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Council Building
2 High Street
Perth
PH1 5PH

11 November 2020

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 18 November 2020 at 10:00.**

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

KAREN REID
Chief Executive

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

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

Members:

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

Planning and Development Management Committee

Wednesday, 18 November 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 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 21 OCTOBER 2020 FOR APPROVAL 5 - 24**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 20/01103/IPM - INVERGOWRIE - MIXED-USE DEVELOPMENT, INCLUDING ALTERATIONS AND ERECTION OF BUILDINGS FOR AGRICULTURAL RESEARCH AND DEVELOPMENT, INDUSTRY ENGAGEMENT, SKILLS DEVELOPMENT AND FORMATION OF PARKING AREAS, LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS (IN PRINCIPLE), THE JAMES HUTTON INSTITUTE, ERROL ROAD, INVERGOWRIE 25 - 50**
Report of Handling by Head of Planning and Development
(Recommendation - Approve)
- 5(1)(ii) 20/01180/FLM - PERTH - ERECTION OF 75 DWELLINGHOUSES AND ASSOCIATED WORKS (CHANGES TO HOUSE TYPE/LAYOUT ON PLOTS 0024 - 0091 PERMISSION 15/01109/FLM), LAND AT BERTHA PARK, PERTH 51 - 72**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/217)

5(2) LOCAL APPLICATIONS

5(2)(i) 20/00434/FLL - PITLOCHRY - ERECTION OF A GARAGE WITH WORKSHOP AND STORE, WESTLANDS HOTEL, ALTHOLL ROAD, PITLOCHRY

73 - 86

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/218)

5(2)(ii) 20/01040/FLL - ERROL - ALTERATIONS AND EXTENSION TO FORM ROOF TERRACE AND STAIRS, THE ERROL PUB, THE CROSS, ERROL

87 - 100

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/219)

5(3) PROPOSAL OF APPLICATION NOTICE (PAN)

5(3)(i) 20/00008/PAN - PITLOCHRY - RESIDENTIAL DEVELOPMENT, LAND EAST OF MIDDLETON OF FONAB COTTAGES, FOSS ROAD, PITLOCHRY

101 - 106

Pre-Application Report by Head of Planning and Development
(copy herewith 20/220)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 21 October 2020 at 10.00am.

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

In Attendance: D Littlejohn, P Marshall, K Smith, J Scott, C Petrie, L MacLean, A Rennie, C Elliott, D Williams, A Brown, K Molley and C Wright (all Corporate and Democratic Services); J Ferguson and L Reid (both Housing and Environment); M Campbell (Systra); R McLean and D Ritchie (both Sweco).

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 23 September 2020 was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

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

Planning Application No.
19/01837/FLM

Art. No.
5(1)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **16/02156/AMM – OUDENARDE – Erection of 159 dwellinghouses with associated roads, drainage and landscaping, land to the north of A912 at Oudenarde, Bridge of Earn – Report 20/193 – Taylor Wimpey East Scotland and GS Brown Construction Ltd**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any dwellinghouse, 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 Development Plan.
3. 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 written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 50th dwellinghouse.
Reason: In the interest of pedestrian and cycle safety.
4. The detailed landscaping and planting scheme (Planning ref: 16/02156/6) as approved shall be commenced at the same time as commencement of the residential development and completed by occupation of the 100th dwelling. Thereafter it shall be maintained to the satisfaction of the Council as Planning Authority.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.
5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.
6. Prior to the commencement of development, a detailed layout of the proposed children's play area indicated in the site layout plan (Plan ref: 16/02156/2) shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved play area shall be laid out and equipped within six months of the first dwelling occupied on the site. The play area and its

facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

7. Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

8. No development shall commence until a detailed delivery plan confirming the programmed delivery of the site including landscaping and play area and construction works has been submitted and approved in writing by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the agreed delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

9. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Council as Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

10. No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by 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).

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

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

12. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Council as Planning Authority.

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

13. Prior to occupation of any hereby approved dwellinghouse, a scheme demonstrating that a minimum of 30% (41 units) of all completed two-storey dwellinghouses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be submitted to and approved by Perth & Kinross Council as Planning Authority.

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

14. Prior to the commencement of development, any Orchids, as identified in the applicant's Phase 1 Habitat Survey by Christopher Palmer Associates - April 2017 (pages 8, 17, 22 23) shall be translocated and incorporated into the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

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

15. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

16. Prior to the commencement of development, an up to date Ornithological and Breeding Birds Survey including mitigation measures shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved survey and mitigation measures.

Reason: In the interests of enhancing environmental quality and of biodiversity

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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.
4. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
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.

Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

6. 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.pck.gov.uk and should be returned to snn@pkc.gov.uk.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines.
9. The proposed building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.
10. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
11. 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.
12. No work shall be commenced until an application for building warrant has been submitted and approved.
13. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.

14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

(ii) 19/01837/FLM – Formation of the Cross Tay Link Road (CLTR) and associated works, A9 over the River Tay to the A93 and A94 north of Scone – Report 20/194 – Perth and Kinross Council

Councillor C Stewart, local member; Mr D McKerracher and Ms J Belch, objectors on behalf of Scone and District community Council; Mr J Palfreyman, objector on behalf of Coupar Angus Community Council; and Mr A Godfrey, objector, addressed the Committee and answered members questions via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, including but not limited to the schedule of mitigation measures outlined within Chapter 19 of the Environmental Impact Assessment Report (EIAR) (plan 19/01837/59), unless otherwise provided for by conditions imposed by this permission.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topics areas as set out in outline CEMP (plan 19/01837/69) as well as:
 - Detailed Phasing and Delivery Plan;

- Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores;
- Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off;
- Environmental Management Plan (EMP) to deal with noise, vibration; and dust, on and off the site and methods of monitoring levels for each;
- Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary);
- An Invasive Control Plan (ICP) detailing the control of all four invasive plant species identified;
- An Aftercare Monitoring Plan (AMP) providing a methodology for progressive restoration proposals for all habitats, developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration and Landscaping Establishment Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year. For the avoidance of doubt, the AMP will include assessment of the success or failure of landscaping required by Condition 10, the ICP and appropriate recommendations;
- A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during monitoring.

Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

3. In association with Condition 2, a minimum of two months prior to commencement of development, a detailed Construction Traffic Management Scheme (CTMS) shall be submitted to the Council as Planning Authority for approval in writing, in consultation with the relevant Roads Authority which shall include the following:
 - a) restriction of construction traffic to approved routes and where practicable 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 public road;
- g) arrangements for cleaning of public 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 (including temporary traffic lights and plant crossings) 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) co-ordination with other significant developments known to use roads affected by construction traffic;
- k) monitoring, reporting and implementation arrangements; and
- l) arrangements for dealing with non-compliance.

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

Reason: In the interest of proper site management, road safety and to ensure the safe and efficient use of the public road network.

4. In association with Condition 2, the development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the applicant's expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration of the construction elements of the proposed development. The E/L/EnvCoW shall have responsibility for the following:
 - a) Overseeing compliance of the Construction Environmental Management Plan (CEMP) required by this permission;
 - b) An empowered watching brief and involvement in decisions over key development stages, directing the micro-siting of significant elements of the scheme to

minimise impact on natural and/or cultural heritage and visual amenity. The CEMP is a 'live' document which must remain effective throughout the duration of construction and could be subject to change. The document control of the CEMP must set out the reason for the change, clearly identifying what has been changed and that it has the relevant Clerk of Works sign off;

- c) Authorisation to stop or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the CEMP shall be submitted to the Council as Planning Authority.
- e) Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable;
- f) Providing an ecological/landscape and environmental input to the Site Induction of all operatives with updates provided as necessary;
- g) Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans;
- h) Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor;
- i) Throughout the construction phase and within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority and consultees as considered appropriate;
- j) Throughout the construction phase, monthly CEMP liaison group site visit and meetings to be attended by E/L/EnvCoW, contractor representatives, and open invitation to the Planning Authority and consultees as considered appropriate;
- k) Upon completion of construction elements, the E/L/EnvCoW can thereafter reduce visits to bi-annual (spring and autumn) to inform the AMP and assess ongoing development impact up to a period of 5 years post completion;
- l) Upon completion of construction elements, the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders;
- m) Monitor implementation of the Habitats Regulations Assessment (HRA) (plan 19/01837/76) to be

undertaken and followed throughout the construction period for the affected areas of the development.

The above shall be adhered to throughout the construction and aftercare monitoring phases of the development hereby approved.

Reason: In the interest of protecting environmental quality and of bio-diversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

5. A minimum of 2 months prior to the commencement of the development a detailed Operation Noise Mitigation Plan (ONMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate by the Planning Authority. The terms of reference for the ONMP shall be agreed in advance of its submission. The ONMP must demonstrate how the noise levels generated by the scheme will or could be reduced at sensitive receptors. The threshold for consideration for mitigation shall be based on receptors that will experience daytime noise levels in excess of 55dBLAeq 16hrs and/or are predicted to have a 3dB(A) increase in noise as a result of the scheme. Where applicable, the mitigation strategy shall include the measures that are intended or could (within the applicants' control) be introduced at the affected receptor locations. The approved mitigation measures shall be implemented in accordance with the approved ONMP.

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

6. Prior to the commencement of development hereby approved, the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation shall be secured, submitted and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the agreed programme of archaeological works shall be fully implemented, including all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site. In addition, access shall be afforded at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative, including observing work in progress.

Reason: To ensure sites of archaeological interest are properly protected and recorded as appropriate.

7. Prior to the commencement of development hereby approved, full details of all changes in ground levels,

laying of foundations/piling works, and operation of mechanical plant within an agreed proximity to the rail line must be submitted to, and agreed in writing by the Council as Planning Authority, in consultation with Network Rail's Asset Protection Engineer.

Reason: In ensuring no adverse impact to Network Rail assets and its associated ongoing operations.

8. Prior to the commencement of development hereby approved, a Soil Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

9. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and hard landscaping 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 any part of the development, whichever is the earlier.

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

10. In addition to Condition 1, an updated survey for freshwater pearl mussels should be undertaken ahead of any construction elements of the development within or adjacent to the River Tay SAC and submitted to the Council as Planning Authority for approval, in consultation with Nature Scot. Any follow up post-construction surveys required by the Planning Authority will thereafter be undertaken within an agreed timeframe and submitted for review in consultation with Nature Scot.

Reason: In the best interests of habitat and well-being of protected wildlife.

11. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of any landscaped areas, full details of all landscaping proposals including species (native where possible), height, size and density of hedging, trees (including all woodland planting species) and shrubs to be planted. The detailed landscaping and planting plan will be expected to clearly demonstrate how connectivity between woodlands and hedgerow has been considered to ensure biodiversity benefit is delivered. In addition, a

detailed drawing and cross section of the proposed active travel/shared route element shall form part of the detailed landscaping plan requirements.

The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) following completion of any agreed phase of the development. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and secure enhanced biodiversity opportunities.

12. In association with Condition 11, a detailed site investigation of the affected Ancient Woodland Inventory (AWI) shall be undertaken with findings and recommendations submitted for written approval by the Council as Planning Authority, in consultation with Nature Scot, prior to any soil clearance or disturbance and shall include:

- a) a review of optimal areas for topsoil translocation in accordance with best practice;
- b) details of any areas of existing ancient woodland that are to be enhanced as a compensatory measure;
- c) identification of any potential non AWI woodland where enhancement management as a compensatory measure is proposed.

Thereafter any agreed actions of the AWI investigation shall be undertaken in full, prior to the operation of the development.

Reason: To clarify the evidence of any remaining AWI characteristics on the affected areas and ensure evidenced characteristics are not adversely compromised as a result of any proposed physical development elements, including through suitable mitigation and compensatory measures.

13. In association with Conditions 11 and 12, prior to the commencement of development, within agreed locations of compensatory woodland planting and where Ancient Woodland Inventory (AWI) soil relocation is not viable or sufficient (in biodiversity characteristics), details of supplementary site-specific seed mixes (including volumes) of local provenance shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Nature Scot . Thereafter any compensatory seed mix schemes as agreed will be implemented at the earliest opportunity and prior to the operation of the development.

Reason: To ensure the satisfactory compensatory planting and mitigation measures are secured and

delivered and in the interests of securing enhanced biodiversity outcomes.

14. 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 unless by prior agreement. Any proposal for out of hours work must provide two weeks prior notice and must be accompanied with details of the works, justification and copies of notification of nearby sensitive receptors.

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

15. In association with Conditions 1 and 4 and for the avoidance of doubt; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.

Reason: In the best interests of habitat and well-being of protected wildlife.

16. Prior to the commencement of development hereby approved, details of the location and specification of the red squirrel and pine marten boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the red squirrel and pine marten boxes shall be installed in accordance with the agreed details prior to the completion of this project.

