY/109 which runs to the north east of the site) must not be obstructed during building works or on completion of the development. Prior to the commencement of development a programme of works to ensure that any damage done to the route and/or the associated signage during building works must be made good shall be submitted for the written agreement of the Council as Planning Authority. The programme of works as agreed shall be implemented in accordance with the timings identified in the document.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. If the payment is not paid up-front, a Section 75 Legal Agreement will require to be drafted in relation to securing on and off-site Affordable Housing provision. The Heads of Terms have been agreed by the applicant and the Councils Legal Services have been formally instructed.
3. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. 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)
8. No work shall commence until an application for a Building Warrant has been submitted and approved.
9. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
10. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.

Background Papers: 6 letters of representation  
Contact Officer: Joanne Ferguson 01738 475320  
Date: 21 May 2020

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

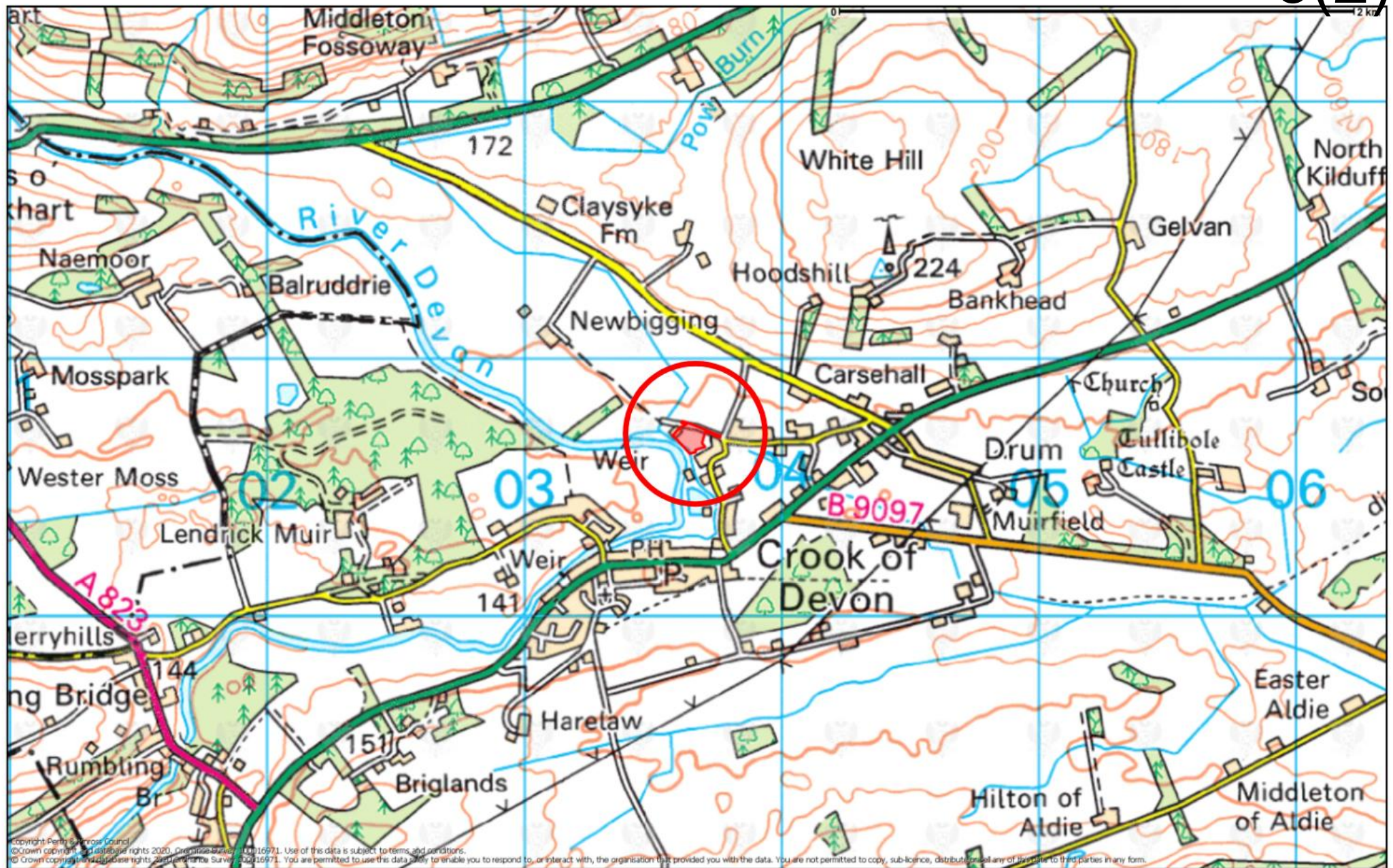
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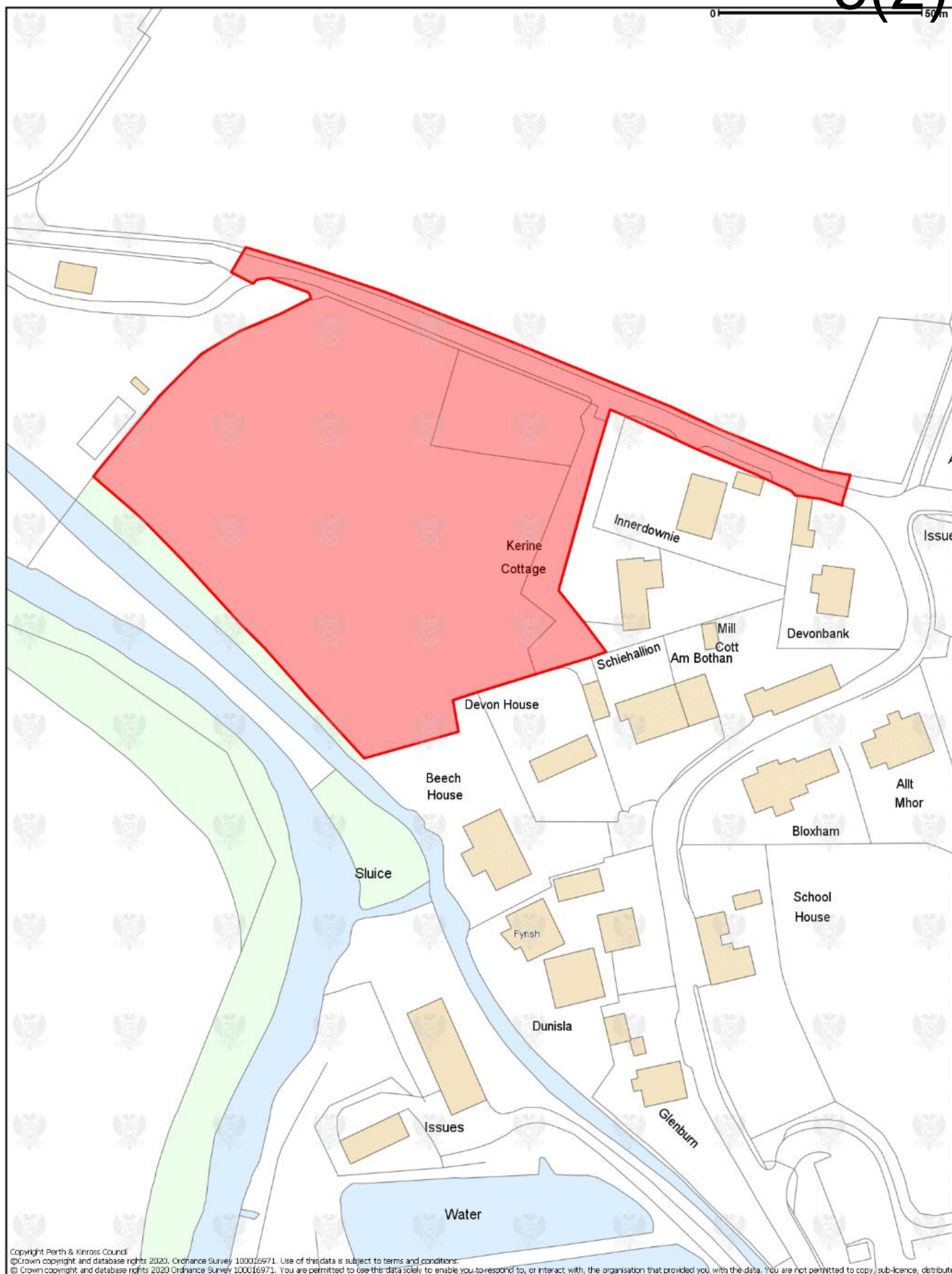
19/01673/AML

Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL) land NW of Schiehallion Crook of Devon









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**19/01673/AML**

Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL) land NW of Schiehallion Crook of Devon







Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/97)

**PROPOSAL:** Demolition of gym, conversion and erection of 12 flats, formation of communal courtyard and associated works

**LOCATION:** 15 Canal Street, Perth, PH2 8LQ

Ref. No: [20/00007/FLL](#)

Ward No: P12 - Perth City Centre

### **Summary**

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

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The proposal is for demolition of a modern building, conversion of a traditional building and erection of an associated two-storey building, combining to form 12 flats with a communal courtyard, and associated works. The site currently comprises a single storey building which accommodates a gym with a three-storey redundant industrial building to the rear.
- 2 The site is located in the city centre/ Perth Conservation Area and is bounded by a mix of commercial units and upper floor residential to the east and west. The Salutation Hotel is to the north, whilst Canal Street bounds to the south, with a public car park opposite.
- 3 An associated application for the demolition of the gym building is also under consideration (reference 20/00061/CON).
- 4 The demolition of the single-storey gym building would fully expose the traditional, stone and slate building behind. Within part of the space resulting, a two-storey building is proposed, orientated gable on to the street, with the remaining area retained as a communal courtyard with low wall and railing fronting the street.
- 5 In 2019 planning permission was granted to convert the building behind the gym into flats and retain the gym. In order to do this, the proposals required parts of the building to be reconfigured to allow access through to the stairwell, which in turn gave access to the first floor of that historic building. The agent has confirmed that that proposal cannot be progressed due to the difficulty of accessing the building to carry out the works, and other site constraints. The more workable option being to open up the site to improve accessibility and bring the original building back into use, by removing the modern-day addition.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Historic Environment: paragraphs 135-137
  - Conservation Areas: paragraphs 143-144

### **Planning Advice Notes**

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

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 12 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**

- 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 2019.

