

Perth and Kinross Council  
Planning and Placemaking Committee – 14 June 2023  
Pre-Application Report by Head of Planning and Development  
(Report No. 23/185)

Mixed use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works, Former British Car Auctions, Kinross, KY13 8EN.

Ref. No: [23/00005/PAN](#)

Ward No: P8 – Kinross-shire

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Mixed Use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works at Former British Car Auctions, Kinross, KY13 8EN. 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 4 April 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for Mixed use development comprising the erection of retail units including garden centre (Class 1a), cafe/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works at Former British Car Auctions, Kinross, KY13 8EN.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
3. This PoAN seeks to formally establish a major development as described above. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

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

4. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. It is

noted that a screening opinion has already been provided, reference 22/02094/SCRN, and is not subject of an EIA development.

## **PRE-APPLICATION PROCESS**

5. The PoAN (reference **23/00005/PAN**) confirmed that two public exhibitions will be held the first event on 14 June 2023 at Millbridge Hall, Old Causeway, Kinross, KY13 8DW between 3pm and 7pm and the second event held on 13 July 2023. The Ward Councillors, Kinross Community Council, and Kinross-Shire Civic Trust 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.

## **DEVELOPMENT PLAN**

6. The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

7. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
8. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the following policies of NPF4:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural Places
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 8: Rural Development
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 18: Infrastructure First
  - Policy 20: Blue and Green Infrastructure
  - Policy 21: Play, Recreation and Sport
  - Policy 22: Flood Risk and Water Management
  - Policy 28: Retail

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

10. The Local Development Plan 2 (2019) (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.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 30: Protection, Promotion and Interpretation of Historic Battlefields
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

## OTHER POLICIES

11. The following non statutory guidance and documents are of particular importance in the assessment of this application: -
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
  - [Planning Guidance - Planning & Biodiversity](#)
  - Perth and Kinross Community Plan 2013/2023
  - Perth and Kinross Local Transport Strategy (2010)

## NATIONAL GUIDANCE

12. The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### Planning Advice Notes

13. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
- PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

## PLANNING SITE HISTORY

14. **87/00557/FUL** Full Planning Permission was Approved on 31 July 1987 for Erection of a WC Block.
15. **88/00052/FUL** Full Planning Permission was Approved on 5 August 1988 for Extension to Restaurant at Kinross Motor Auctions.
16. **88/01298/FUL** Full Planning Permission was Approved on 20 October 1988 for Erection of new toilet block at Kinross Motor Auctions, Kinross.
17. **91/00949/FUL** Full Planning Permission was Approved On 7 August 1991 for Display of adverts (flags) at Kinross Motor Auctions, Kinross.
18. **96/00164/FUL** Full Planning Permission was Approved on 24 July 1996 for Change of use to car boot sale on Saturday from 8.00am to 2.30pm at Kinross Motor Auctions, Kinross.

19. [11/00260/FLL](#) Full Planning Permission was Approved on 8 April 2011 for Variation of condition 3 of previous consent (01/01440/FUL) to alter hours of operation.
20. [11/01014/FLL](#) Full Planning Permission was Approved on 26 July 2011 for Erection of a covered canopy and partial re-cladding of building.
21. [12/00967/FLL](#) Full Planning Permission was Approved on 5 July 2012 for Modification of existing consent (11/01014/FUL) to erect covered canopy extension and partial re-cladding of building.
22. [19/00653/FLL](#) Full Planning Permission was Approved on 3 September 2019 for Erection of 8 floodlights.

## **CONSULTATIONS**

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

### **External**

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Kinross Community Council
- Balado Airfield

### **Internal**

- Environmental Health (Noise and Contaminated land)
- Development Contributions Officer
- Community Greenspace
- Transportation and Development
- Structures and Flooding
- Waste Services
- Biodiversity Officer

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

24. The key considerations against which the eventual application will be assessed include:
  - a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape

- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

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

25. The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None  
Contact Officer: Kirsty Strong  
Date: 2 June 2023

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

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