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

17. Prior to the commencement of development hereby approved, a physical structure review and bird box opportunity plan shall be submitted for the further written agreement of the Council as Planning Authority, in consultation with RSPB. The review shall set out practical opportunities for provision of bird boxes on physical structures. Thereafter, any agreed bird box locations and specification shall be installed in line with the agreed details prior to the completion of this project.

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

18. Prior to the commencement of the development hereby approved, a detailed Monitoring and Evaluation Strategy (MES) for the Cross Tay Link Road (CTLR) and connecting roads shall be submitted to and approved by the Council as Planning Authority in consultation with Transport Planning. The scope of the MES shall be agreed in advance; including the location and duration of traffic counters proposed as part of the monitoring and agreed timescales for sharing results from the MES following the completion of development (including a minimum 6 months post road opening results). The results of the MES shall thereafter include any recommendations to mitigate impact as identified.

Reason: In the interests of road safety.

19. In association with Condition 5, upon completion of the development, noise monitoring shall be undertaken by a suitably qualified noise consultant at noise sensitive receptors as set out in the ONMP and approved by the Planning Authority. An addendum to the ONMP shall be submitted within 3 months of the development being brought into use to demonstrate the effectiveness of the ONMP in reducing the effects of road traffic noise generated by the scheme at noise sensitive receptors. In the event that the mitigation measures are unsuccessful, the post construction ONMP addendum shall review and provide further mitigation works as agreed and a timescale for those works to be undertaken. The agreed addendum will thereafter be implemented in full.

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

20. In association with Condition 4, and the requirements of the Aftercare Monitoring Plan (AMP); monitoring of the completed wildlife tower to ascertain the usage by bats and barn owls shall be undertaken in years 1, 3 and 5. Survey methodology should be in line with Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, (Collins, 2006), and guidance from the British Trust for Ornithology.

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

21. In association with Condition 4 and the requirements of the Aftercare Monitoring Plan (AMP); monitoring shall be undertaken of the Highfield Green Bridge to ascertain the usage by wildlife in years 1, 3 and 5.

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A

failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.
6. The appointed contractor 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. 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 appointed contractor is advised to contact Scottish Water prior to the commencement of works to clarify and agree the scope and detail of any works which may affect Scottish Water assets.
8. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
9. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
10. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges (DMRB).

11. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
12. The appointed contractor must contact Network Rail Asset Protection Engineers in relation to Condition 7. It should be noted that where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Contact details:
Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk
13. The appointed contractor is advised that all Perth and Kinross Structures Technical Approval and adoption requirements shall be met.
14. The appointed contractor 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.
15. The appointed contractor is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
16. The appointed contractor is advised to consult with Perth & Kinross Council’s Street Lighting Partnership to agree on design, specification and situation of all public lighting in advance of any installations.
17. The appointed contractor is advised to consult directly with the Roads Authority (Transport Scotland and Perth & Kinross Council) in relation to agreeing a Signage Strategy for the completed Cross Tay Link Road (CTRL). It is recommended that the strategy should include all changes to local road network signs, trunk road network signs, tourist signage, non-motorised user (NMU) active travel signage and timing for implementation.
18. The granting of planning permission does not stop the continued right of public access along any existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

19. For the purposes of this planning permission the following provide a definition of terms contained herein:
- Development – All matters pertaining to construction (temporary and permanent), operation and use;
 - Operation – Where any phase or element of the development is brought in to use for the public;
 - Applicant – Roads Infrastructure, Perth and Kinross Council;
 - Stakeholders – Any body, internal or external considered necessary to advise the planning authority. This could include but is not limited to SEPA, Nature Scot, HES, Environmental Health, PKHT, Scottish Forestry and Roads Authority (Transport Scotland in the case of trunk roads and Perth and Kinross Council in terms of local roads);
 - Construction – all matters relative to ground works, civils and structural elements;
 - Contractor – Is the Principal Contractor as defined within CDM regulations.

Content and Adequacy of the Environmental Impact Assessment

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following: The application submitted an EIA Report dated November 2019. The public had the opportunity to participate in the decision-making process through notification of the EIA, undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and in the Perthshire Advertiser.

The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.

Parts 4 and 5, of the Environmental Impact Assessment (Scotland) Regulations 2017 outlines the information required to be included and processes undertaken in any EIA. The contents and the associated background information pertaining to the EIA Report alongside consultation, publication and notification are considered to fully meet the requirements of those regulations through this planning submission.

The EIA Report provides the baseline, the information gathered to consider the likely significant effects on the environment, including cumulative impacts and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The following EIAR chapter headings were covered in relation to the proposal:

- Chapter 1 – Introduction
- Chapter 2 – Project Description
- Chapter 3 – Project Need, Objectives and Alternatives
- Chapter 4 – EIA Methodology
- Chapter 5 – Consultation and Scoping
- Chapter 6 – Air Quality
- Chapter 7 – Cultural Heritage
- Chapter 8 – Landscape and Visual Impact
- Chapter 9 – Biodiversity
- Chapter 10 – Hydrogeology and soils
- Chapter 11 – Materials
- Chapter 12 – Noise and Vibration
- Chapter 13 – People and Communities
- Chapter 14 – Agriculture, Forestry and Sporting Interests
- Chapter 15 – Road Drainage and the Water Environment
- Chapter 16 – Climate
- Chapter 17 – Population and Human Health
- Chapter 18 – Residual Effects
- Chapter 19 – Schedule of Mitigation

The Planning Authority is satisfied that the EIA Report complies with Regulation 5 and is therefore suitable for determination of this planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated in EIAR Chapter 19 (plan: 19/01838/59) as well as a regime for further conditional controls and the ongoing monitoring measures for the construction and operation of the road and its associated elements.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions, the proposal is considered acceptable and can be approved.

Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/216)

PROPOSAL: Mixed-use development, including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle)

LOCATION: The James Hutton Institute, Errol Road, Invergowrie

Ref. No: [20/01103/IPM](#)

Ward No: P1 - Carse Of Gowrie

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 James Hutton Institute (formerly known as the Scottish Crop Research Institute) is an internationally renowned organisation that conducts scientific research into agricultural and environmental issues, including research into crop and food science.
- 2 The proposed site is a 94-hectare area of relatively flat agricultural land situated just west of Invergowrie village and immediately south of the A90 Trunk Road. It accommodates a number of Institute activities and contains an extensive grouping of centrally located buildings, greenhouses and other facilities, surrounded by extensive agricultural land that is used for cropping and research activities. Currently, the site's main access is from Errol Road to the south, extending from the western end of Invergowrie.
- 3 The site is identified in TAYplan as a Strategic Development Area and is allocated in the Perth and Kinross Local Development 2 (2019) (LDP2) as E37, allocated for core employment uses – Class 4 Food.
- 4 The proposal seeks Planning Permission in Principle (PPP) to redevelop the Institute, via a mixed-use development, involving agricultural research, industry engagement, skills development, training and education, and related business and ancillary uses. The proposal incorporates the following:
 - development of a new International Barley Hub (IBH);
 - development of a new Advanced Plant Growth Centre (APGC);

- development of new farm buildings;
 - demolition of existing buildings;
 - redevelopment and refurbishment of other existing buildings;
 - ground works;
 - new roads and footpaths;
 - car parking;
 - drainage and utilities infrastructure; and
 - hard and soft landscaping.
- 5 A separate detailed planning application ([20/01104/FLL](#)) has been submitted for a new road from the Invergowrie roundabout, to serve the expanded campus.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 The proposal has been screened (20/00348/SCRN) for an EIA and found that an EIA Report was not required to be submitted with the proposal, as the development does not trigger any EIA thresholds.

PRE-APPLICATION CONSULTATION

- 7 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 9 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

- 10 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.
- 11 The following paragraphs of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 - 35
 - Placemaking: 36 – 57
 - Valuing the Natural Environment: 193 – 218
 - Maximising the Benefits of Green Infrastructure: 219 – 233
 - Managing Flood Risk and Drainage: 254 – 268
 - Promoting Sustainable Transport and Active Travel: 269 – 291

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Streets 2010

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

Creating Places 2013

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

National Roads Development Guide 2014

- 15 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

- 16 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

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

- 18 It specifically identifies the Institute within Policy 3 as a Strategic Development Area as 5 to 10ha of employment land for food and agricultural research.
- 19 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: A First Choice for Investment

Policy 8: Green Networks

Policy 9: Managing TAYplans Assets

Policy 10: Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2019

- 20 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.

- 21 The principal relevant policies are, in summary;

Policy 1: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 7: Employment and Mixed Used Areas
 Policy 14: Open Space Retention and Provision
 Policy 15: Public Access
 Policy 17: Residential Areas
 Policy 23: Delivery of Development Sites
 Policy 26: Scheduled Monuments and Archaeology
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 Policy 34: Sustainable Heating and Cooling
 Policy 39: Landscape
 Policy 40: Forestry, Woodland and Trees
 Policy 41: Biodiversity
 Policy 42: Green Infrastructure
 Policy 50: Prime Agricultural Land
 Policy 51: Soils
 Policy 52: New Development and Flooding
 Policy 53: Water Environment and Drainage
 Policy 54: Health and Safety Consultation Zones
 Policy 55: Nuisance from Artificial Light and Light Pollution
 Policy 56: Noise Pollution
 Policy 57: Air Quality
 Policy 58: Contaminated and Unstable Land
 Policy 60: Transport Standards and Accessibility Requirements
 Policy 61: Airfield Safeguarding

LDP2 Allocation

- 22 E37 James Hutton Institute Core employment uses - Class 4 Food

Site-Specific Developer Requirements

- Development must be compatible with existing uses.
- Road and access improvements to the satisfaction of the Council as Roads Authority.
- Transport Assessment.
- Enhancement of biodiversity and protection of habitats.
- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).
- Provide new native woodland landscape edge at the western boundary.
- Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured.

Other Policies

- 23 Tay Cities Region Economic Strategy 2019-2039

SITE HISTORY

- 24 The following extensive planning history is relevant:

98/01380/FUL Erection of research glasshouses and support header house. Approved November 1998.

01/01562/OUT Formation of science and technology park with shared facilities for SCRI and associated roadworks. Approved October 2003.

02/00169/PN Erection of a general building. Approved February 2002.

02/01144/FUL Erection of research glasshouse and header building. Approved September 2002.

02/02026/FUL Extension of general building. Approved February 2003.

03/00701/FUL Extension to header house building. Approved June 2003.

03/01532/FUL Extensions to header and glass houses. Approved October 2003.

07/01073/FUL Erection of research glasshouses and support header house. Approved July 2007.

[07/01985/PN](#) Erection of a general-purpose agricultural storage building. Approved October 2007.

[10/00005/FLL](#) Erection of prefabricated building. Approved February 2010.

[15/01731/IPL](#) Erection of a plant growth facility and associated works (in principle). Approved December 2015.

[16/00126/FLL](#) Erection of a plant growth research and production facility and ancillary works. Approved April 2016.

[19/00472/FLL](#) Siting of 3 hydroponic containers. Approved May 2019.

[19/00011/PAN](#) A Proposal of Application Notice (PoAN) relating to a proposed mixed-use development of Classes 4 and 8 was considered sufficient in January 2020.

20/00348/SCRN EIA Screening for mixed use development. Decision Issued April 2020.

[20/01104/FLL](#) Formation of vehicular access, access road, SUDS pond and associated works. Currently under consideration.

[20/01435/FLL](#) Erection of an energy centre building, installation of a ground source heat pump system, formation of equipment yard and associated works. Currently under consideration.

CONSULTATIONS

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

External

- 26 **Scottish Environment Protection Agency (SEPA):** No objection in relation to flood risk.
- 27 **Nature Scotland:** No comments made.
- 28 **Scottish Water:** No objection. Advise of water and waste water capacity in area and that some Scottish Water pipeline infrastructure runs through the site and should not be affected by future development.
- 29 **Transport Scotland:** No objection. Verbally advised they have no concerns.
- 30 **Historic Environment Scotland (HES):** No objection. Advise that there are some Scheduled Monuments in the vicinity but any impact on their setting is not considered be of national importance.
- 31 **Scottish Forestry:** No objection. Recommend conditions regarding re-planting of any trees felled.
- 32 **Perth and Kinross Heritage Trust:** No objection. Advise that there is archaeology in the area and recommend a condition is applied to any permission.
- 33 **Invergowrie and Kingoodie Community Council:** No comments made.
- 34 **Dundee Airport Ltd:** No objection.
- 35 **Dundee City Council:** No objection. Advise of support for the proposal.

Internal

- 36 **Planning and Housing Strategy:** No objection. Advise that all the site-specific requirements included in the LDP2 allocation have been met by this submission.
- 37 **Transport Planning:** No objection. Conditions are recommended requiring further assessment at the detailed application stage and parking provision.
- 38 **Structures and Flooding:** No objection.
- 39 **Environmental Health:** No objection, on noise or air quality grounds related standard conditions recommended.
- 40 **Land Quality Officer:** No objection. Satisfied with the Phase 1 Contaminated Land Assessment submitted.
- 41 **Biodiversity/Tree Officer:** Set out concerns that development could have adverse impact on bats. Several conditions are recommended requiring further information at the detailed application stage.