### **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 2: Shaping Better Quality Places
  - Policy 5: Town Centres First

### **Perth and Kinross Local Development Plan 2019**

- 17 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement

for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

18 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 11: Perth City Centre Secondary Uses Area
- Policy 20: Affordable Housing
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 28: Conservation Areas
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **SITE HISTORY**

- 19 [12/00675/FLL](#) Change of use of two vacant shop units (class 1) to fitness suite (class 11) Application Approved under delegated powers decision issued 22 May 2012
- 20 [12/00676/ADV](#) Display of signs Application Refused under delegated powers decision issued 22 May 2012
- 21 [15/01378/IPL](#) Change of use from vacant warehouse to residential – this application was withdrawn
- 22 [19/00523/FLL](#) Part change of use and alterations to gymnasium and ancillary stores to form 6 flats, and installation of railings and gate Application Approved under delegated powers decision issued 11 June 2019

## **CONSULTATIONS**

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

### **External**

- 24 **Historic Environment Scotland:** No objection or comment

25 **Scottish Water:** No objection

#### **Internal**

26 **Environmental Health:** Recommendations made in relation to air quality and noise

27 **Environmental Health (Contaminated Land):** Advise contaminated land condition required

28 **Perth And Kinross Heritage Trust:** Advise archaeology condition required

29 **Transport Planning:** No objection, note cycle storage provided

30 **Structures and Flooding:** No objection, informatives required related to Flood Risk and the abandoned lade.

31 **Development Negotiations Officer:** Proposal considered against policy and no contributions required.

#### **REPRESENTATIONS**

32 The following points were raised in the 34 representations received:

- Job losses
- Loss of gym facility
- No need for housing
- Loss of footfall from city centre
- Increase in traffic
- Wider health implications
- Disruption during construction
- Party wall issues

33 These issues are addressed in the Appraisal section of the report, with the exception of the party wall issue as approval of the application would not override any civil legal agreements required regarding party wall matters.

#### **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

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

### **Principle**

- 36 The site is located within Perth City Centre and Perth Conservation Area and is zoned for secondary city centre uses under Policy 11 of LDP2. This policy states that within this area a mix of appropriate uses will be supported, including residential. The policy encourages residential uses within the secondary use area, whilst letters of representation state that there is no need for housing, a flatted development in the identified zoning complies in principle with the policy.
- 37 Clearly the proposal involves the loss of commercial premises and the letters of representation make it clear that the gym facility and staff have provided benefits to users of the facility and the wider community, and that the loss of the gym would have wider health implications for the local population. The loss of the facility is regrettable for those who use it but access to fitness and wellbeing facilities are still available in the area.
- 38 Typically gyms tend to be small employers although the business can bring large numbers of users into the area. Therefore the use may generate a footfall within the city centre but this would not be considered to be at a level where the loss of the gym would directly lead to a downturn in trade in the wider area. The provision of the proposed flats, although not bringing in the same number of users, may see an increase in spending in the city centre through the use of facilities, shopping and through increased night-time use which is to be encouraged.
- 39 It is acknowledged that the proposal would see the gym displaced. However, the granting of planning permission will simply give the land owner an option in terms of development, it will not override any agreement that the current lessee may have with the land owner. The proposal does result in the loss of a business premises but the zoning in the LDP does not require the retention of business premises as it does in town centre zonings. Ultimately the refusal of planning permission may not result in the retention of the gym as there are factors which will remain out with the control of the Planning Authority. The Council would however be happy to assist the current business operator to find new premises if required.

- 40 Whilst the loss of the business premises is a consideration, the proposal must also be considered against the wider benefits that it brings through the removal of an unsympathetic building design, the streetscape improvements and the reuse of a vacant traditional building. The proposal also has significant benefits for the Conservation Area and meets the objectives in enhancing its character or appearance. This is discussed in more detail later but, in principle, townscape improvements are a significant consideration therefore the proposal meets conservation objectives.
- 41 The application is therefore considered to comply, in terms of use, with the Policy 11 of LDP2.

### **Design and Layout**

- 42 The three-storey traditional building is of blonde sandstone finish with timber windows and stone surrounds, a traditional slated roof with feature cupolas and rooflights. This traditional building is partially hidden from the principal Canal Street elevation by the gym building which consists of a single storey warehouse-style unit under a large metal-clad pitched roof.
- 43 The demolition of the gym building would: allow access to ease conversion of the traditional building to 10 flats; to erect a smaller building accommodating 2 flats; with the remaining space to form a communal courtyard.
- 44 Historic photos show the traditional building fronted by a forecourt area when it was used as a car garage, repair centre and sales garage in the early 1900's. Removing the gym building would allow this to be re-instated, and, more importantly, allowing the original, quality building to be accessible and visible from ground level. The proposal also includes a new two-storey mews-style building which will contain two flats and face the new landscaped courtyard. This building would have a wet-dash render finish to walls and slated roof. The windows and doors are to match existing but no details of finish have been provided so this will be conditioned (Condition 3).
- 45 The demolition would ease access to this building, allowing it to be converted. As it has not seen much alteration over the years, although in a poor state of repair, the main features remain. The conversion to 8 flats, would see small alterations to the exterior of the building for new window openings, which pick up existing window proportions, and the formation of 12 traditionally proportioned dormers. The dormer design is acceptable, with the majority to the rear and the large roof mass helps absorb their impact.
- 46 The proposal includes the conversion of the ground floor of an adjoining building to the east to form two smaller units, one of which will be accessed from the courtyard and the other from Canal Street. The unit onto Canal Street involves the infilling of a pend to form a one bedroom flat. The infill finishes and window proportions are to match the existing elevation and are therefore acceptable.

- 47 Feature iron railings are to be reintroduced along Canal Street, forming a boundary far more in keeping with the historical streetscape. Furthermore, this boundary will not significantly obscure the proposals from the street but instead allow a visual connection through the landscaped courtyard to the refurbished historical building behind.
- 48 The alterations to the existing building and the design and scale of the new building are considered to comply with LDP2 Policies 1A and B, which relate to placemaking.

### **Residential Amenity**

- 49 Policy 1 Placemaking seeks to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area.
- 50 There are several residential and commercial properties within close proximity: the Salutation Hotel is attached to the proposed building conversion which will accommodate the three storey residential flatted units.
- 51 In city centre locations the expectations for residential amenity are not be the same as suburban areas. This is due to city centre locations generally leading to a higher likelihood of potential impacts on residential amenity from noise and night-time activities. However future residents will be aware of neighbouring uses and the potential night-time noise and activity.
- 52 There is the potential that noise from the adjacent hotel could impact on the residential amenity of any future residents within the three storey building. Environmental Health consider that potential impacts could be reduced through introducing sound insulation and sound transmission properties to the structure and finishes of the residential units (Condition 6).
- 53 The demolition of the gym building would provide a communal amenity space, which is welcomed in this city centre location. The arrangement of the building would see windows face Canal Street (over the amenity space) or overlook the single storey roof of the hotel to the rear. The development is not considered to have a detrimental impact on any neighbouring dwellings, in terms of overlooking or loss of privacy.
- 54 Taking the aforementioned into account, the proposal is considered compliant with the Council's Placemaking Supplementary Guidance 2019 and LDP2 Policies 1A and 1B in relation to residential amenity.

### **Air Quality**

- 55 The location is within Perth's Air Quality Management Area, although Environmental Health confirm that, due to the scale of the development, no air quality assessment is required.



## **Demolition/Construction**

- 56 There is the potential for dust, etc. to adversely affect air quality and existing residential amenity during the demolition and construction stages. Thus submission of a Construction Management Plan, including mitigation measures and monitoring to control dust emissions from the site from demolition and construction activities and will be required by condition (Condition 5).

## **Contaminated Land**

- 57 The site was formerly occupied a garage and records of a number of underground fuel storage tanks exist. No information is available on whether these tanks have been removed or how they have been decommissioned. There are also records of a suspected tank leak, but again no information detailing any remediation works.
- 58 Given there is potential for contamination it is necessary for an assessment of the site to be undertaken to determine measures to address this to a standard suitable for residential use. A contaminated land condition is therefore recommended (Condition 8).

## **Roads and Access**

- 59 Typical of many flatted properties in the city centre, there is no residential parking provided. Off-street car parking is available at several locations nearby and to encourage active travel a secure waterproof cycle shelter should be provided. Space for cycle stands has been shown on the plans however no details have been submitted to show it will be waterproof so a condition will be added to agree these details (Condition 10).
- 60 There is also concern that the proposal would lead to an increase in traffic however the proposal, by virtue of its city centre location, offers the residents a number of public transport options and the trip generation compared to the gym will be lower.

## **Drainage and Flooding**

- 60 The SEPA flood hazard map and shows that the development lies outwith the functional floodplain, due to the Perth Flood Protection Scheme (PFPS) which is believed to have a standard of protection equal to a 1 in 250 year flood event.
- 61 However, there remains a residual flood risk if the PFPS failed or was overtopped by an exceedance event. As such the Flood Team recommend that the development incorporates flood resilient materials on the ground floor. Furthermore, SEPA operates a flood warning service in this area in the event that the scheme was exceeded and residents could to sign up to this.
- 62 The Flood Team also note that there is an abandoned lade, believed to run underneath Canal Street. However if this is exposed during excavation works,

contact should be made with the Council's Flood Team and their recommendations will be added as informatives.

- 63 Scottish Water were consulted and do not object, however the applicant will still need to secure a connection to the public infrastructure.

### **Waste Collection**

- 64 The plans show provision for bin storage area within the development, whilst refuse collections would be from the street.

### **Conservation Considerations**

- 65 Policy 28 of LDP2 seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. Thus implications of the demolition will be considered separately through the associated Conservation Area Consent application, which is also under consideration at this Committee.
- 66 The building to be demolished is modern in construction and of no significant architectural or historic merit. This building, because of its design and materials, has a negative impact on the character and appearance of the Conservation Area, whereas the architecture and materials of the retained building to be converted and the proposed flats are in keeping with the scale, form and massing of the surrounding buildings.
- 67 The proposed courtyard garden, wall and gates will allow greater visibility of the historic building and their design and materials will also represent a significant improvement on the existing gym building, in terms of visual impact. Further, the proposed dormers are considered in keeping with the appearance of the existing building and would have no detrimental impact on the Conservation Area.
- 68 Overall the proposed development would have a positive impact on the character and appearance of the Conservation Area which complies with LDP2 Policy 28.

