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Council Building
2 High Street
Perth
PH1 5PH

27 May 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 05 June 2019** at **10:00**

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

KAREN REID
Chief Executive

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

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

Members:

Councillor Roz McCall (Convener)	Councillor Willie Wilson
Councillor Bob Brawn (Vice-Convener)	
Councillor Henry Anderson	
Councillor Bob Band	
Councillor Michael Barnacle	
Councillor Harry Coates	
Councillor Eric Drysdale	
Councillor Tom Gray	
Councillor Ian James	
Councillor Anne Jarvis	
Councillor Lewis Simpson	
Councillor Richard Watters	

Planning and Development Management Committee

Wednesday, 05 June 2019

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 8 MAY 2019 FOR APPROVAL AND SIGNATURE** **5 - 28**
(copy herewith)
- 4(1) MAJOR APPLICATIONS**
- 4(1)(i) 17/00950/IPM - BLACKFORD - MIXED USE DEVELOPMENT COMPRISING HOLIDAY ACCOMMODATION, SPA, RESTAURANTS, RETAIL, PUBLIC HOUSE, EVENTS SPACES, STORAGE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE, LAND NORTH WEST OF EASTERTON FARM, BLACKFORD** **29 - 66**
Report of Handling by Interim Development Quality Manager
(copy herewith 19/165) (Recommendation - Approve)
- 4(1)(ii) 18/02213/IPM - CRIEFF - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO AMEND CONDITION 1 (TIMESCALES FOR SUBMISSION OF APPROVAL OF MATTERS SPECIFIED BY CONDITIONS APPLICATION) AND CONDITION 3 (PHASING OF DEVELOPMENT) OF PLANNING PERMISSION 15/01237/IPM (MIXED USE DEVELOPMENT (IN PRINCIPLE)), LAND AT BROICH ROAD, CRIEFF** **67 - 94**
Report of Handling by Interim Development Quality Manager
(copy herewith 19/166) (Recommendation - Approve)
- 4(2) LOCAL APPLICATIONS**

- 4(2)(i) 19/00146/AML - BLAIRGOWRIE - ERECTION OF 3 DWELLINGHOUSES AND GARAGES (MATTERS SPECIFIED BY CONDITIONS 17/02057/IPL), LAND NORTH OF MORVICH HOUSE, GOLF COURSE ROAD, BLAIRGOWRIE** **95 - 118**
Report of Handling by Interim Development Quality Manager (copy herewith 19/167) (Recommendation - Approve)
- 4(2)(ii) 19/00377/FLL - PERTH - CHANGE OF USE OF HAIRDRESSERS (CLASS 1) TO CAFÉ (CLASS 3), LOUIS T'NEY HAIR AND BEAUTY, 8 WEST MAINS AVENUE, PERTH, PH1 1QZ** **119 - 132**
Report of Handling by Interim Development Quality Manager (copy herewith 19/168) (Recommendation - Approve)
- 4(3) PROPOSAL OF APPLICATION NOTICE (PAN)**
- 4(3)(i) 19/00001/PAN - ERROL - CHANGE OF USE FROM CLAY EXTRACTION PIT TO FORM EXTENSION TO CARAVAN PARK, FORMATION OF 9 HOLE PITCH AND PUTT COURSE AND ERECTION OF ANCILLARY MAINTENANCE SHED, AND FORMATION OF PARKING AREAS, FOOTPATHS, BOUNDARY TREATMENTS, LANDSCAPING AND ASSOCIATED WORKS, LAND EAST OF ERROL BRICKWORKS, ERROL** **133 - 142**
Pre-Application Report by Interim Development Quality Manager (copy herewith 19/169)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 8 May 2019 at 10.00am.

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

In Attendance: A Condliffe, D Niven, J Scott, L Akroyd, A Belford, G Bissett, P Calder, N Lennon and D Salman (all Housing and Environment); M Milne, B Reid and B Scott (all Education and Children's Services); G Fogg, L Potter and D Williams (all Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

. **WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

. **DECLARATIONS OF INTEREST**

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

. **MINUTES**

The minute of meeting of the Planning and Development Management Committee of 10 April 2019 (Arts. 171-175) was submitted, approved as a correct record and authorised for signature.