- 42 **Community Greenspace:** No objection. Conditions are recommended to ensure core paths are not impacted upon during the construction period and afterwards.
- 43 **Commercial Waste:** No objection.
- 44 **Enterprise Team:** Advise they are supportive of the proposal.
- 45 **Development Negotiations Officer:** No developer contributions required, as outwith the transport infrastructure contributions area.

REPRESENTATIONS

- 46 No representations received within timescale. One late representation from Scotways, commenting on the core paths in the area but they do not object.

ADDITIONAL STATEMENTS

47	Screening Opinion	Screened (20/00348/SCRN). EIA 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	Flood Risk Assessment; Heritage Impact Assessment; Transport Assessment; Planning Statement; Geo-Environmental & Geo-Technical Assessment Submitted

APPRAISAL

- 48 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.

Principle

- 49 The proposed site is within the settlement boundary of Invergowrie and is identified in TAYplan under Policy 3 as a Strategic Development Area (SDA) providing 5 to 10 hectares of employment land for food and agricultural research. It is allocated in LDP2 as E37 for Class 4 Employment Uses. The allocation in LDP2 is intended to support the growth of the James Hutton Institute and *“allow for a range of potential businesses that supports the Institute’s research into agriculture and food production”*.

- 50 Because of the site's location, the existing uses and the identification as an SDA in TAYplan and allocation in LDP2, the principle of the proposed range of uses are considered acceptable. They are compatible with existing facilities and will allow the Institute to continue to expand and evolve as an internationally renowned organisation that conducts vital scientific research into agricultural and environmental issues.

Design and Layout

- 51 As a PPP application, there is no detailed proposed design. However, an indicative proposed layout was submitted showing new buildings to be located within and close to the existing group of buildings and facilities. The development will contribute positively to the quality of the surrounding built and natural environment.
- 52 In addition, the applicant has confirmed that all development has been planned and will be designed with reference to climate change, mitigation and adaptation. This will ensure compliance with LDP2 Policy 32 – Embedding Low and Zero Carbon Generating Technologies in New Development. Condition 2 (vi) also reinforces this requirement. The design, density and siting of development is considered to respect the character and amenity of the existing campus and surrounding area. It also proposes improved links within and beyond the site to the local community.
- 53 Overall, the indicative design and layout is an acceptable approach to ensure compliance with LDP 2 Policy 1 – Placemaking

Landscape

- 54 The proposed uses are largely contained within the existing campus area and will not cause any adverse landscape impact. The landscape will generally be improved by the demolition of some out of date buildings and the introduction of new planting and resultant habitats. Overall the proposal complies with LDP2 Policy 39 – Landscape and Conditions 2 (vii) and 12 will safeguard this requirement.

Residential Amenity

- 55 There are residential properties approximately 200 metres to the south and south east of the site and 400 metres to the east, within the village of Invergowrie.

Noise

- 56 Environmental Health advise that there is the potential for noise from the daily operations of the existing research centre to have an adverse effect on residential amenity. To date, however, they have not received any complaint with regards to noise from the existing operations at the site.
- 57 The assessment of subsequent applications for the Approval of Matters in Conditions under will consider appropriate siting and design to respect amenity (Condition 2). It is also recommend that a condition be included with any

permission to specifically protect residential amenity from noise associated with any new proposed plant to be installed at the site (Condition 5).

- 58 Because of the site's location and the proposed area of future development will be within or immediately adjacent to the existing central hub, there will be minimal impact on the residential amenity of residents at the western end of Invergowrie.

Air Quality

- 59 The site is within close proximity to the Dundee Air Quality Management Area (AQMA). Therefore any increase in traffic associated with this proposal and other approved developments such as a new heat recovery or district heating system could have an adverse effect on the Dundee AQMA. Environmental Health therefore recommends that the applicant should submit an air quality assessment prior to the commencement of the development to determine the exact impact on air quality and on the Dundee AQMA (Conditions Condition 2 (xii) and 7).

Lighting

- 60 Any external lighting associated with the development of the site could have an effect on residential amenity of neighbouring dwellinghouses. Environmental Health therefore recommend to address this (conditions 2 (x) and 6).

Visual Amenity

- 61 As it is PPP application without any detailed design or layout to comment it is difficult to ascertain fully at this stage the visual impact. However, the indicative proposed layout shows any new buildings to be located within the existing group of buildings and facilities and any visual impact will be minimised through integration with the existing building stock. Again, as referred to above, siting, design and landscaping will be fully addressed as part of subsequent applications.

Roads and Access

Roads

- 62 A Transport Assessment (TA) was submitted in support of the application, addressing the Site-Specific Requirement of the LDP2 allocation. It has been reviewed by the Council's Transport Planning team and informally accepted by Transport Scotland, with neither raising any issue with regards to the traffic volume or impact of the proposed uses. As a PPP application, some further assessment will be required at the Approval of Matters Specified by Condition (AMSC) stage; relating to off-site work, a road safety audit and ensuring suitable parking provision (Conditions 15, 16 and 17). The construction phasing of the development will also be considered at this stage and the ongoing use of the site will be subject to a Green Travel Plan (Conditions 2(i) and 2(xvi)).

- 63 A new vehicular access is proposed under a separate detailed planning application (20/01104/FLL) to serve the expanded facilities from the Invergowrie roundabout, and the technical requirements of the road itself will be assessed therein. Overall, subject to the above noted conditions, the proposal does not raise any transport issues and complies with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Paths

- 64 Community Greenspace have reviewed the proposal, as there are several core paths and rights of way through the grounds of the Institute and in the vicinity.
- 65 The application acknowledges these routes, albeit they are referred to as pedestrian paths. The applicant is aware of the right of responsible access, particularly on core paths, includes non-motorised users, including cyclists and horse riders.
- 66 Community Greenspace have assessed the proposal to reroute the core path and right of way between the A90 and Errol Road via the JHI main drive (INGI/8 and 52/8) to pass in front of the new building. They agree that the new route is acceptable and should be made suitable for all non-motorised public use.
- 67 Community Greenspace also advise that an order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place (Condition 8 and Informative 8). With this in place the proposal complies with LDP2 Policy 15 – Public Access.

Drainage and Flooding

- 68 As per the LDP2 Site-Specific Requirement, a Flood Risk Assessment (FRA) has been submitted with the application. It has been reviewed by SEPA, Scottish Water and the Council's Structures and Flooding team.
- 69 The FRA identifies that parts of the overall site may be subject to some surface water flooding and SEPA advise assessment of surface water flood risk should be undertaken by the Council's Structures and Flooding team at the detailed stage. Structures and Flooding have confirmed their agreement with SEPA and have not raised any issue at this stage and are content for the matter to be addressed as part of any AMSC application(s) (Condition 2 viii).
- 70 SEPA also recommend that consultation with Scottish Water may also be necessary to clarify surface water drainage and flooding constraints from the sewerage system. Surface water drainage and exceedance of surface water drainage systems are matters for the local authority to consider in conjunction with Scottish Water.
- 71 Scottish Water have no objections to the proposal in relation to the water and waste water capacity. They do advise that their records show that there is

Scottish Water Infrastructure running through the site and any development should not impact upon it (Condition 9 and Informative 14).

- 72 Overall, the proposal complies with LDP2 Policies 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage.

Conservation Considerations

- 73 The applicant submitted a Heritage Impact Assessment (HIA), addressing the Site-Specific Requirement of the site's allocation in LDP2, to assess the potential impacts of development on three Scheduled Monuments within close proximity and recorded archaeology. The Scheduled Monuments are as follows:
- SM6519 East Pilmore, unenclosed settlement 1,000m East of Invergowrie
 - SM6517 Mylnfield enclosure 150m South West of TA Centre
 - SM6469 Ring ditch and souterrain 595m East South East
- 74 The HIA has been reviewed by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT).
- 75 HES advise that the proposed development would largely lie within the footprint of the existing facilities, with some extension to the west. Although there may be some impacts on the setting of the scheduled monuments in the vicinity, they do not consider these impacts to be of national significance and therefore do not object.
- 76 PKHT confirm that the proposed development site lies within an area that is considered to have high archaeological potential. In addition to the Scheduled Monuments, the wider archaeological context comprises of extensive cropmark evidence in the vicinity. Archaeological evaluation relating to previous development on this site was undertaken to the north, during which no archaeological remains were identified. However, records may vary across the site and as such its likely this development area will also need evaluating. Given the evidence, PKHT recommend that a programme of archaeological works will be required to ensure the development and its impact on known and potentially unknown archaeological remains is appropriately dealt with.
- 77 The details of this programme should be agreed in advance of works in a Written Scheme of Investigation. In the first instance it is recommended that an archaeological evaluation consisting of trial trenching takes place prior to any development to assess the presence /absence, significance and condition of any archaeological deposits within the development site. Following this evaluation, if necessary, a mitigation strategy for either the preservation of significant archaeological deposits in situ or by record can be agreed.
- 78 PKHT therefore recommend a standard archaeology condition is applied to any permission (Conditions 2 (xvii) and 10). Overall, the proposal is considered to comply with LDP 2 Policy 26 – Scheduled Monuments and Archaeology in terms of impact on the Scheduled Monuments and any mitigation required for any archaeology findings.

Natural Heritage and Biodiversity

- 79 The LDP2 Site Specific Requirements include: enhancement to biodiversity and protection of habitats, including integrity of a European designated site(s); and providing new native woodland landscape edge at the western boundary.
- 80 A Phase 1 Habitat Survey has been completed as part of the submitted Ecological Appraisal, which has been reviewed by the Council's Biodiversity/Tree Officer. Whilst these officers agreed with the initial findings of the survey, concern was expressed regarding possible impacts of physical works on buildings with Potential Roost Features (PRFs) for bats. However, the Habitat Survey notes, in Section 3.3.2, that there is low to negligible potential for the buildings that would ultimately be subject of demolition to host roosting bats and no PRFs in these buildings were found (as noted on the Habitat Plan in Section E). Two other buildings and trees/hedges not subject of development provide moderate potential and PRFs were found only in those locations. Section 4.2 of the survey identifies suggested mitigation measures, both for buildings being demolished and general construction activity. Section 4.3 recommends that a further inspection for bat PRFs of buildings being demolished should be undertaken and, if PRFs are found, then activity surveys should be completed.
- 81 The PPP application is seeking to establish the principle of development through an indicative masterplan and would not directly result in the demolition of any buildings at this stage. However, subsequent AMSC applications would seek demolition of these buildings and their replacement with new development. It is therefore necessary to consider here if there would be any adverse impact on bats, as a protected species, as required by both the law protecting bats and of LDP2 Policy 41 – Biodiversity. The habitat surveys completed demonstrate that the buildings that will be subject of demolition offer a low prospect for bat roosting and that no PRFs were identified. It is considered that it has been satisfactorily demonstrated at this stage that there would be no adverse effects on bats as a result of any PPP approval. It is, however, proposed to again verify this situation at the detailed planning (AMSC) stage; requiring detailed surveys to be undertaken on the buildings identified for demolition (Conditions 2 (xiii), 13 and 14). This enables control over avoiding adverse effects on bats from demolition, using these findings to inform the masterplan and design and, if development proceeds, to also ensure that suitable mitigation is put in place. Collectively, this will ensure that the proposal complies with LDP2 Policy 41 – Biodiversity. The masterplan and detailed design of the AMSC applications also provide an opportunity to further enhance and protect species (Condition 2 xiv).
- 82 In terms of existing woodland, Scottish Forestry confirm there are some existing trees in the lawned area in front of Buildings A and B (as shown on Proposed External Works Plan). Any work in the vicinity of these trees should conform to BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction, particularly if the alternative SUD location is to be utilised. They welcome the incorporation of tree planting in the proposed indicative soft landscaping areas.
- 83 Overall, the proposal at this stage of the planning process accords with LDP2 Policy 40 - Forestry, Woodland and Trees and Policy 41: Biodiversity.

Contaminated Land

- 84 A Phase 1 Contaminated Land Assessment has been completed for the proposed development site. This has identified the potential for contamination as a result of previous development on the site. The report recommends that further investigation is required in order to assess any risks from contamination. This assessment requires to be carried out prior to development commencing. The Council's Land Quality Officer has reviewed the assessment and is in agreement with its findings and recommends conditions to be applied to ensure compliance with LDP2 Policy 58 – Contaminated and Unstable Land (Conditions 2 (xv) and 11).