### **Archaeology**

- 69 The proposed development site lies within an archaeologically sensitive area within the medieval burgh of Perth. A building is depicted at this location on Rutherford's 1774 map of Perth.
- 70 As significant archaeological deposits can survive at shallow depths it is recommended that archaeological monitoring take place during the grubbing out of the building foundations and that an archaeological evaluation take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development; or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. This can be controlled by a condition (Condition 4).

## **Developer Contributions**

### **Affordable Housing**

- 71 The Council's Affordable Housing Policy requires that, in general, 25% of the total number of houses, above a threshold of 5 units, for which planning permission is being sought is to be in the form of affordable housing, though there are some exceptions.
- 72 In this case as the site is within the Perth City Centre Zone and will create less than 20 units, no contributions will be required, as established in clause 7.7 of the Guidance.

### **Primary Education**

- 73 The Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 74 This proposal is within the catchment of Inch View Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no contribution in this regard is required.

### **Transport Infrastructure**

- 75 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 76 Again as the site is within the Perth City Centre Zone and will create less than 20 units, therefore in line with clause 6.6 of the Guidance, no contributions will be required.

### **Economic Impact**

- 77 The development will result in the loss of a commercial premises and its associated employment but will create 12 dwellings within the city centre which will have their own economic benefits in stimulating the city centre economy with the added benefit of bringing a disused, traditional building back into use.

## **LEGAL AGREEMENTS**

- 78 No legal agreement required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 79 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**

- 80 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, the Development Management team are content that the development proposed does not conflict with the Development Plan.
- 81 Accordingly the proposal is recommended for approval, subject to the following conditions.

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

Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.

3. Prior to the commencement of the development hereby approved, details of the specification, finish and colour of the proposed replacement and new windows and doors to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.

4. 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.

5. Prior to the commencement of development a Construction Management Plan which should include mitigation measures and monitoring to control dust emissions from the site from demolition and construction activities shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as subsequently agreed shall be implemented throughout the demolition and construction stage of the development.

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

6. The sound insulation and sound transmission properties of the structure and finishes of residential units shall be such that any airborne noise from the operations within the adjoining commercial hotel premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

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

7. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site which would result in noise which could be considered a statutory nuisance outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

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

8. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

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

- 9. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council as Planning Authority. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided. The agreed RTP should be issued to residents at the time of their occupation.

Reason: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

- 10. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 14 cycles shall be provided within the site to the satisfaction of the Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

## **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. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](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.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
7. The applicant is advised that there is an abandoned lade which runs along Canal Street. This is believed to run underneath the main road, however if this is exposed during excavation works, contact should be made with the flooding team.
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 Environmental Protection Agency.
9. Please apply to the Street Naming and Numbering Officer, The Housing & 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).

Background Papers: 34 letters of representation  
Contact Officer: Joanne Ferguson – 01738 475320  
Date: 21 May 2020

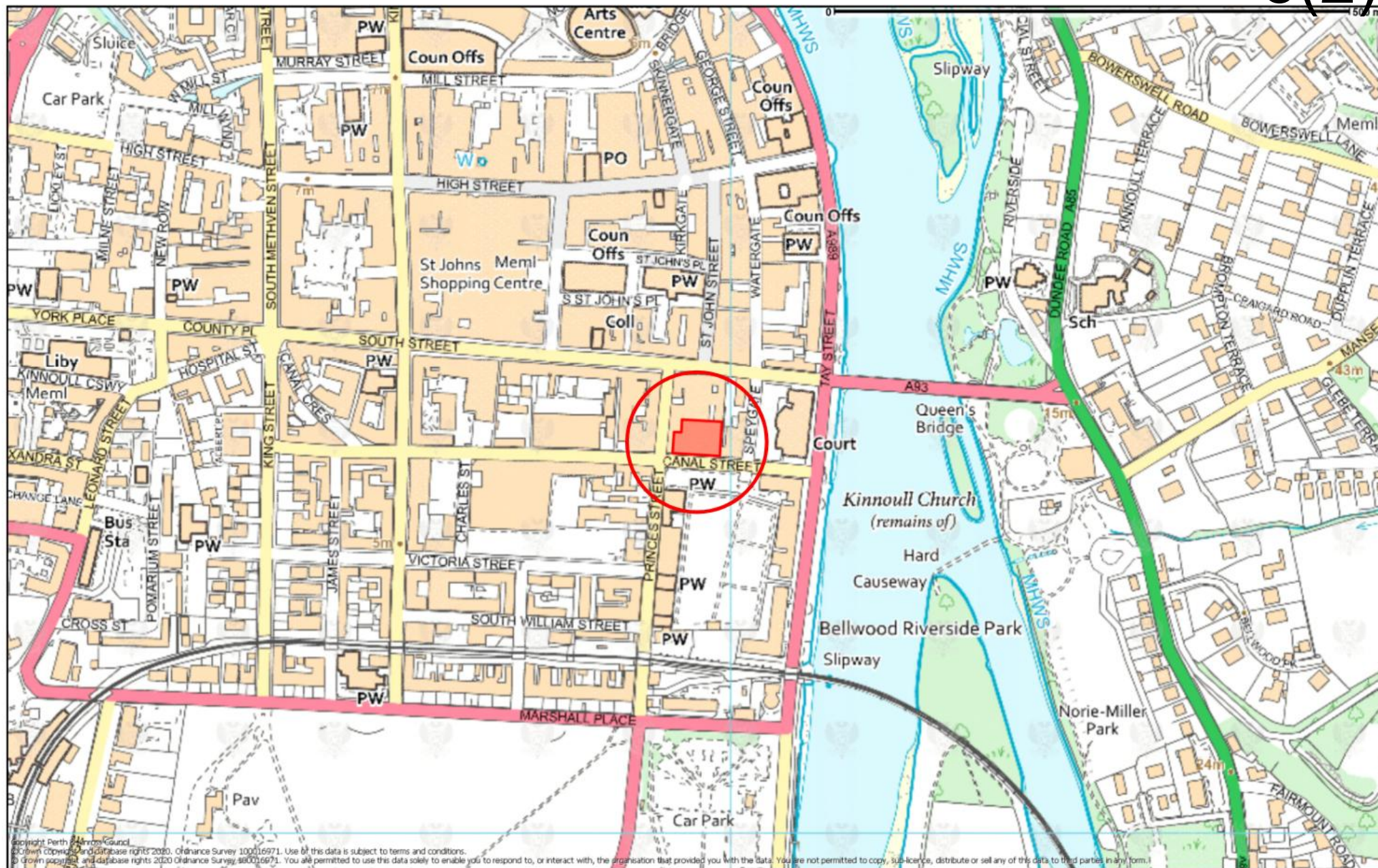
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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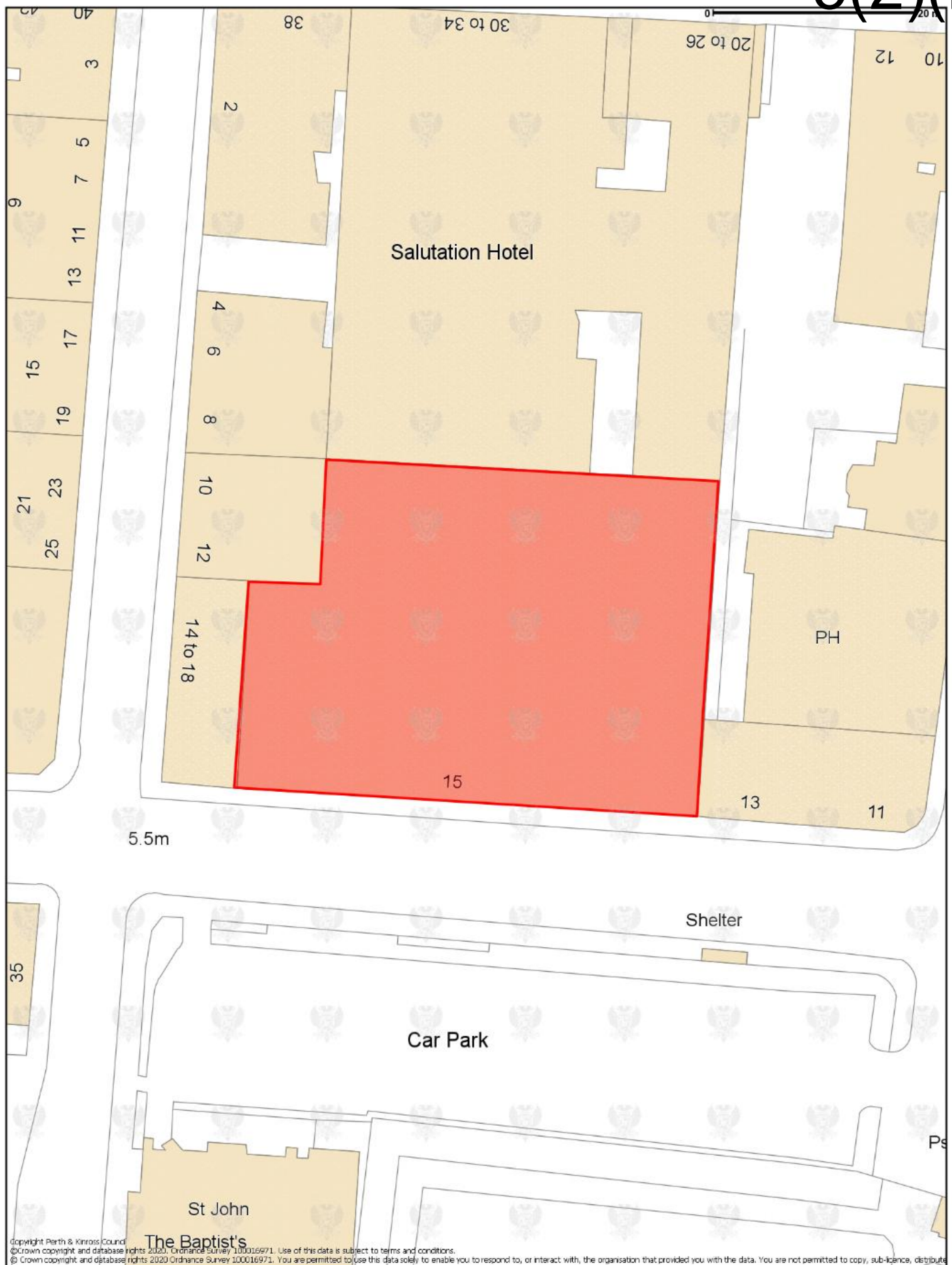
20/00007/FLL

Demolition of gym, erection of 12 flats, formation of communal courtyard and associated works at 15 Canal Street, Perth, PH2 8LQ









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20/00007/FLL

Demolition of gym, erection of 12 flats, formation of communal courtyard and associated works at 15 Canal Street, Perth, PH2 8LQ





Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/98)

**PROPOSAL:** Demolition of building

**LOCATION:** 15-17 Canal Street, Perth, PH2 8LQ

Ref. No: [20/00061/CON](#)

Ward No: P12 – Perth City Centre

### **Summary**

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

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The proposal is for demolition of a modern single-storey building located on Canal Street, Perth located within Perth Conservation Area.
- 2 The existing building consists of a single storey warehouse-style unit under a large metal-clad pitched roof. It partly conceals a three-storey traditional building of blonde sandstone finish with timber windows and stone surrounds, and a traditional slated roof with feature cupolas and rooflights.
- 3 The application is supported by: historical photographs showing the traditional building, set behind an open forecourt area, facing Canal Street; and a design statement detailing how the proposal has been considered.
- 4 There is an associated detailed application for planning permission for the demolition of the gym building, conversion of the traditional building and erection of a new building, all to form 12 flats, a communal courtyard and associated. This application is also under consideration at this Committee (20/00007/FLL).