Developer Contributions

- 85 The Council's Developer Contributions Officer has confirmed that the site is not located within the Transport Infrastructure contributions zone. Therefore, no developer contributions are required, and proposal does not conflict with LDP2 Policy 5 – Developer Contributions.
- 86 This does not prejudice other potential site-specific mitigation which may be sought by other consultees.

Waste Collection

- 87 No issues have been identified by the Council's Commercial Waste Services team.

Health and Safety

- 88 Dundee Airport have confirmed they have no objection to the proposal in terms of impact on their operations, provided no building will exceed 15 metres in height. Condition 3 will address this advice and ensure compliance with LDP2 Policy 61 – Airfield Safeguarding.

Economic Impact

- 89 The James Hutton Institute is a global leader in crop research and development, and a provider of education and skills development. As such the Institute is a strategic partner in the development and delivery of food and drink initiatives and projects approved by UK and Scottish Governments within the Tay Cities Deal, including in excess of £60m government investment towards the International Barley Hub and the Advanced Plant Growth Centre.
- 90 PKC has worked closely with the Institute on the development of both of these projects and has been an active member of their Industry Advisory Group. These projects, along with significant others undertaken by the Institute, deliver on a number of the key, strategic ambitions set out within the Tay Cities Region Economic Strategy 2019-2039: encouraging, supporting and investing in research, innovation and collaboration to improve efficiency, productivity, sustainability, business growth, new opportunities and higher paid jobs. Dundee City Council have confirmed they are supportive of the proposal.

- 91 The development will enable the Institute to put in place the necessary facilities and infrastructure so that it can fulfil the ambitions of both the Institute itself and the wider economic aims of Perth & Kinross and the Tay Cities Region. As such, the economic impact of the proposal is both significant and positive.

LEGAL AGREEMENTS

- 92 None required as there are no developer contributions, core path or open space maintenance requirements.

DIRECTION BY SCOTTISH MINISTERS

- 93 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

- 94 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.
- 95 The proposed uses will be largely contained within the existing campus and will not cause any adverse amenity or landscape impact for the surrounding area. The proposed location of development is considered to be in an acceptable location.
- 96 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) a construction (including demolition) phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths/cycleways and structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of any landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) details of protection of scheduled monuments;
 - (x) lighting details;
 - (xi) bin storage, collection location and recycling facilities provision;
 - (xii) air quality assessment;
 - (xiii) updated ecology assessment including protected species survey, a breeding bird survey of buildings and potential bat roost features in any buildings proposed to be demolished;
 - (xiv) biodiversity action plan (to specifically include biodiversity enhancement and opportunities to support protected species);
 - (xv) contaminated land assessment;
 - (xvi) a Green Travel Plan (GTP); and,
 - (xvii) archaeological working scheme of investigation.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 3 No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 15 metres in height.

Reason – To not impact on the operations of Dundee City Airport.

- 4 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed applications, details of the proposed boundary treatments

for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

- 6 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 – To ensure a satisfactory standard of local environmental quality.

- 7 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an Air Quality Assessment shall be submitted to the Council as Planning Authority. The assessment should assess the air quality impacts from traffic and heating systems associated with the development also cumulative effects from other development sites and consideration should be given to impacts on the Dundee AQMA.

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

- 8 Core paths and right of way must not be obstructed during construction or on completion. All public paths created as part of any layout or design submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 must be suitable for all non-motorised user groups (minimum 2m width with suitable surface in wider corridor).

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.

- 9 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, details of the location and measures proposed for the safeguarding and continued operation of any Scottish Water supply pipes sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – To safeguard Scottish Water infrastructure.

- 10 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason – To safeguard archaeology in the area.

- 11 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, 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 – To ensure a satisfactory standard of local environmental quality.

- 12 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include the following specification:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;

- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture and equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

- 13 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application an updated Ecology Survey including; a Protected Species Survey, a Breeding Bird Survey of Buildings, a Survey of potential Bat Roost Features in buildings to be demolished shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 14 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 15 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application the mitigation measures identified for Junction 4 - A85 Riverside Avenue / Main Street for its signalisation to reduce the queueing impact from the development, a detailed design shall be undertaken, along with a date for their implementation shall be submitted and agreed in writing by the Council as Planning Authority.

Reason - In the interests of road safety

- 16 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - In the interests of road safety

- 17 As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, the applicant shall provide the following parking provision numbers on site:

- Car Parking – 334 spaces
- Secure Covered Cycle Parking – 100 spaces
- Powered Two Wheelers – 19 spaces
- Disabled Allocation – 17 spaces

Coach parking provision on site shall also be included as part of any detailed application.

Reason: To provide a suitable parking provision for the development.

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 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 3 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing any demolition work. If bats are found during works, the work should stop immediately, and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

- 4 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 5 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
- 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 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 8 The granting of planning permission does not stop the continued right of public access along the existing core paths INGI/8 and 52/8. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
- 9 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000
- 10 For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.

- 11 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 12 Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
- 13 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 14 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 15 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: None

Contact Officer: Steve Callan 01738 475337

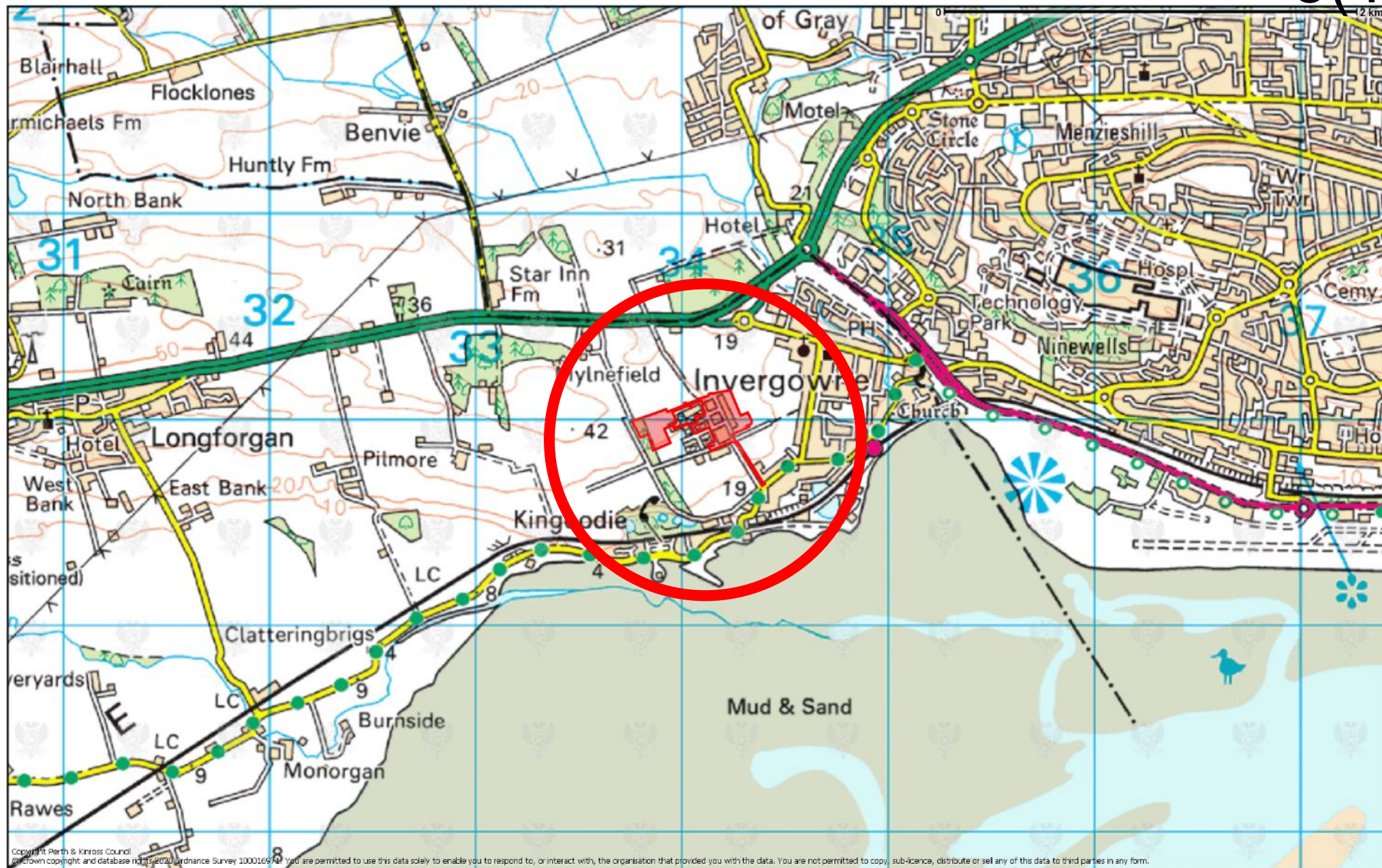
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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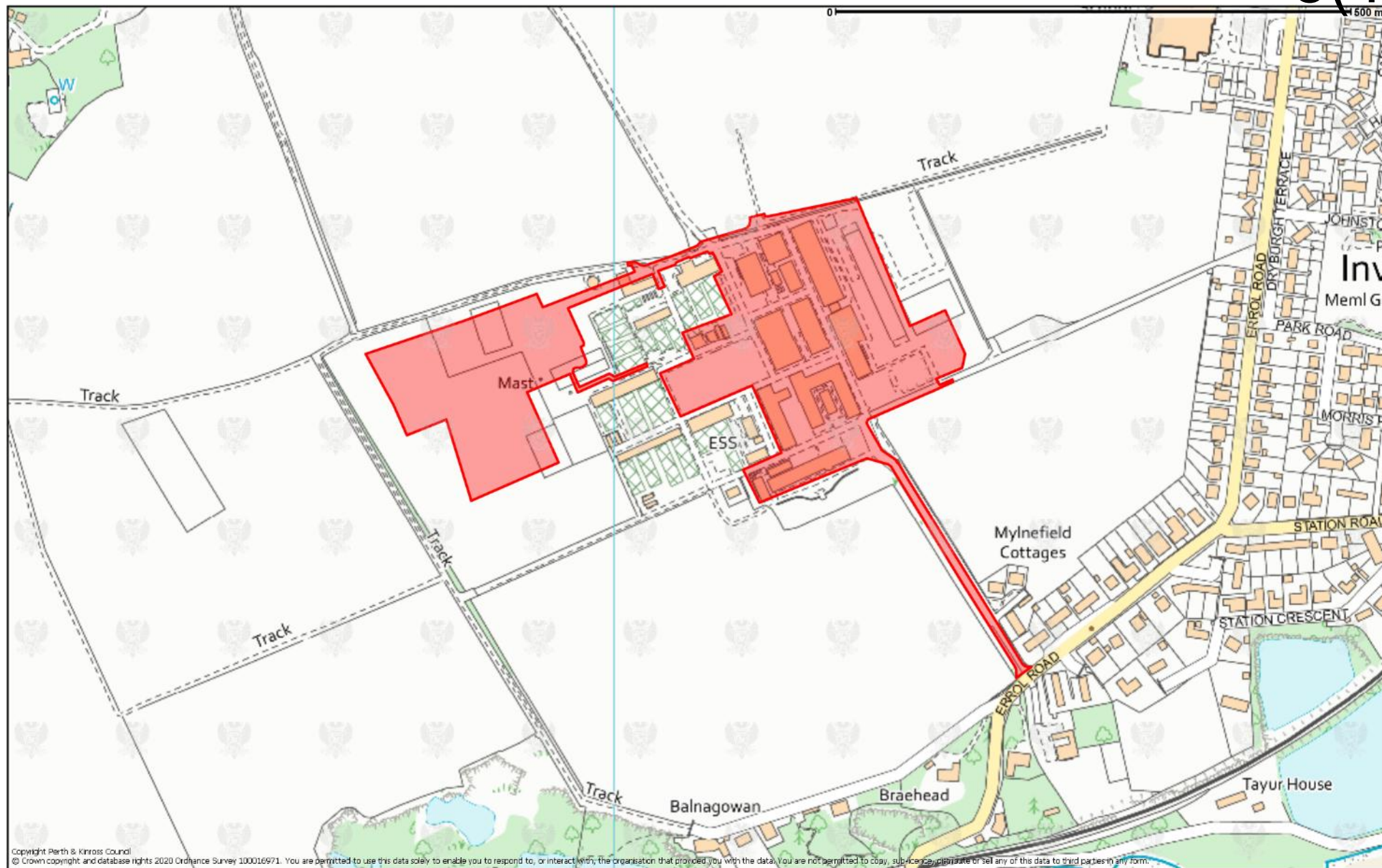
Scale 1:25000



20/01103/IPM - Mixed use development including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle)

The James Hutton Institute, Errol Road, Invergowrie





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Scale 1:5000



20/01103/IPM - Mixed use development including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle)

The James Hutton Institute, Errol Road, Invergowrie



Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/217)

PROPOSAL: Erection of 75 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: [20/01180/FLM](#)

Ward No: P5 - Strathtay

Summary

This report recommends approval of this application for 75 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) which is identified for mixed use development.