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

infrastructure. 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**

- 7 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.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Valuing the Historic Environment: paragraphs 135-137
  - Conservation Areas: paragraphs 143-144

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 71 Conservation Area Management
- 10 The following policy documents and guidance from Historic Environment Scotland are also relevant to this proposal:
- 11 Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019.
- 12 Managing Change in the Historic Environment - Guidance on Conservation Areas.

### **DEVELOPMENT PLAN**

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

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

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

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

## **Perth and Kinross Local Development Plan 2019**

- 15 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policy is, in summary;
- 17 Policy 28: Conservation Area

## **SITE HISTORY**

- 18 [12/00675/FLL](#) Change of use of two vacant shop units (class 1) to fitness suite (class 11) Application Approved under delegated powers decision issued 22 May 2012
- 19 [12/00676/ADV](#) Display of signs Application Refused under delegated powers decision issued 22 May 2012
- 20 [15/01378/IPL](#) Change of use from vacant warehouse to residential – this application was withdrawn
- 21 [19/00523/FLL](#) Part change of use and alterations to gymnasium and ancillary stores to form 6 flats, and installation of railings and gate Application Approved under delegated powers decision issued 11 June 2019

## **CONSULTATIONS**

- 22 As part of the Conservation Area Consent process the following bodies were consulted:

### **External**

- 23 **Historic Environment Scotland:** No objection or comments
- Internal**

- 24 **Environmental Health (Contaminated Land):** Contaminated land condition recommended for associated planning application.
- 25 **Perth And Kinross Heritage Trust:** Advise of archaeological interest from former use, with a condition required as demolition may involve ground breaking works.

## REPRESENTATIONS

- 26 The following points were raised in the 2 representations received:
- Loss of commercial premises
  - Closure of existing business
  - Loss of jobs
- 27 The purpose of the Conservation Area Consent is to assess the merits of the building and contribution to the character and appearance of the Conservation Area. The issues raised are therefore not relevant to this application but have been considered in the associated application for planning permission.

## ADDITIONAL STATEMENTS

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

## APPRAISAL

- 29 The determining issue in the assessment of this Conservation Area Consent application is the effect of demolition of the building on the Perth 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 28 of the Perth and Kinross Area Local Development Plan 2 2019 as well as supplementary planning guidance. 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.

### Principle

- 30 The site is within Perth City Centre and the Perth Conservation Area. Policy 28 and paragraphs 143-144 of Scottish Planning Policy (SPP) 2014 state that there is a presumption against the demolition of buildings within a Conservation Area



which have value and contribute to the character and appearance of the Conservation Area. Proposals for demolition should be accompanied by a detailed application for the replacement development.

- 31 Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 is also a material consideration. HEPS contains wide ranging policies and guidance on managing the historic environment, including understanding the benefits of the historic environment and its promotion. It also states that, should detrimental impact on the historic environment be unavoidable, steps should be taken to minimise the impact and demonstrate that alternatives have been explored.
- 32 There is also a distinct difference between the assessment of the demolition of a listed building and the demolition of an unlisted building in a Conservation Area; a more stringent justification for demolition of a listed building is required. Therefore, there is separate guidance from HES on the demolition of listed buildings: Managing Change in the Historic Environment: Demolition of Listed Buildings. This guidance does not apply to this application.
- 33 HES published separate guidance relating to Conservation Areas in "*Managing Change - Guidance on Conservation Areas*" (April 2019) where paragraphs 16-20 refer to demolition. Paragraph 17 requires Planning Authorities to consider the importance of the building to the character and appearance of the Conservation Area and the proposals for future use of the cleared site. Paragraph 18 states that a "*positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use*".
- 34 Paragraph 19 states that "*in some cases, demolition may be thought appropriate.....if the building is of little townscape value*". It goes on to state that "*where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building*".
- 35 These matters are considered in detail in the following section of the report, where it is established that the proposed demolition complies with policy and guidance.

### **Conservation Considerations**

- 36 The assessment below has been undertaken in conjunction with the Conservation Officer within the Development Management Team.
- 37 The wider site contains a three-storey traditional blonde sandstone building with timber windows and stone surrounds, and a traditional slated roof with feature cupolas and rooflights. This building is partially hidden from the principal public view from Canal Street by the gym building, which is to be demolished.
- 38 The gym building consists of a single storey warehouse-style unit under a large metal-clad pitched roof. It is relatively modern and of no significant architectural

or historic merit. As such it does have a negative impact on the character and appearance of the Conservation Area.

- 39 Early historical photos show the traditional building fronted by a forecourt area. Removing the gym building would allow this to be re-instated, as well as, more importantly, allowing the original building to be accessible and visible from ground level. The demolition will ease the conversion of the traditional building which has been vacant for a long time, bringing it back into use and securing that building's future.
- 40 It can therefore be concluded that the existing gym building is of little townscape value and the proposed scheme, considered under the associated planning application, is acceptable so as to further justify demolition. Overall the proposed development will have a positive impact on the character and appearance of the Conservation Area.

### **Archaeology**

- 41 The proposed development site lies within an archaeologically sensitive area within the medieval burgh of Perth. Further a building is depicted at this location on Rutherford's 1774 map of Perth.
- 42 As significant archaeological deposits can survive at shallow depth it is recommended that archaeological monitoring take place during the grubbing out of the building foundations and that an archaeological evaluation take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. This can be controlled by Condition 3.

### **LEGAL AGREEMENTS**

- 43 Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 44 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**

- 45 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 the Development Management team are content that the development proposed does not conflict with the Development Plan.

- 46 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. Prior to commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.

3. 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 Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas)

(Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. This conservation area consent 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. You should therefore submit the required information more than two months before your consent expires. We cannot guarantee that submissions made within two months of the expiry date of your consent will be able to be dealt with before your consent lapses

Background Papers: 2 letters of representation  
Contact Officer: Joanne Ferguson – 01738 475320  
Date: 21 May 2020