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.

All subject to conclusion of a legal agreement or other mechanism which appropriately controls developer contributions in the context of the wider Bertha Park development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Bertha Park, identified as site MU345 LDP (2) in LDP2, is located to the north-west of Perth. The application site itself relates to a 1.72 Ha parcel within Bertha Park. A 95 Ha site, including the extents of the current application, saw detailed planning permission approved in December 2016 for 1,061 dwellings (Ref: 15/01109/FLM). Within that 2016 approval the current proposals relate to the area accommodating 'plots 0024-0091', referred to as part of the 'East Village' character area. It is noted that construction of Phase 1 of the 2016 permission is ongoing, with over 150 housing units now completed and occupied, alongside commercial units and Bertha Park High School to the south.
- 2 The proposal now seeks to increase number of approved dwellings within the site from 68 (flats and dwelling houses) to 75 (all dwelling houses). Importantly, the mix of dwelling types would differ from that of the approved scheme, with the 5 blocks of flats (each containing 4 units – a total of 20 units) deleted along with the 17 detached dwelling houses. The remainder of the approved mix comprising terraced (7) and semi-detached (24) properties.

- 3 The unit numbers and tenure mix now proposed (private rental sector), includes:

- 22 x 2-bedroom terraced dwellinghouses
- 49 x 3-bedroom semi/terraced dwellinghouses
- 4 x 4-bedroom semi/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 (20/01367/SCRN) was carried out related to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not prepared, with the extant permission identifying what was of environmental significance (or not) and addressed via a suite of mitigations. An overview of the relevant matters 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 considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 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 overall MU345 allocation is some 178 ha, allowing for circa 3000 dwellings and in excess of 25 ha of employment land and community facilities. The stated Site-Specific Developer Requirements are set out in the Planning Permission in Principle (PPP), clarifying that future development proposals therein require to align with: the approved planning permissions, masterplan and S75 obligations. In addition, proposals should 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](#): A Proposal of Application Notice (PoAN) relating to a proposed housing development was considered sufficient on 10 February 2014.
- 19 14/01767/SCOP: A Scoping Opinion relating to a proposed housing development saw the scope of the Environmental Statement agreed via a Scoping Report issued on 24 November 2014.
- 20 [15/01109/FLM](#): Saw detailed planning permission issued for erection of residential units, commercial units (Use Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works. There is an associated S75 legal agreement.
- 21 [15/01112/IPM](#): Planning Permission in Principle was also issued on 12 December 2016 for a residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle). Again, there is an associated S75 legal agreement.
- 22 [18/01800/IPM](#): An application 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 was approved on 25 September 2019, following the registration of the associated modified S75 (see below).
- 23 19/00918/MPO: This application saw a modification of the S75 associated with permission 15/01112/IPM approved on 30 July 2019.
- 24 [19/00552/FLM](#): An application to modify condition 11 (sustainable construction) of planning permission 15/01109/FLM was approved on 4 July 2019).
- 25 19/02026/SCRN: A Screening Opinion, related to the erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM) advised that no EIA Report was required on 31 March 2020 (EIA not required).
- 26 [19/01900/FLM](#): An application for the erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM) was withdrawn on 30 June 2020.

- 27 20/01367/SCRN: A second Screening Opinion, relating to the erection of 75 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM advised that no EIA Report was required on 30 October 2020.

CONSULTATIONS

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

External

- 29 **Luncarty, Redgorton and Moneydie Community Council** – No comments made.
- 30 **NHS/HSCP** – No comments made.
- 31 **Perth and Kinross Heritage Trust** – No objection. Confirm no archaeological mitigation required.
- 32 **Scottish Environment Protection Agency** – No objection. Advise that this position is based on the background information submitted with the application and the previous planning permission relating to the site.
- 33 **Scottish Water** – No objection.

Internal

- 34 **Strategy and Policy (LDP Team)** – No objection. Note the reduction in numbers and improvements made from the previous submission (Ref: 19/01900/FLM), such that the proposals satisfy placemaking policy objectives.
- 35 **Development Negotiations Officer** – No objection, confirm contribution requirements are identified and secured through the extant S75 obligations where applicable.
- 36 **Transport Planning** – No objection. Advise that the standards achieved are consistent with the general layout parameters of the extant permission.
- 37 **Environmental Health (Contaminated Land)** – No objection. Note that this is an early phase of the wider Bertha Park development and that site investigations have been carried out and no concerns were identified in relation to ground contamination.
- 38 **Environmental Health (Noise Odour)** – No objection. Advise that the proposals would not have any significant impact on air quality or noise from that associated to permission 15/0110/FLM.
- 39 **Community Waste Advisor** – No comments. However, Transport Planning have accepted the swept path analysis for refuse vehicles.

40 **Biodiversity/Tree Officer** – No objection. Request bat roost and bird nest provision is secured via condition.

41 **Community Greenspace** – No comments.

REPRESENTATIONS

42 None.

ADDITIONAL STATEMENTS

43	Screening Opinion	Undertaken (ref. 20/01367/SCRN)
	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	None submitted. Sufficient information previously provided (in support of application 15/01109/FLM)

APPRAISAL

44 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan. Strategic Development Plan 2016–2036 and 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 includes consideration of the Council's other approved policies and supplementary guidance.

45 As is clear, the principle of residential development on this site has already been approved and continues to be acceptable in terms of Development Plan strategy. This application seeks to change the detail of the residential development proposed, including: increased dwelling numbers, revised house types, and plot layout changes. The general road layout and open space configuration remains similar to the extant permission, only it is now to serve more dwellings and sees amendments to car parking locations and arrangements.

46 The existing approval is for 68 dwellings across the site, whereas 75 dwellings are now proposed, and unlike the 2016 approval no flatted or detached dwellings are proposed.

47 An earlier application (19/01900/FLM) for 82 dwellings was withdrawn, following various concerns, such as insufficient garden ground, as required by the Council's Placemaking Supplementary Guidance (a minimum of 60m² for a 1-2

bedroomed houses and 80m² for 3+ bedrooms and a minimum garden depth of 9m). To explore the concerns and identify options a placemaking workshop took place with the applicants prior to this revised application. Following submission an internal workshop was also undertaken, with further improvements identified and sought during the application processing, resulting in the current layout now presented.

- 48 The final and amended proposals provide a high proportion of parking within off-street courtyards, which significantly helps improve the visual amenity of the streetscape. The northern street corner sees the most on-street parking; however, structural planting has been secured to mitigate the streetscape impacts of this arrangement.
- 49 Whilst the principle of residential development is already established, detailed consideration of the submission requires further review of:
- the density and mix;
 - private amenity space provision;
 - open space, including landscaping and boundary treatment;
 - car parking provision; and
 - general layout in placemaking terms.

Design and Layout

- 50 The layout previously proposed in application 19/01900/FLM saw streets heavily dominated by car parking, rather than more discreet provision within courts – as was the arrangement in the 2016 permission. There was also a dilution of some of the landscaping across the site. These issues, through negotiation, have seen the current proposals evolve to a design which includes: a reduction from 83 to 75 units, which provides: adequate garden ground, increased courtyard parking, and improved landscaping. As such the proposals are now considered satisfactory in design and layout grounds, fulfilling the amenity and placemaking standards as required of LDP2 policy, as supported by Supplementary Guidance.
- 51 The 75 dwellings within 1.72 Ha equates to an average density of 44 dwellings per Ha. This is a relatively high density, if considered in isolation at an ‘edge of settlement location’, but is similar to the density previously approved – although that included flatted properties. In the wider context the location is just off the ‘core area’, near a local commercial block and the High School, with the original ‘pocket park’ retained within the site layout; providing dedicated local public open space and opportunities for people to congregate for amenity purposes. Taking this all together the density is considered appropriate.
- 52 There are a number of terraced properties and these can often provide and form an appropriate urban context; particularly through the opportunity and ability to provide strong, attractive street frontages and a higher net density. In this sense, terraced rows and the way they are set out is considered appropriate at this location. These proposed house types are modest in form, with frontages narrower than 6 metres and are acknowledged to limit scope for special needs housing occupation. It is however accepted that the proposed

tenure is for the low-cost private rental market and that there is adequate scope to accommodate properties more suited to special needs across the wider Bertha Park site. As such, it is not felt appropriate to consider these proposals in isolation, but within that wider context of Bertha Park.

- 53 The proposed architectural style and material palate is also considered appropriate and consistent with nearby completed and approved development, including that of Bertha Park High School.

Residential Amenity

- 54 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. Analysis has found no concerns in relation to either, other than potential for noise associated with any mechanical ventilation and heat pump technology, which could be adequately controlled by condition (Condition 5).

Private Amenity Space

- 55 As mentioned above, it is considered important that all dwellings have adequate private garden ground and, in this respect, the proposed layout is consistent with the SG, indeed there is a healthy range of garden sizes, all exceeding the minimum standards and some up to or exceeding 130m².

Overlooking

- 56 The house designs and orientation 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.

- 57 A reasonable level of daylight and sunlight is also maintained for all properties and the extent of overshadowing between properties is considered acceptable.

Landscape and Visual Amenity

- 58 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.
- 59 Detailed landscape plans provided in support of the application specify: plant species, volumes and boundary treatment, and support of the wider approved landscape framework. The landscaping proposals also include some recommendations and species selected from the Council's open space guidance. Particularly, of the seven specimen trees identified, two are native to Scotland, with others adding landscape and amenity value. However, increasing native species provision is encouraged and is considered appropriate to pursue this further (Condition 7).

- 60 At the western edge of the application site, a wide path connects to a treed avenue between two 4-unit terraced blocks. A minor update of the layout was incorporated, identifying two parallel paths serving the dwellings, rationalising the individual paths to the 8 properties, which initially saw each cut across this area of public space. This revision is considered to improve the link to car parking areas and increases the green area, whilst also better distinguishing the area as being public space, rather than confusing it as private, an aim identified in the Councils 'Open Space Supplementary Guidance'.
- 61 Overall street planting, public open spaces and private garden grounds provide different functions and although complementary but not a replacement for one another. In this case the balance and allocation of the different open space elements and planting proposals proposed are considered satisfactory. Particularly the general allocation of public open space remains consistent with that of the extant permission, complying with LDP2 policy.

Roads and Access

- 62 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the number of parking spaces identified (169 – 2 per unit (150), plus 19 for visitors) is acceptable, with the general road layout consistent with that of the extant permission. There are therefore no implications regarding traffic and road safety resulting and thus the proposals are considered to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 63 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. It is recommended that any approval of the application should re-apply planning conditions relating to flooding and drainage elements, addressing LDP2 Policies 52 and 53.

Energy and Low Carbon Technology

- 64 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% energy requirements through renewable technologies. The supporting planning statement suggests the proposed development will continue to work towards achieving 'silver standard' building warrants. This does not however ensure that the 10% delivered through renewable energy technology as required by Policy 32 is secured. Control is therefore recommended through a suspensive condition (Condition 4).

Waste Collection

- 65 The waste collection arrangements have not been specified in the plans, such that it can be confirmed that suitable provision will be provided for required kerbside waste and recycling services. However, considering the layout remains similar to that of the extant permission, which was appropriate in that regard, this matter could be covered by an informative (10).

Natural Heritage and Biodiversity

- 66 LDP Policy 38A - Environment and Conservation: International Nature Conservation Sites, requires consideration of the possible impacts of development on internationally protected sites, which is further set out in LDP2 against designation MU345.
- 67 On that issue, it is generally considered that there will be no significant additional impact on the biodiversity as a result of the development, in comparison to extant permission 15/01109/FLM. A review of the updated, detailed landscaping proposals identifies generally appropriate species choice and improved connectivity, both within the site itself and along the perimeter.
- 68 In addition measures to enhance biodiversity through bat roosting and bird nesting, opportunities have been identified by the Council's Biodiversity Officer. Particularly, there are records of tree and house sparrows at the site (both a conservation concern) along with scope for swift and house martins. Conditions requiring that bat and bird accommodation be provided across 25% of the two storey properties is therefore recommended, in order to secure appropriate and proportionate biodiversity enhancement measures (Condition 9 and 10).

Developer Contributions

- 69 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.
- 70 In this sense the Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing the site, providing the development proceeds in its current form and aligned with the information on the tenure delivery model and viability information. It is recommended that further assurances are secured from the applicant whether through a modification of the S75 or alternative mechanism to protect the Council's interests.