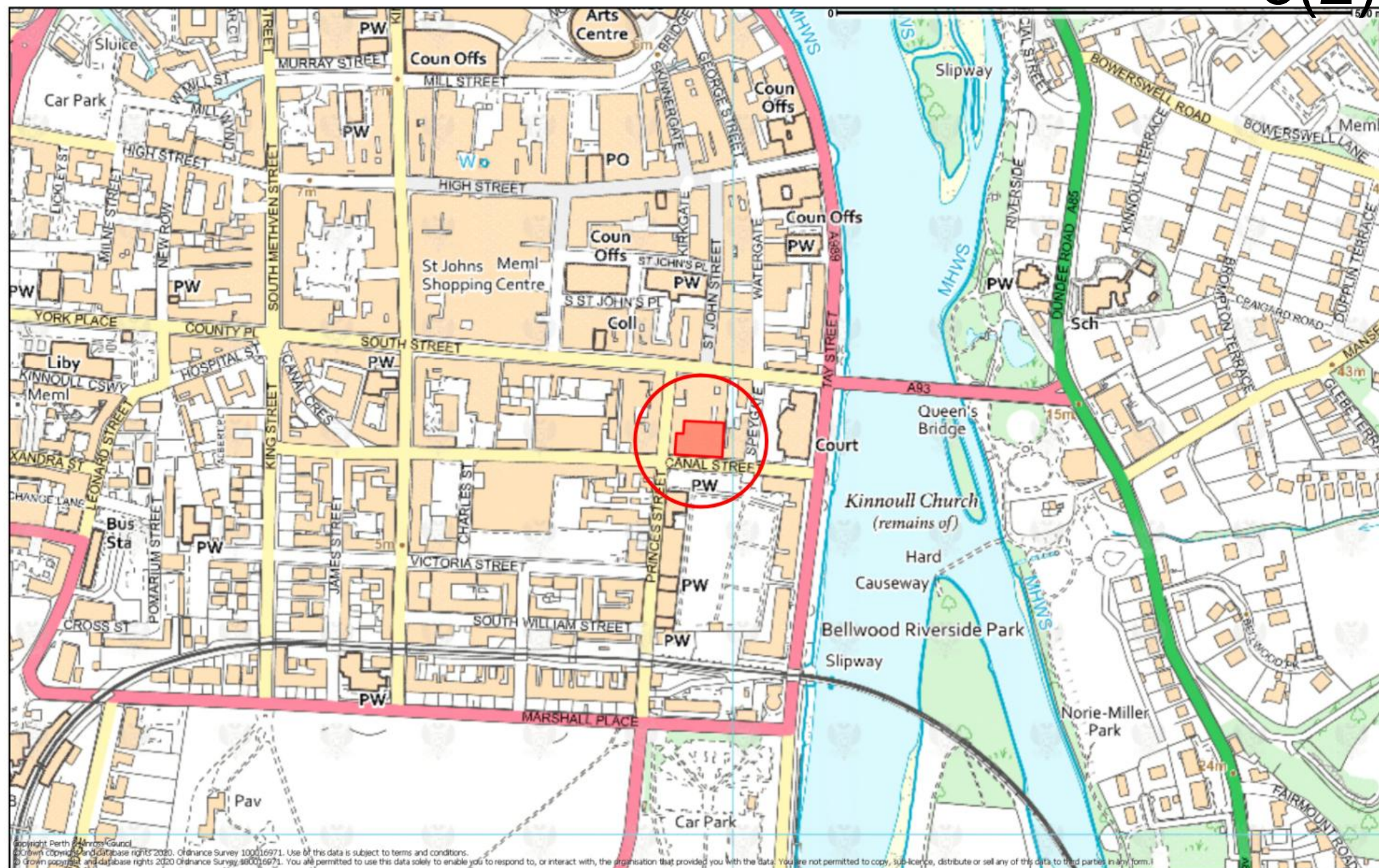
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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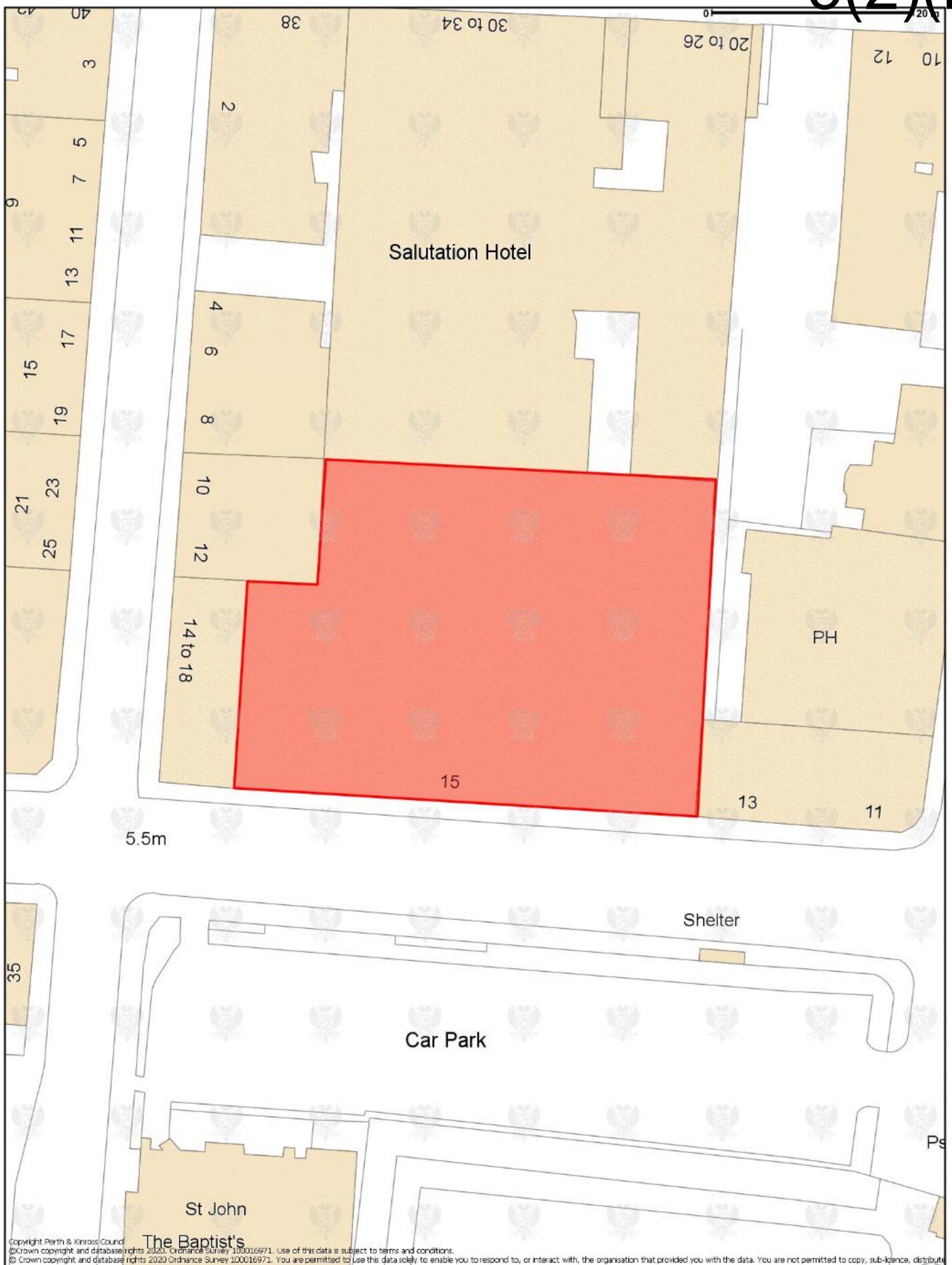
20/00061/CON



Demolition of building at 15 - 17 Canal Street, Perth, PH2 8LQ









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Perth and Kinross Council  
Planning & Development Management Committee – 3 June 2020  
Report of Handling by Head of Planning & Development (Report No. 20/99)

**PROPOSAL:** Erection of indoor equestrian facility

**LOCATION:** Riding Establishment, Netherton Farm, Aberargie, Perth, PH2 9NE

Ref. No: [20/00217/FLL](#)

Ward No: P9 – Almond and Earn

**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 at Netherton Farm, Aberargie, where a fire in October 2019 destroyed a previous indoor horse riding facility. That facility was originally an agricultural building but saw planning permission granted in 2014 for its partial use as an indoor riding arena (14/01304/FLL). It is now proposed to develop a new indoor equestrian facility to the north of where that earlier building was positioned, including an area currently used as an outdoor horse riding arena. The existing outdoor arena received planning permission in 2015 (planning permission 14/02230/FLL). This area is fenced and measures 30m by 65m (1,950 sqm). An area adjacent to the east is also used as an open horse riding facility and is of the same size (65m x 30m) as the fenced arena. This area is unfenced and has a sand surface and was not considered to require planning permission. Both the fenced and unfenced areas will now be incorporated into the new indoor arena. The proposed new indoor arena has a larger footprint than the existing outdoor arenas and measures 72m x 60m, (4,320sqm) and is around 3x larger than the previous indoor arena (25m x 42m (1,050 sqm) and will be of a size capable of delivering competition standard training and coaching. The land to the west of the new facility is partly occupied by an existing agricultural building and partly by a vehicle parking area. The River Farg is around 50m to the north of the proposed new building. The site of the former indoor arena as well as a paddock area is located to the south of the proposed new building.
- 2 The building is of a utilitarian agricultural style, appearing as two conjoined sections each with a low dual pitched roof. Elevations would be clad in profiled sheeting (olive green) although the upper 2m would be translucent, other than an open half of the southern elevation. The two roof ridges are c.9.3m high, whilst eaves are c.6m. Roof faces would be clad in fibre cement profile cladding coloured olive green, with a line of roof light panels along each.

- 3 Access is via Aberargie by means of a private track that also serves a number of residential properties. Due to the Coronavirus COVID 19 pandemic it has not been possible to visit this site and photographs of the access track/road and site have been provided by the agent and representors. In addition, the property is also visible on satellite photography images. Beyond this, the Case Officer visited the site in 2015, in relation to the planning application for the outdoor arena.

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

- 4 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **PRE-APPLICATION CONSULTATION**

- 5 No pre-application consultation has been undertaken, as the proposed development is not classed as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

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

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.

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

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

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **DEVELOPMENT PLAN**

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

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

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

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

#### **Perth and Kinross Local Development Plan 2019**

- 13 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 5: Infrastructure Contributions

- Policy 8: Rural Business and Diversification
- Policy 39: Landscape – All Landscapes
- Policy 52: New Development and Flooding
- Policy 53: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements – New Development Proposals

## SITE HISTORY

- 15 [14/01304/FLL](#) Change of use of agricultural buildings to equestrian facilities (in part retrospect) Netherton Farm, Aberargie PH2 9NE. Approved by Development Management Committee – 19.11.2014. Decision Notice issued 22.10.2014
- 16 [14/02230/FLL](#) Formation of an outdoor riding arena (in retrospect) at Netherton Farm, Aberargie PH2 9NE. Approved under delegated powers on 25.03.2015.

## CONSULTATIONS

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

### External

- 18 **Scottish Water** – No objection. Capacity in Glenfarg Water Treatment Works. No public Scottish Water, Waste Water infrastructure within the vicinity.

### Internal

- 19 **Environmental Health (Noise Odour)** - No objection, subject to condition relating to waste management and delivery times.
- 20 **Transport Planning** - No objection, subject to condition requiring provision of passing places.
- 21 **Development Negotiations Officer** - No objection, note the proposal will not increase the overall area used for equestrian purposes and will largely move existing out-door paddocks indoors. As such no contribution towards transport infrastructure is required.
- 22 **Structures and Flooding** - No objection as long as no land raising occurs in the floodplain. Recommend the use of flood resilient and resistant design.

## REPRESENTATIONS

- 23 19 representations have been received: 12 in support and 7 objecting. The objections are summarised as follows:

- Access – poor condition of the track/road, which should be re-surfaced and upgraded, not just repaired.
- Road safety – speed of vehicles is a danger to other users, and single file traffic is not suitable for the high volume of vehicles.
- Noise and disturbance, through: delivery hours and increases in traffic,
- Ecological issues – impact on River Farg, from debris and discharge from the equestrian centre.
- The proposal is a new larger facility, not a replacement.

24 The 12 representations of support are summarised as follows:

- Good facility for teaching and competitions
- Asset to the area
- Economic benefit – bring employment and revenue to local area
- Good facility for Scottish riders
- Need indoor facility for year round use to keep horses fit in winter and provide safe facility for riders

25 The point that relates to the fact that the application description refers to a 'replacement' facility is noted and agreed. The new building is larger and is in a different position to that which existed previously. The application description has been amended to reflect this. The agent has confirmed that there is no plan to build on the site of the previous sheds that were destroyed in the fire.

26 The other matters raised are considered in the Appraisal section below.

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

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

## **Principle**

- 29 Placemaking policies 1A and 1B seek to ensure that any new building contributes positively to the quality of the built and natural environment and that new development respects the character and amenity of the place. A range of criteria should also be met, the most relevant being c) that the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 30 Policy 8: Rural Business and Diversification is also relevant. Stating that favourable consideration, subject to criteria, will be given to the expansion of existing businesses and the creation of new ones in rural areas. Although there is a preference that this will generally be within or adjacent to existing settlements. However, locations beyond these parameters may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. This proposal relates to such a site-specific resource, being an existing business which this proposal seeks to consolidate.
- 31 In this case it is considered that the principle of the expansion of the equestrian centre is acceptable, given that a countryside location is generally required for such a use and the fact that equestrian uses are well established at the location and a similar facility at Netherton Farm has previously been supported.
- 32 It is therefore considered that the main issues to consider in the assessment of this application are: design and layout; visual impact; roads and access; drainage and flooding; and, impact on neighbouring residential amenity. These matters are taken in turn below.

## **Design and Layout**

- 33 Policies 1A and 1B, as 8 c) require proposals to be compatible with surrounding land uses. In this case the building is of a common agricultural design, thus appropriate in this context. Particularly there is another large agricultural building immediately adjacent and west of the proposed new facility and the new indoor arena building will be read along with this building. The design and layout is therefore considered to be appropriate for the context and proposed use.

## **Landscape**

- 34 Policy 39: Landscape, requires proposals not to conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The context here sees the new building set close to an existing similar large building and the footprint of the former buildings which influence the appearance of the local landscape, together with features such as the woodland/hedges along field boundaries and the route of the River Farg. The impact of the proposal is

therefore relatively well absorbed in the context and localised such that it will not impact on the qualities of the wider Perth and Kinross landscape.

### **Residential Amenity**

- 35 Policy 8 c) also requires proposals not to impact detrimentally on residential properties, within or adjacent to the site. In this instance the closest residential property, not associated with the equestrian facility, is some 164m from the proposed new building. Consultation with Environmental Health colleagues has seen them advise that no complaints regarding noise from the centre have been received to date and no objection raised. As such it is considered that noise from the daily operations of the proposed building should not adversely affect residential amenity.
- 36 It is noted that there are residential properties on the access road to the site and that several residents have objected to the proposals. It is also accepted that there is potential that noise from vehicle movements would be audible at these properties. To address impacts from some of the larger vehicles a condition was previously attached to planning permission 14/01304/FLL, controlling delivery times. A similar condition to maintain the status quo will be attached to this proposal (Condition 3) as recommended by Environmental Health.

### **Visual Amenity**

- 37 The arena building will be sited on flat ground visible in distant views from the A913 public road near Aberargie. The building is around 2 metres higher than the buildings destroyed by fire but seen alongside an existing large scale building of similar colour and style the impact on visual amenity is not considered significant. Policy 55: Nuisance from Artificial Light and Light Pollution, seeks to limit light pollution – particularly in rural areas. Further the building is designed to minimise the requirement for lighting, with rooflights and opaque sheeting, however it is recommended that a condition is attached to ensure any external lighting is appropriate (Condition 6).

### **Roads and Access**

- 38 Policy 8 g) requires the local road network to be suitable. In this regard the previous approval (14/01304/FLL) included conditions to upgrade the access track and provide suitable passing places. A further condition, mentioned above, controlled the timing of delivery and collection of goods and horses was also applied. These required improvements to the track were undertaken, however further improvements to the surface of the access road are now proposed.
- 39 A number of the objections relate to the condition of the track and road safety. However, the application proposes that the road will be upgraded and finished with a tarred surface. Transport Planning raise no objection, subject to the provision of an additional passing place, which is covered by a recommended condition also including an upgrade to the road surface (Condition 5).

- 40 Policy 8, b) supports proposals that do not result in suburbanisation of the rural area or encourage unsustainable travel patterns. The operation of the equestrian centre is well established at the site and, whilst the indoor facility proposed is larger than previously existed, it is not expected to significantly increase traffic volumes, particularly as it replaces an outdoor arena. The agent has also confirmed that there is no plan to build on the site of the previous sheds. It is also close to existing settlements such as Abernethy, from which access via the existing footway along the A913 public road is available. Part of this footway is also a Core Path (ABNY/119) which crosses the southern end of the access road to Netherton and continues to the junction with the A912 at Baigle straight.

### **Drainage and Flooding**

- 41 Policy 52, New Development and Flooding, states that there will be a general presumption against proposals for building, development or land raising on a functional flood plain and in areas where there is a medium to high risk of flooding from any source. In this context the site is identified as within a low to medium flood risk area. SEPA's flood map shows that land either side of the River Farg, including the equestrian centre and large areas of land between the access road and the A912 to the south-east, are potentially at risk of flooding. However, the Council's Structures and Flooding team has advised that it would be prohibitively costly to require a flood risk assessment to accurately establish the full extent of the floodplain in this area. Rather as the application is for a 'replacement' facility that is simply to cover two existing outdoor riding areas, with no landraising proposed, as such risks are considered minimal. The Council's Structures and Flooding team have therefore raised no objection but recommend that flood resilient and resistant design measures are incorporated within the site. A condition is recommended to cover these matters (Condition 4).
- 42 It is indicated in the Design Statement that the existing riding arenas feature specialist sub-surface drainage and that the surface water drainage for the building will be discharged to the River Farg. An informative note will be added to direct the applicant to SEPA's regulatory advice.

### **Waste Management**

- 43 In their consultation response Environmental Health note that a complaint with regard to manure storage was received in 2018. Whilst this was resolved and no formal action taken, it is appreciated that odours from the storage and removal of manure from the equestrian centre has the potential to adversely affect residential amenity, if good husbandry and procedures for storage and removal are not in place. It is therefore recommended that a condition be attached requiring a waste/odour management plan, which should include a procedure for: cleaning of the equestrian centre; the storage and removal of waste from the site; and, proposed mitigation for the prevention of odours and infestation from flies and rodents (Condition 2).



## **Conservation Considerations**

- 44 The site is not within a conservation area and is not close to any listed buildings, thus there will be no impact on any built heritage assets.

## **Natural Heritage and Biodiversity**

- 45 One representation expresses concern over the potential impact on the ecology of the River Farg, which is around 30m to the north of the site, particularly from discharge and waste generated, including litter. The facility replaces existing horse training areas which should already be subject to appropriate waste disposal. Discharge from the new facility is not expected to be significantly different other than with regard to a potential increase in surface water from the building. Once erected any discharge from the new facility should be managed by the owner/operator and comply with environmental protection legislation including SEPA's regulatory requirements. Any waste in the form of litter is the responsibility of the centre to dispose of appropriately, this and other waste should be controlled via measures set out within Condition 2, covering waste management measures. It is however noted that surface water is to be discharged in to the River Farg, and that this may require a licence from SEPA and be monitored in terms of SEPA's environmental protection role. An informative guides the applicant to SEPA in relation to these matters.

## **Developer Contributions**

- 46 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 47 In this case it is proposed to enclose two existing 30x65m or 1950 sqm outdoor riding paddocks (3,900sqm in total) with a facility measuring 72m x 60m or 4,320sqm as a replacement for the 25x42m or 1,050 sqm indoor facility lost in a fire.
- 48 While additional indoor space will be created, this will not result in a significant change to the overall intensity of use of the wider site, and the loss of the existing indoor facility will reduce the overall area of land for riding paddock. Prior to the fire the area of indoor and outdoor arena space available for horse training was a total of 4,950sqm. The replacement of the outdoor areas with the proposed indoor area and loss of the previous indoor area means that there is an overall reduction in overall arena provision of 630sqm.
- 49 It is therefore considered that the proposal will not significantly alter the overall extent or intensity of equestrian use, thus no contribution towards transport infrastructure is required.

## **Economic Impact**

- 50 The proposal is likely to have a positive economic impact both during construction and when in operation. Whilst it is anticipated that the new facilities will primarily be used by previous/existing customers and that no extra livery facilities will be provided the proposals represent a significant upgrade to the existing equestrian centre with horse riding opportunities being available for year round use making it possible for the centre to employ two additional full time members of staff.

## **LEGAL AGREEMENTS**

- 51 None required.

## **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 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposal is considered to be compatible with surrounding land uses and will be of economic benefit to the rural economy. In this respect, the development proposed is not considered to conflict with the Development Plan and there are no material considerations which would warrant the refusal of planning permission.
- 54 Accordingly the proposal is recommended for approval, subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

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

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

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

2. Prior to commencement of development a Waste Management Plan for the stables shall be submitted for the approval of the Planning Authority. The Plan shall include: the frequency that manure will be removed from the equestrian

building; how waste will be handled and managed; provisions for storage including locations; and any provisions for removing waste from the site, so as to ensure that odour and infestation is minimised. The Plan as approved shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

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

3. The delivery and collection of goods and horses at the premises shall only take place between 0630 and 2100 Monday to Saturday and 0800 and 1900 on Sunday and at no other time.

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

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

Reason: In order to take account of the flood risk from the River Farg.

5. Prior to the development hereby approved being completed or brought into use, the existing private access (unless otherwise agreed in writing by the Council as Planning Authority) shall be in its entirety finished in a bound surface, and provided with a passing place, as per Informative 7, at a suitable point along the existing verge at a point approximately at half distance between the existing passing place located to the north-east of Farndale and the junction with A913. Precise details of the finish of the track and proposed location of the passing place shall be submitted for the prior approval in writing by the Council as Planning Authority.