Affordable Housing

- 71 The planning statement submitted indicates that the fact that the proposals are to be operated as centrally managed private sector rental properties and that this should in itself be seen as an affordable housing option. However, this type of housing provision is not identified in the accepted definition of 'affordable housing'. On this issue the Service Manager: Planning and Housing Strategy advises that the encouragement of the volume market rented housing sector is a national priority but is under represented in Perth & Kinross. He further advises that this tenure is an essential element of the overall housing mix such that there is access within the overall market to a range of tenures. However, it has long been recognised that the viability of this tenure, given the relatively low local private rent levels within P&K, is marginal. In this regard, it is advised that viability information for this development has been provided and demonstrates that the development would not progress without a degree of flexibility in the

application of the Council's Developer Contributions and Affordable Housing Supplementary Guidance. The anticipated rental levels are likely to be marginally above that which would meet the Scottish Government's definition of affordable housing. On balance and in order to encourage delivery of this key and currently unrepresented sector with the P&K housing market, it is proposed not to require that the proposals meet with the definition within the LDP2 definition of 'affordable housing' in terms of Policy 20: Affordable Housing and the associated Supplementary Guidance. This application takes an innovative and flexible approach to address deliverability based on housing need. The development will be assessed as if it was delivering 75 affordable housing units and count towards the overall requirement for Bertha Park (Mu345). This is based on the information available in relation to this application, particularly that in relation to viability, and is not considered to set a general precedent as to how other market rental developments or housing more generally will be considered, in that they would also be subject to their own viability assessments and require to account for the wider context of all relevant material considerations. It is these considerations which will be clarified in the review of the S75 or other suitable mechanism.

Economic Impact

- 72 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

- 73 As the development comprises part of a larger strategic application site (15/01109/FLM), all relevant conditional matters therein are proposed to be reiterated and attached to any planning permission, along with any new conditional requirements.

Summary

- 74 The proposed layout, re-design and the associated increase in dwelling unit numbers from the previous permission is now considered satisfactory. The layout as submitted for the 75 dwelling units meets the Perth and Kinross Placemaking Supplementary Guidance minimum garden ground sizes for 2 and 3 plus bedroom dwelling houses. In comparing to the extant permission, which included five blocks of affordable flats, the overall density achieved across the site is similar. The terraced layout element proposed is also considered appropriate within the wider context of the approved Bertha Park development.

LEGAL AGREEMENTS

- 75 The proposal is considered acceptable subject to conclusion of either a modification of the extant legal agreement or other mechanism which appropriately controls developer contributions in the context of the wider Bertha Park development.

DIRECTION BY SCOTTISH MINISTERS

- 76 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

- 77 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the majority of the adopted Local Development Plan 2 (2019). Account has been taken of material considerations and none have been found that would justify refusal of the application. On balance it is considered that the slight departure from Policy 20: Affordable Housing, can be justified in order to see delivery of this key and currently unrepresented sector with the P&K housing market and also having regard to the viability considerations of the proposed development. On this basis the application is recommended for approval, subject to conditions and the conclusion of a review of the S75 legal agreement or control through another suitable mechanism.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 The foul drainage shall be drained to a mains sewerage system.

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

- 3 Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA (where necessary). The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

- 4 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 and in accordance with Policy 32 of LDP (2).

- 5 In association with condition 5, noise from any air source heat pump or other external residential plant 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

- 6 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason: In the interest of protecting environmental quality and existing residential amenity.

- 7 Prior to the commencement of the development hereby approved, further detail (to include optimum numbers of native species) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council

as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed no later than the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

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

- 8 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

- 9 Prior to the commencement of development hereby approved, details of the location and specification of bird nesting bricks or boxes (25% of all two storey-dwellings must include a bird nesting brick or box) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

- 10 Prior to the commencement of development hereby approved, details of the location and specification of the required bat brick(s) or bat nest box(s) (25% of two storey-dwellings to include a bat brick, tube or box) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

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 Applications for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 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 vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 8 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01109/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
- 9 The applicant is advised to take note of Scottish Water response (dated 23 September).
- 10 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.

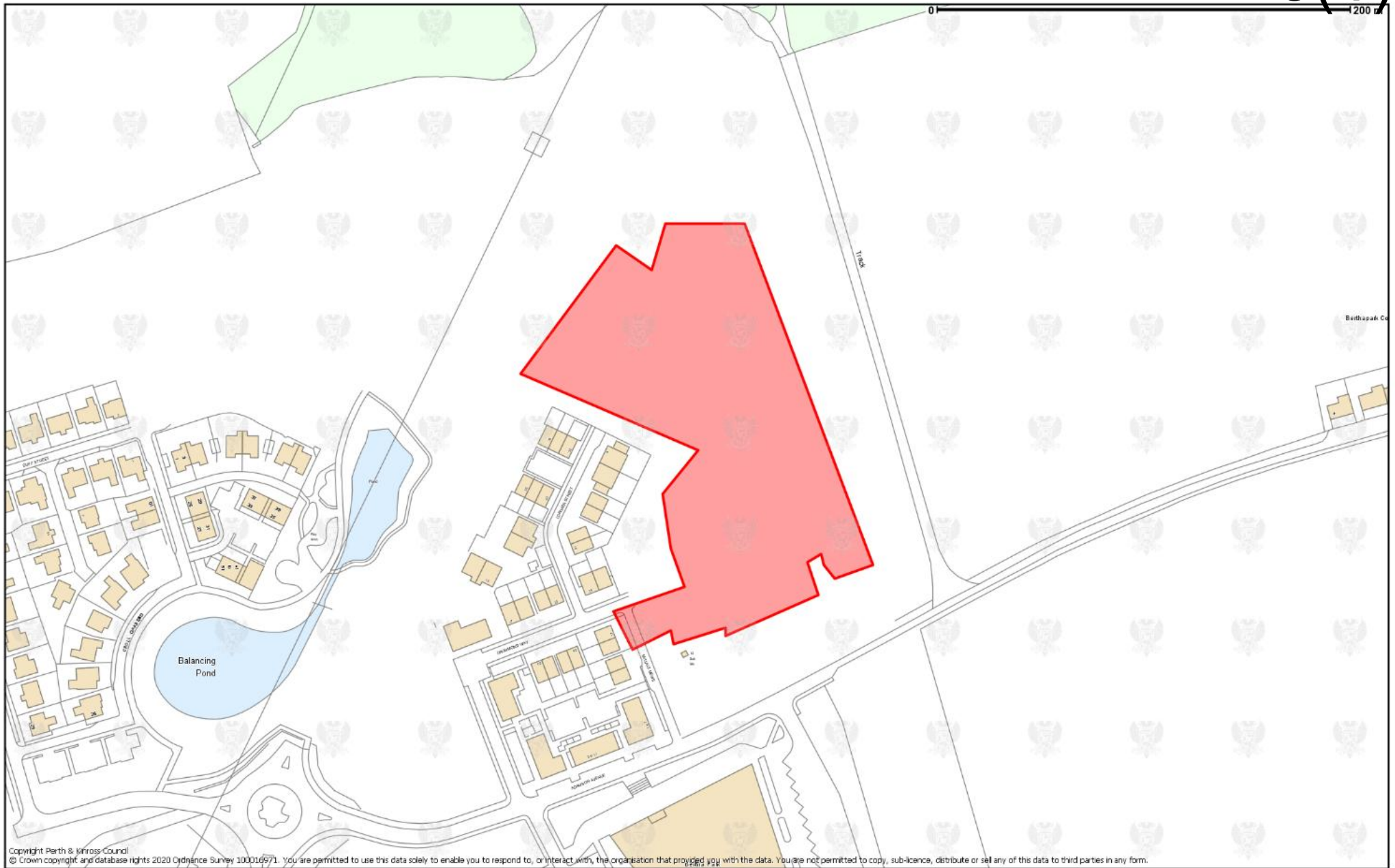
Background Papers: 0 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:2500



**20/01180/FLM - Erection of 75 dwellinghouses and associated works
(changes to house type/layout on plots 0024 - 0091 of permission
15/01109/FLM)**

Land At Bertha Park, Perth



Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/218)

PROPOSAL: Erection of a garage with workshop and store

LOCATION: Westlands Hotel, Atholl Road, Pitlochry PH16 5AR

Ref. No: [20/00434/FLL](#)

Ward No: P4 - Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to Westlands Hotel (160 Atholl Road), an eighteen bedroom hotel located to the north of Atholl Road in Pitlochry. The hotel building when viewed from Atholl Road comprises a substantial one and a half storey building of traditional construction, sitting in an elevated position within the plot.
- 2 Westland Hotel is not listed, but it is located within Pitlochry Conservation Area.
- 3 Access to the application site is the same as to the Hotel, coming directly from Atholl Road. The access to the garage comes through an area of hardstanding, used for car parking. The main entrance into the hotel building, faces this parking.
- 4 In 2018 alterations and an extension to the hotel, as well as the erection of a staff and manager's accommodation unit and garage was granted planning permission, ref: 18/00595/FLL.
- 5 That 2018 development permitted the removal of previous extensions to the rear of the Hotel, accommodating a new extension which is to provide twenty-six en-suite bedrooms over two floors. Alterations within the remaining main hotel building would form ten en-suite bedrooms provided. As a result, the hotel's capacity would double from eighteen to thirty-six rooms. A further level in the extension's roof space is to be used for services and staff rooms.
- 6 The 2018 permission also included the demolition of a bungalow in the rear part of the site and the development of a new staff/manager's accommodation building. Also included was a single storey garage building with three metal up and over garage doors.

- 7 Work on the staff/manager's accommodation unit and garage has commenced and is nearing completion. However in terms of the garage, the built structure varies from the approved plans – confirmed through an enforcement investigation.
- 8 Initially a non-material variation to the 2018 permission was suggested by the agent, however this approach was not considered possible under section 64 of the Act and as such, the current application has been submitted to consider the amended garage building only.
- 9 The design of this building has changed from a single storey building with three garage doors in its main southern elevation; to a one and a half storey building incorporating: roof windows to the front and rear roof plains; windows to the front (south) and side (west) elevation; and a single garage door located in a projecting gable. The floor plan also indicates a workshop area, store and garage/garden store.
- 10 To accommodate the building the ground levels surrounding the building have also been reduced in height.
- 11 It is also noted that the existing bungalow/staff building remains in occupation however there is a requirement for this to be demolished once the new/staff managers accommodation is occupied, as per condition 8 of permission 18/00595/FLL:

8 *The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished. Thereafter the proposed staff accommodation at the rear of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.*

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

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

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

Creating Places 2013

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 19 TAYPlan sets out a vision for 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.”

- 20 There are no specific policies or strategies directly relevant to this proposal however the overall vision of the TAYplan should be noted.

Perth and Kinross Local Development Plan 2019

- 21 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 6: Settlement Boundaries
 - Policy 17: Residential Areas
 - Policy 28A: Conservation Areas: New Development
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 23 [17/00106/FLL](#) Erection of a tree house (in retrospect), approved 24 April 2017
- 24 [17/02113/FLL](#) Extension to hotel and erection of staff and manager's accommodation unit with garage, withdrawn 8 March 2018.
- 25 [17/02265/CON](#) Demolition of buildings, withdrawn 5 March 2018.
- 26 [18/00595/FLL](#) Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, approved 26 September 2018.
- 27 [18/00596/CON](#) Demolition of buildings, approved 1 October 2018.
- 28 [20/01041/FLL](#) Alterations to building and formation of outdoor seating area, approved 13 October 2020.

CONSULTATIONS

- 29 None required.

REPRESENTATIONS

- 30 The following points were raised in 6 objections:
- Contrary to development plan;
 - Inadequate housing density, overintense development, overdevelopment. Proportions of the garage building are excessive;

- Number and position of windows are excessive;
- The proposal is for additional living accommodation with further noise;
- Out of character with the area and impact on the Conservation Area.

31 These issues are addressed in the Appraisal section of the report. Otherwise the following matters raised are not material to the consideration of the application and are responded to as follows:

- Enforcement action should be undertaken, and the approved garage built.

The frustrations within the representations are understood, in that planning permission should have been obtained before any unapproved works were undertaken.

An enforcement investigation took place and will remain open until the breach of planning control is resolved, such as through the grant of planning permission. The approach taken thus far aligns with the Council's Enforcement Charter. Importantly Section 33 of the Town and Country Planning (Scotland) Act 1997 permits that an application for planning permission may be made retrospectively.

- Noise from construction:

The concern regarding construction activity in the representations received are noted however this will likely be a short-term change to the status quo. It is not considered necessary to apply conditional control in this case. If construction noise issues did arise from inappropriate construction practices, such that there was a statutory nuisance, this could be addressed using powers under the Environmental Protection Act 1990.

- Staff accommodation should not be occupied until the existing bungalow on the site has been demolished:

As highlighted above condition 8 of the 2018 permission requires that the approved staff accommodation is not occupied until the bungalow has been demolished.

ADDITIONAL STATEMENTS

32	Screening Opinion	Not EIA development
	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 eg Flood Risk Assessment	Not Required

APPRAISAL

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Guide 2020.
- 34 In addition, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Principle

- 35 The principle of erecting a garage structure in the same location was accepted by permission ref: 18/00595/FLL. As such, the primary determining factor in the assessment of this application is whether the revised building design accords with the relevant provisions of LDP2.