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

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

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

## **B JUSTIFICATION**

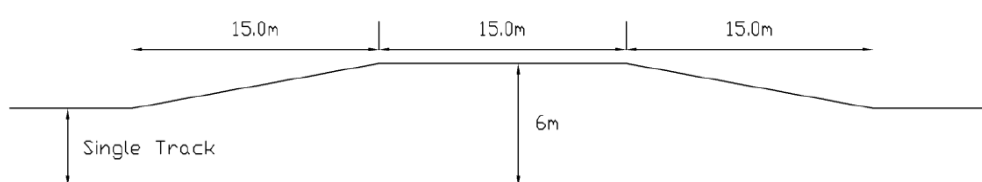
The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
6. Regulatory advice with regard drainage to the nearby River Farg should be sought from the Scottish Environmental Protection Agency (SEPA).
7. Typical detail for HGV passing place



8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

Background Papers: 19 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 21 May 2020

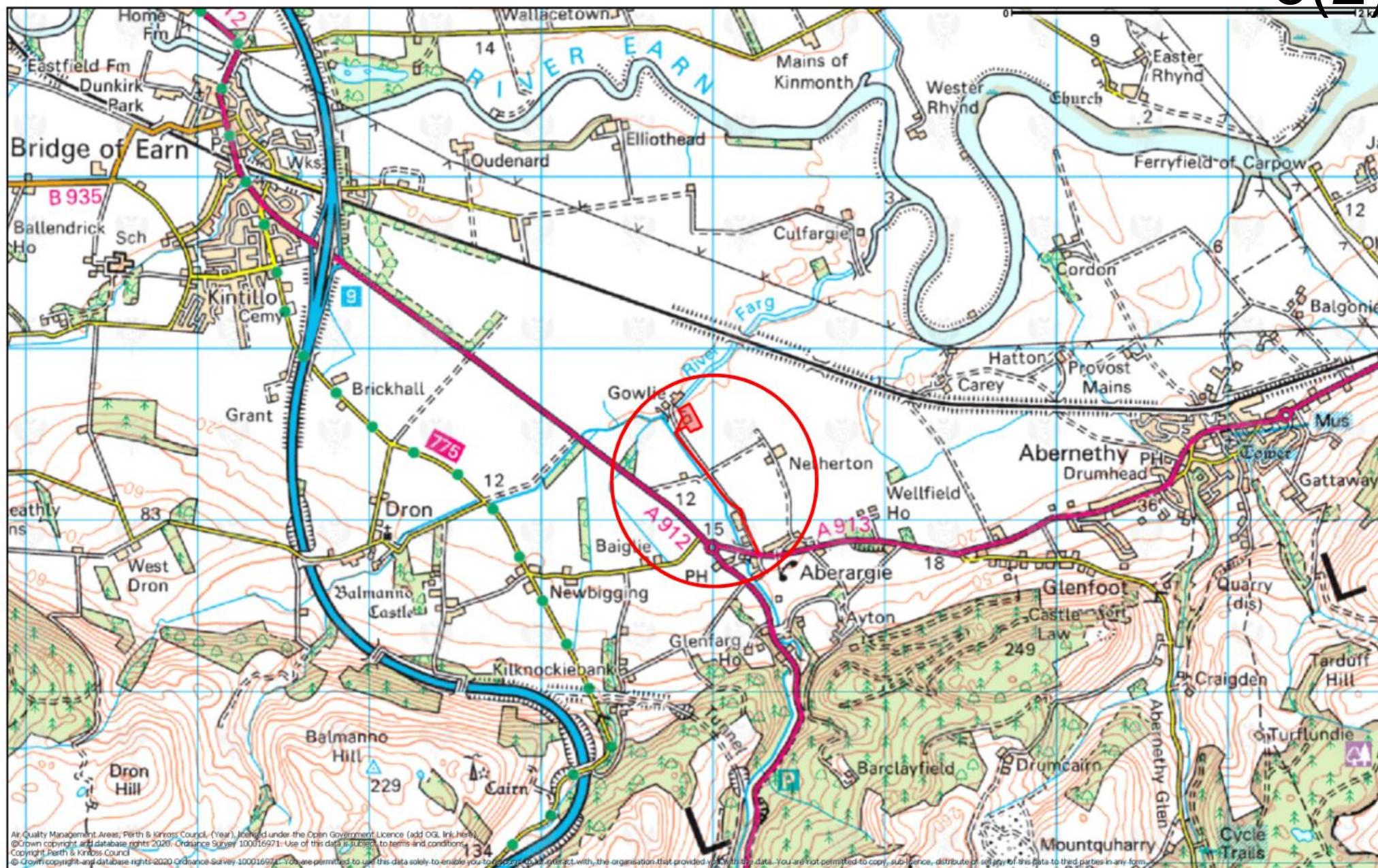
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Scale 1:30000



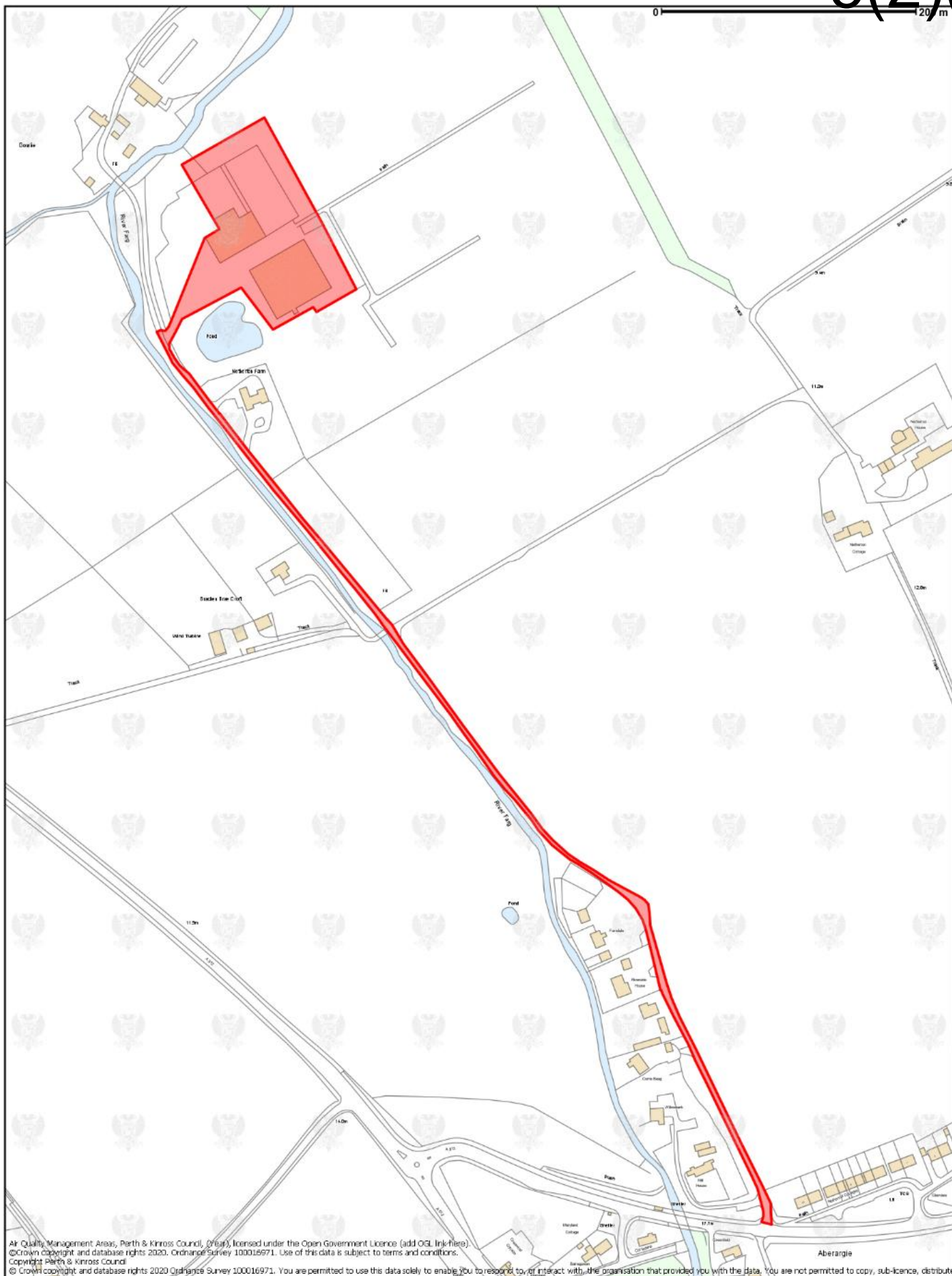
20/00217/FLL

Erection of replacement indoor equestrian facility Netherton Farm, Aberargie









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Scale 1:4000

20/00217/FLL

Erection of replacement indoor equestrian facility Netherton Farm, Aberargie







Perth and Kinross Council  
Planning & Development Management Committee – 27 May 2020  
Pre-Application Report by Head of Planning and Development (Report No. 20/100)

Erection of poultry rearing sheds, managers dwellinghouse, amenity and storage buildings and associated works, Murthly.

Ref. No: [20/00003/PAN](#)  
 Ward No: P5 - Strathtay

### Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the proposed erection of 4 poultry rearing sheds, a managers dwellinghouse, amenity and storage buildings and associated works at land 250 metres south west of Douglasfield Telecommunication Mast, Murthly. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 17 March 2020. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development on agricultural land south west of Murthly. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The background information suggests that the footprint of the buildings alone extend to approximately 9600 square metres (sqm) (not including external developed areas). The site boundary extends to 3.45 hectares, much of which would be developed.
- 3 The proposal falls under Class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which defines 'other Developments' as major where the gross floor area exceeds 5000 sqm, or the site area exceeds 2 hectares. This PoAN therefore seeks to formally establish a major development comprising the erection of 4 poultry rearing sheds with each shed designed to accommodate 6500 birds. In association, a manager's dwellinghouse, amenity and storage buildings and infrastructure works are also proposed.
- 4 The proposal has already gone through a pre-application exercise, where comments on the range of uses, principle, scale and design of the development proposed were provided. In summary, the principle of the proposed poultry

sheds were considered to have scope, dependent on the background assessments, compensatory measures and details provided. The principle of the residential element was not considered to be supportable in this location, which is also noted to involve removing a section of Ancient Woodland Inventory (AWI).

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5 Due to the scale and nature 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 already been submitted by the agent and a decision issued on 25 November 2019, confirming no EIA was required.