Design, Layout and Conservation Considerations

- 36 It has been established that what has been built does not accord with the approved plans of 18/00595/FLL and now a building of differing design and a larger scale is proposed. Particularly the increased massing, including a projecting gable to the front, and the introduction of both roof lights and windows in the west and south elevations now sees the building appear more as a small dwelling, rather than an ancillary garage. This is noted in some of the representations.
- 37 The application does not indicate that the building is to be used as accommodation. It was noted during the site inspection that a gas supply and what appeared to be a soil pipe were located on the rear elevation of the building, although not connected. Any residential or guest use of the building has not been included in this application and would require to be considered through a further application for planning permission. However, there are concerns that such uses may be problematic and could be considered to intensify the use of the site, such that the impact on adjacent amenity is excessive.
- 38 The previous garage was smaller and considered subservient to the staff accommodation building adjacent. Whilst the revised design will have a greater visual impact, as the building is set back from Atholl Road the impact on the streetscene and wider Conservation Area is minimal and would not warrant refusal of planning permission on either conservation or placemaking grounds.

Residential Amenity

- 39 Development such as that proposed has potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. Particularly appropriate levels of privacy should be achieved for neighbours. Planning control has a duty to not to create situations of potential conflict between neighbours.
- 40 While the height and mass of the building has been increased and the fenestration altered to incorporate, windows this would not impact on neighbouring residential amenity (privacy, overlooking, overshadowing). To provide control over the use of the building (given the design and positioning of windows) it is recommended that a condition limits its use to that of a garage/workshop/store incidental to the planning unit.

Roads and Access

- 41 The access arrangements to the site remain unaltered. There is no conflict with Policy 60B if the building is utilised as a garage/workshop/store.

Drainage and Flooding

- 42 No consultations have been undertaken as the development proposal and site is not subject to flooding. There are no drainage concerns with the proposal.

Developer Contributions

- 43 The developer contributions policy is not applicable to the proposal.

Economic Impact

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

LEGAL AGREEMENTS

- 45 Not required

DIRECTION BY SCOTTISH MINISTERS

- 46 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

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

material considerations, and, in this case, it is considered that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.

- 48 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 For the avoidance of any doubt the approved building shall be used as a garage/workshop/store. At no time shall the building be used as residential accommodation.

Reason - To ensure that the building is only used as a garage/workshop/store incidental to the planning unit.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 2 An application for Building Warrant will be required.
- 3 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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

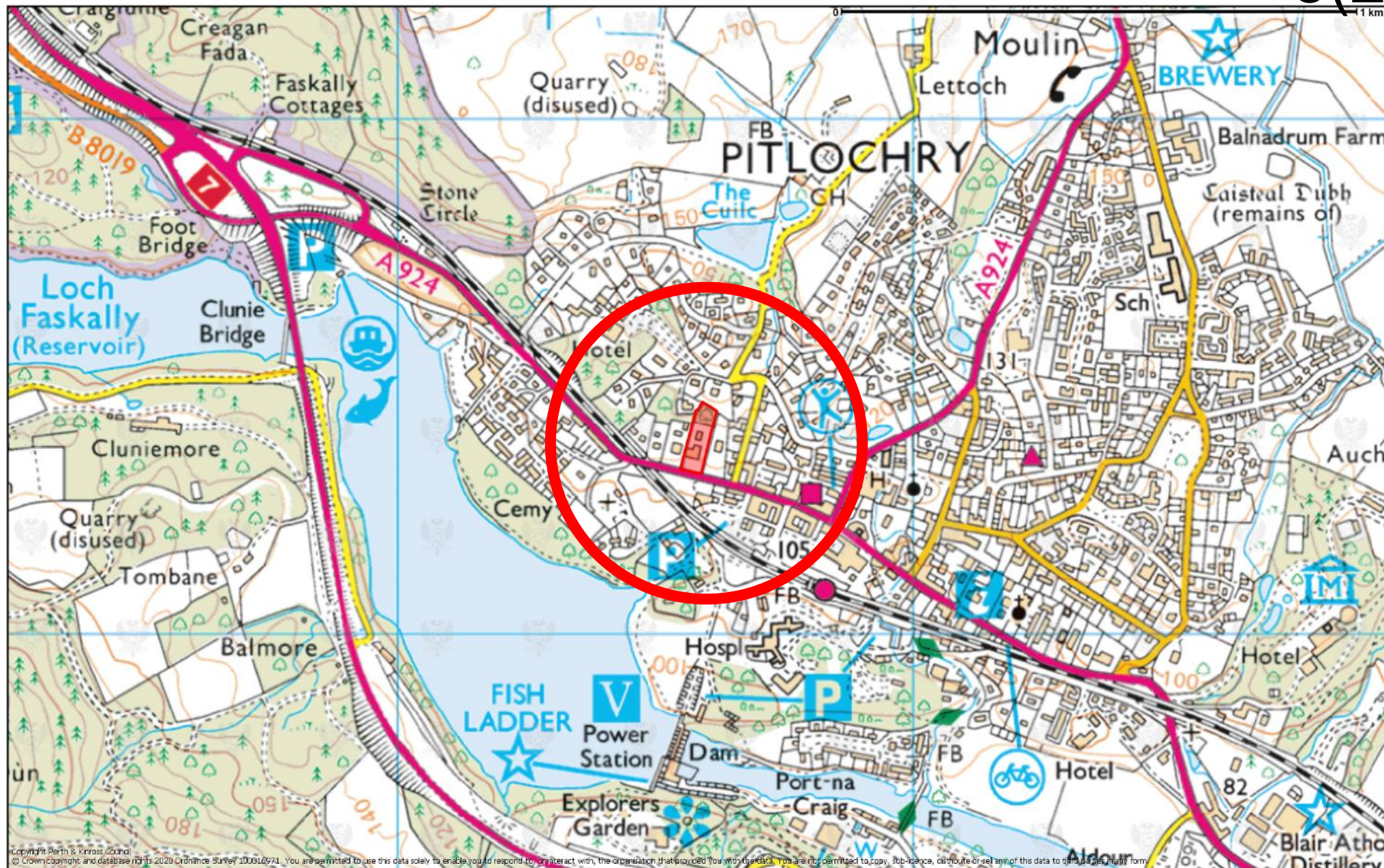
Background Papers: 6 letters of representation
Contact Officer: John Russell 01738 475346
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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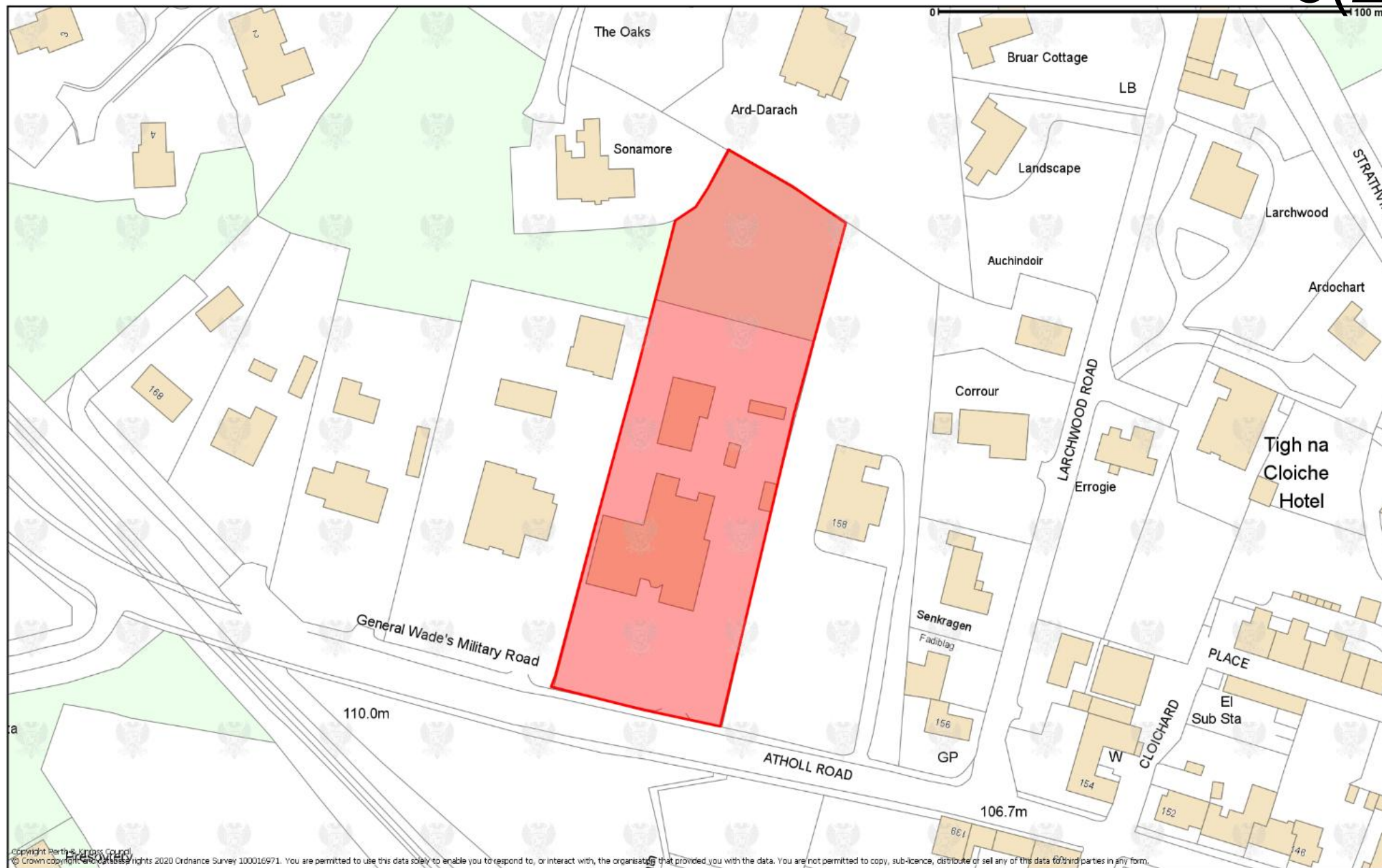
Scale 1:10000



20/00434/FLL - Erection of a garage with workshop and store

Westlands Hotel, Atholl Road, Pitlochry





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Scale 1:1250



20/00434/FLL - Erection of a garage with workshop and store

Westlands Hotel, Atholl Road, Pitlochry



Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Report of Handling by Head of Planning & Development (Report No. 20/219)

PROPOSAL: Alterations and extension to form roof terrace and stairs

LOCATION: The Errol Pub, The Cross, Errol, Perth, PH2 7QW

Ref. No: [20/01040/FLL](#)

Ward No: P1- Carse Of Gowrie

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 The Errol Pub, The Cross, Errol. The site is located within the Errol Conservation Area and is immediately adjacent to The Cross, a Category B Listed Structure (LB 11592). The application seeks detailed planning permission for alterations and an extension to form a roof terrace and stairs. The proposed roof terrace area is currently a flat roofed extension to the south west of the adjoining main building. The proposed roof terrace will accommodate approximately 20 covers and will be enclosed by a 2m high close boarded grey composite boundary fence. Access to the roof terrace will be obtained from a new lift which will lead internally from the main pub area. A metal escape stair on the east elevation will also be provided.

PRE-APPLICATION CONSULTATION

- 2 20/00249/PREAPP - A formal pre-application consultation was undertaken where it was highlighted that the principle of the development was generally acceptable.

NATIONAL POLICY AND GUIDANCE

- 3 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

- 4 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

- 5 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.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 7 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 77 Designing Safer Places

Creating Places 2013

- 8 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.

DEVELOPMENT PLAN

- 9 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

- 10 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.”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 2 – Shaping Better Quality Places
 - Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

- 12 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.
- 13 The principal relevant policies are, in summary;
- 1A – Placemaking
 - 1B – Placemaking
 - 5 – Infrastructure Contributions
 - 17 – Residential Areas
 - 18 – Pubs and Clubs in Residential Areas
 - 27A – Listed Buildings
 - 28A – Conservation Areas: New Development
 - 56 – Noise Pollution
 - 60B – Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY OF RELEVANCE

- 14 [12/00892/ADV](#) - Display of advertisement Decision Issued 22 June 2012: Application Approved

CONSULTATIONS

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

External

- 16 **Dundee Airport Ltd** – No objection to the proposed development.
- 17 **Errol Community Council** – Submitted a general comment and highlighted the benefits of the proposed development to the pub and local community. However, concerns were also raised in relation to noise disturbance, overlooking, and the potential impact upon Errol Conservation Area.

Internal

- 18 **Transport Planning** – No objection.
- 19 **Development Negotiations Officer** – No contributions required.
- 20 **Environmental Health (Noise Odour)** – No objection to the proposed development subject to conditional control regarding plant equipment, hours of operation, external lighting, outdoor music, and the requirement for a Noise Management Plan.
- 21 **Conservation Officer** – No objection.

REPRESENTATIONS

- 22 30 letters of representation were received regarding the proposed development from 28 different households. Of these, 19 letters were in support of the application, 7 were objecting to the application and 2 letters were general comments. In summary, the letters highlighted the following points:

Letters of support (19):

- Economic impact
- Employment provision
- Asset to village
- Community benefits
- Enhances character of area
- Lift will ensure that it is accessible for all
- Complements other village businesses
- Lack of alternative facilities in village

Letters of objection (7):

- Noise disturbance
- Overlooking/ loss of privacy
- Anti-social behaviour
- Health and safety implications
- Lack of community consultation
- Waste provision
- Impact upon conservation area
- Hours of operation

General comments (2):

- Economic and community benefits
- Potential noise disturbance
- Potential loss of amenity
- Potential impact upon conservation area
- Potential traffic generation

- 23 These points are addressed in the Appraisal section of the report with the exception of anti-social behaviour, as this is not a planning consideration.

ADDITIONAL STATEMENTS

24	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 eg Flood Risk Assessment	Not Required

APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2020. In addition, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Principle

- 26 The site is located within an identified residential area within the settlement of Errol. As such, the principal policies of relevance are Policies 1A and 1B 'Placemaking' and Policy 17 'Residential Areas'. These policies seek to ensure that new developments contribute positively to the quality of place and do not detract from the character and amenity of the area. Due to the nature of the development being outdoor seating for the existing pub, Policy 18 'Pubs and Clubs in Residential Areas' will also be directly applicable. Policy 18 aims to ensure that the siting of pubs and clubs is not of detriment to neighbouring amenity.
- 27 In this instance, the principle of an outdoor seating area associated with an existing establishment in this village setting is considered to be acceptable. Attention now turns towards the detailing of the proposed scheme and whether it would have an adverse impact upon the character and amenity of the area.

Design, Layout and Conservation Considerations

- 28 The proposed development will be located on an existing flat roofed extension to the south west of the original building. This section of the building is not highly visible from The Cross or from the nearest public road, Gas Brae. This is due to the height of the surrounding development exceeding that of the proposed. The development is therefore only highly visible from the grounds of Schiehallion, which is the residential property to the immediate south, and from the residential flat which is located to the west of the application site, above the village store.
- 29 The proposed development has been designed to ensure that the seating area is well enclosed and not visually intrusive to these residential properties. The proposed seating area is enclosed by a 2m high close boarded grey clad composite fence. This fence is considered to screen the development well without detracting from the visual amenity of the area.
- 30 The Council's Conservation Officer has assessed the proposal and does not consider that the proposed development will detract from the qualities of Errol Conservation Area or the setting of the adjacent listed Cross.

Landscape

- 31 As the maximum height of the proposed development will be well contained by the surrounding built development, it is therefore considered that there are no landscape implications with the proposed development.

Residential Amenity

- 32 The proposal has the potential to result in noise disturbance and loss of amenity to neighbouring properties. This concern was raised by objectors.
- 33 Initially, the proposed scheme that was submitted incorporated the entirety of the flat roofed extension. However, after assessing the proposal, including undertaking a site visit, it was considered that the entirety of the roof being developed would be unacceptable particularly to the amenity of the residential flat located to the west, above the village store. The main concern was with regard to daylight as this would potentially be obstructed by the proposed fencing as well as a concern over the potential of overlooking. As such, an amended scheme was sought and received which reduced the area of the roof to be developed. It is considered that this results in an acceptable level of daylight being retained for the neighbour to the west as well as taking the proposed development further away from the residential property to the immediate south, Schiehallion. As a result of this revised scheme, the capacity of the proposed seating area is reduced from 28 to 20 covers. The revised scheme was re-advertised to the public and all neighbours were re-notified.
- 34 With regards to overlooking, as the proposed development is to be enclosed by a 2m high close boarded fence, it is considered this will prevent any overlooking from the outside seating area to neighbouring properties and also will prevent overlooking into the proposed new outdoor space from neighbouring properties.

- 35 The Council's Environmental Health team have assessed the proposed development and have no objection to make, subject to conditional control regarding plant equipment, hours of operation, external lighting, outdoor music, and the requirement for a Noise Management Plan. These conditions will protect neighbouring amenity, particularly from noise disturbance. The recommended conditions are therefore considered sufficient to protect the amenity of the area and ensure compliance with Policy 17 'Residential Areas' (Conditions 2- 6).

Roads and Access

- 36 The existing pub is well served by public transport and is in a sustainable location where the majority of the village residents are within walking distance. There is also sufficient on-street parking immediately adjacent to the pub which can be utilised. It is therefore considered that there are no roads or access implications.

Drainage and Flooding

- 37 The site is not located in an area of known flood risk and the proposed development is not considered to increase the risk of flooding or create any drainage implications.

Waste Collection

- 38 It is indicated that the existing waste arrangements for the pub will be utilised. This raises no adverse concerns. An informative is recommended in relation to waste collection to ensure compliance with the Council's requirements (Informative 7).

Natural Heritage and Biodiversity

- 39 The proposed development is to be located on an existing flat roof where there are limited habitat opportunities present. It is therefore unlikely that the proposal will be of detriment to the natural heritage and biodiversity of the area. An informative is however recommended to be added to the consent regarding nesting birds as a precaution (Informative 6).

Developer Contributions

- 40 The Development Negotiations Officer was consulted as part of this application and confirm that no contributions are required.

Economic Impact

- 41 The proposal will provide additional seating for the existing pub and thus is likely to contribute positively to the business. The enhanced facilities may also result in additional footfall which will be of benefit to the wider village economy. Within the 19 letters of support received to the application, the majority highlighted the positive economic impact that the proposal would have upon Errol and the wider area.

LEGAL AGREEMENTS

- 42 None required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 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.
- 45 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints. Thereafter, the approved plan shall be implemented for the life of the development and the use roof terrace, to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

- 5 The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2000 hours daily.

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

- 6 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

- 5 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 6 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

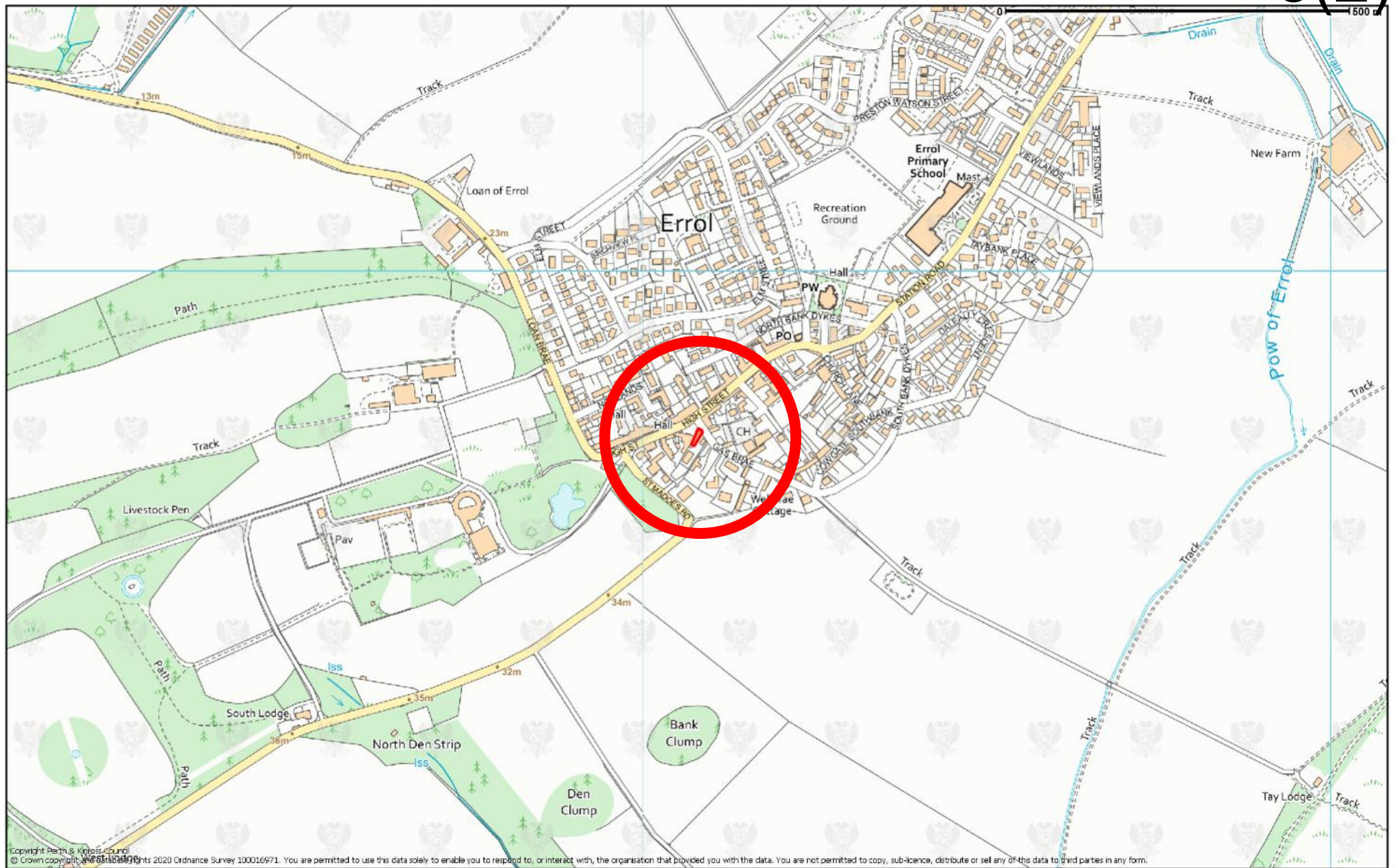
Background Papers: 30 letters of representation
Contact Officer: Sean Panton
Date: 5 November 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:7500



20/01040/FLL - Alterations and extension to form roof terrace and stairs

The Errol Pub, The Cross, Errol





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Scale 1:1250



20/01040/FLL - Alterations and extension to form roof terrace and stairs

The Errol Pub, The Cross, Errol



Perth and Kinross Council
Planning & Development Management Committee – 18 November 2020
Pre-Application Report by Head of Planning and Development (Report No. 20/220)

Residential development, land east of Middleton of Fonab Cottages, Foss Road,
Pitlochry

Ref. No: [20/00008/PAN](#)
Ward No: P4 - Highland

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major residential development. 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 1 September 2020. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming major planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This proposal of application notice (PoAN) seeks to formally establish a major residential development of up to 85 dwellings. The exact scale, design and layout of the development will be arrived at during pre-application discussions. The majority of the proposed site is allocated in LDP2 (H38) for residential development. The PoAN site boundary extends to the north west, including land that is not included within the LDP2 allocation but is within the Pitlochry settlement boundary.

ENVIRONMENTAL IMPACT ASSESSMENT

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

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that an online public exhibition was held on 20 October 2020. The MP, MSPs, Ward Councillors, and Pitlochry and Moulin Community

Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Delivering Heat and Electricity: paragraphs 152 -173
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
- PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

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

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

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

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

Perth and Kinross Local Development Plan 2019

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

- 12 The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

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

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology:

- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60: Transport Standards and Accessibility Requirements

LDP2 Allocation

H38 - 5.2ha with Indicative Capacity 54-85 dwellings Site-Specific Developer Requirements

- Flood Risk Assessment.
- Drainage Impact Assessment.
- Open watercourses to be retained and protected with a minimum 6m buffer strip and presumption against culverting.
- Access from the local road network with pedestrian and cycle connections onto Logierait Road and enhanced walking and cycling opportunities to town centre.
- Paths within the site to link to the core path network to the west.
- Green infrastructure on the site to link to the wider network along the northern boundary.
- Noise attenuation measures adjacent to A9.
- Landscape Framework.
- Enhancement of biodiversity.
- Compensatory planting for any felled trees will be required.
- An area of land to be reserved for the future expansion of Fonab Cemetery.

OTHER POLICIES

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

- Developer Contributions Supplementary Guidance July 2020
- Placemaking Supplementary Guidance March 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

PLANNING SITE HISTORY

- 15 [15/00011/PAN](#) Proposal of Application Notice (PoAN) for residential development. Approved June 2015.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- Nature Scot (formerly SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland (HES)
- Scottish Forestry
- Perth & Kinross Heritage Trust (PKHT)
- Pitlochry & Moulin Community Council

Internal

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

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat including Protected Species Survey
- Archaeological Assessment
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

19 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development. 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

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Date: 5 November 2020

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HEAD OF PLANNING & DEVELOPMENT

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