## **PRE-APPLICATION PROCESS**

- 6 The PoAN confirmed that it was originally intended to hold a public exhibition on 16 April 2020 at Murthly Village hall. At the time of the notice being submitted, the agent set out that the proposed event may not be able to take place in light of current global pandemic events. Currently, the Pre-Application Consultation (PAC) Report supporting an application has to include details of at least one physical public consultation event, with at least 7 days advance notice of the event in a local newspaper publication. As of 24 April 2020, however, the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 came in to effect; with a physical PAC event no longer required to be held during this emergency period. As such, it is expected that another form of public engagement, such as interactive sessions online, would instead take place to ensure meaningful engagement. The agent has been made aware of this position and will be advised accordingly of what will be required as a suitable alternative to hosting a public event.
- 7 The local ward Councillors, Spittalfield and District Community Council, Pete Wishart MP and John Swinney MSP along with selected nearby properties (identified on a plan) have been or will be notified.
- 8 The results of the final community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 9 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**

- 10 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**

- 11 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

- 12 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport

### **LOCAL POLICY AND GUIDANCE**

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

- 13 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”*

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

- Policy 1 – Locational Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets

## Perth and Kinross Local Development Plan 2019

- 15 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The LDP2 sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 17 Under the LDP, the following policies are of particular importance in the assessment of this application: -
  - Policy 1A and 1 B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 8: Rural Business and Diversification
  - Policy 15: Public Access
  - Policy 19: Housing in the Countryside
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
  - Policy 34C: Sustainable Heating & Cooling: Energy Sources / Storage
  - Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure
  - Policy 37: Management of Inert and Construction Waste
  - Policy 39: Landscape
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 50: Prime Agricultural Land
  - Policy 51: Soils
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 53E: Water Environment and Drainage: Water Supply
  - Policy 55: Nuisance from Artificial Light and Light Pollution
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

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

- Developer Contributions Supplementary Guidance 2020
- Housing in the Countryside Supplementary Guidance 2020
- Placemaking Guide 2020

## **PLANNING SITE HISTORY**

- 19 [19/00496/PREAPP](#) Pre-application enquiry relating to the proposed erection of 4 poultry rearing sheds and associated works including the erection of a dwellinghouse. Written response provided October 2019.
- 20 [19/01758/SCRN](#) Proposed poultry farm. EIA screening decision issued November 2019. No EIA required.

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency
- Scottish Natural Heritage
- Scottish Water
- Historic Environment Scotland
- Forestry Commission Scotland
- Perth and Kinross Heritage Trust
- Spittalfield and District Community Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Transport Planning
- Structures and Flooding
- Economic Development
- Biodiversity Officer

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

- 22 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 noise and odour)

- d. Natural Heritage and Ecology
- e. Landscape (including impact on AWI)
- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Impact on Agriculture
- j. Archaeology and Cultural Heritage (likely to be limited)

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

- 23 The following supporting documents will need to be submitted with any planning application: -
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Transport Assessment
  - Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Tree and Woodland Survey (including an assessment of the impact on affected Ancient Woodland Inventory (AWI))
  - Phase 1 Habitat Survey, including protected species and breeding birds
  - Archaeological and Cultural Assessment
  - Sustainability Assessment (including a detailed review of proposed heating and cooling proposals for the sheds)

## **CONCLUSION AND RECOMMENDATION**

- 24 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: Callum Petrie – 01738 475353

Date: 21 May 2020

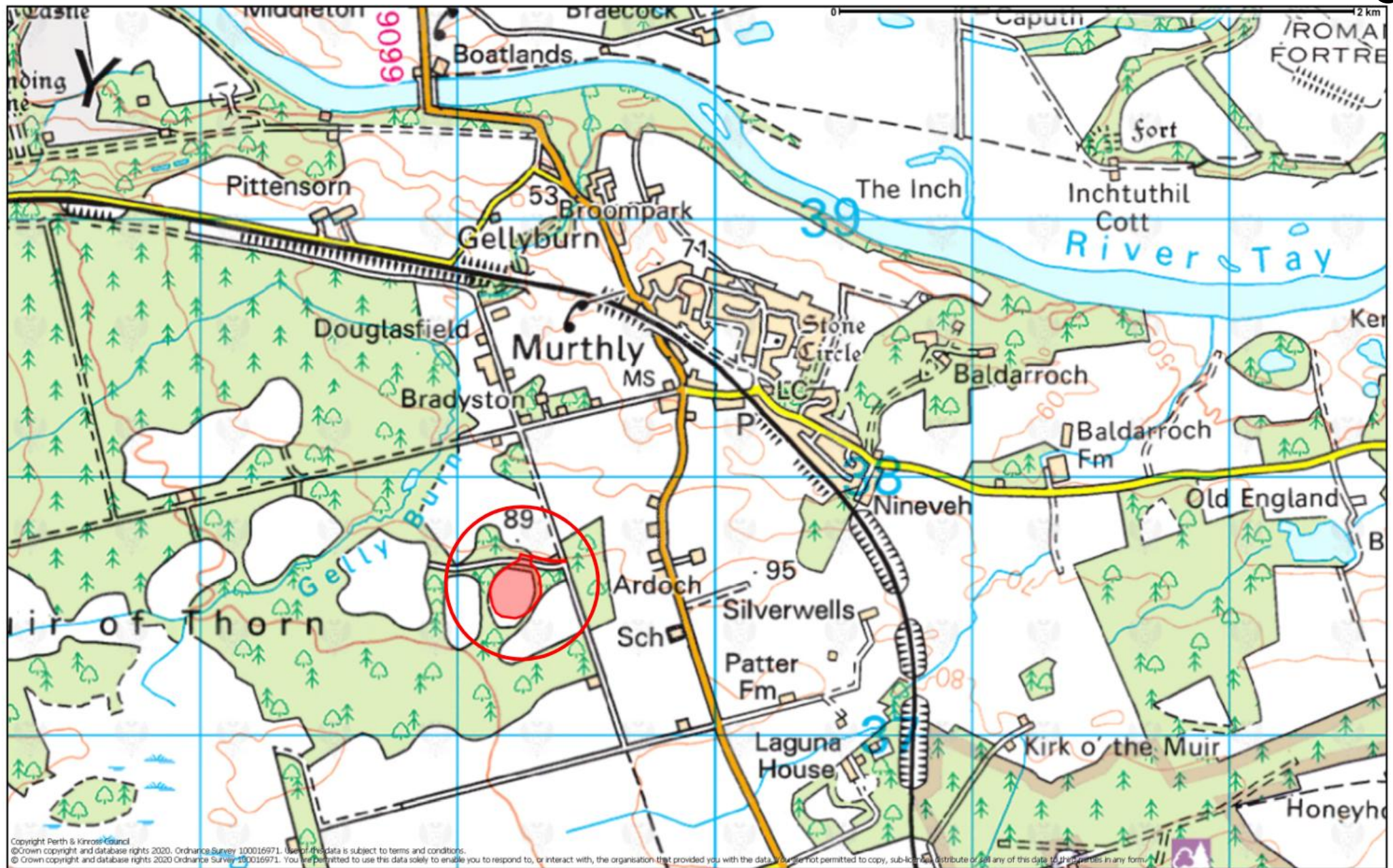
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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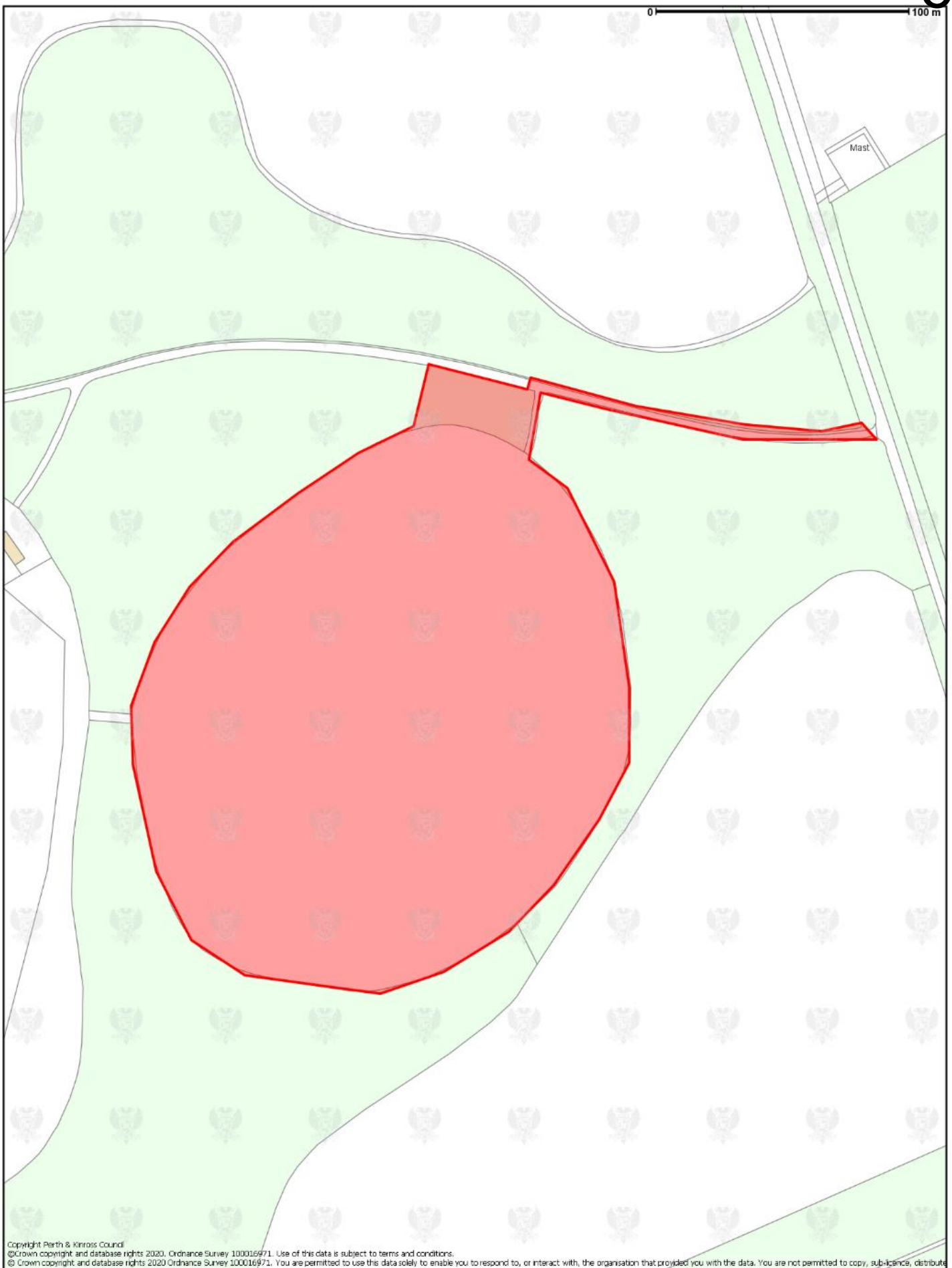
20/00003/PAN

Erection of 4 poultry rearing sheds, managers dwellinghouse, amenity and storage buildings and associated works









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**20/00003/PAN**

**Erection of 4 poultry rearing sheds, managers dwellinghouse, amenity and storage buildings and associated works**