. **DEPUTATIONS**

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

Planning Application No.
19/00080/FLL
19/00113/FLL

Art. No.
*(2)(ii)
*(2)(iii)

APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/00202/AMM - ABERFELDY - Erection of 4 dwellinghouses (approval of matters specified in conditions 16/00478/IPM) (Phase 4), land south west of 8 The Beeches, Aberfeldy – Report 19/129 – Duntaylor Developments Ltd**

Resolved:

Grant, subject to the following direction, terms, conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.
Reason: In the interest of pedestrian and cycle safety.
3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 4 to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety, residential amenity.
4. Prior to the development hereby approved being completed or brought into use, all matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.
Reason: In the interests of pedestrian and traffic safety.
5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of

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management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety.

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

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

Reason: In the interests of pedestrian and traffic safety.

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

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duration of construction unless otherwise agreed in writing by 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.

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

9. 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.

10. All road gullies within 500m of the SUDs pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely prior to the occupation of the last dwellinghouse hereby approved.

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

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

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12. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.
Reason: In the interests of enhancing biodiversity.
13. Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted for the further written agreement of the Council as Planning Authority and thereafter undertaken in accordance with the approved details.
Reason: To ensure there is adequate provision for waste disposal and recycling.
14. The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period 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.
15. Prior to the commencement of development hereby approved, full details (layout and equipment specification) of the proposed play area shall be submitted for the further written agreement of the Council as Planning Authority in consultation with Community Greenspace. Thereafter the approved play area shall be completed prior to the occupation of the first dwellinghouses.
Reason: In the interest of residential amenity and ensure there is adequate provision of a children's play area.

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. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would

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constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the Development
 - Readily visible to the public
 - Printed on durable material
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is 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. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. Scottish Waters Records appear to show proposed infrastructure within the site. These records are indicative

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only and your attention is drawn to the disclaimer at the bottom of their consultation response. This is believed to be pipework that you as the developer are proposing to lay for this development. If this is not the case please submit plans/drawings to indicate the position of the new infrastructure. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

10. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
11. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
13. The applicant should satisfy themselves that there is no risk to the proposed development from the disused tip approximately south of the site. A watching brief during development is recommended.
14. No work shall be commenced until an application for building warrant has been submitted and approved.
15. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

(2) Local Applications

- (i) **17/02190/FLL - ABERNETHY - Erection of 39 dwellinghouses, formation of SUDS pond, car parking, landscaping and associated infrastructure, land at Southfield, Newburgh Road, Abernethy – Report 19/130 – Hadden Homes**

J Scott, Team Leader, delivered an update on proposed conditions, which were circulated to members prior to the meeting.

Motion (Councillors Councillor T Gray and W Wilson)

Grant, subject to the following direction, terms, conditions and informatives:

Conditions

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason: To ensure that the development is carried out in accordance with the plans approved.**
- 2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.**
- 3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
Reason: In the interest of pedestrian safety.**
- 4. Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.
Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.**

5. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
Reason: In the interests of residential amenity.
6. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (CTMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.The CTMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
Reason: In the interests of road safety.
7. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in

writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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

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

Reason: In the interest of protecting archaeological interest within the site.

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

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

10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall

remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

11. The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

12. 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.

13. Where it is intended to create a wetland/SUDs area wildlife kerbs shall be installed adjacent to all road gullies within 500 metres of wetland/SUDS.

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

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

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

15. Prior to the commencement of development hereby approved, details of the location and specification of the swift nest brick and bat roost bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift net bricks and bat roost bricks shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. For clarification the development shall incorporate the

swift nest bricks and bat roost bricks at eaves height in a minimum of 75% of all properties.

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

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

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

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

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

- 18. No development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details.**

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

- 19. No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority. Any Sustainable Urban Drainage Scheme should be designed with long term maintenance plans which meet the needs of the development. The use of the culvert under the railway for surface water drainage must be fully agreed with Network Rail. The development shall be**

carried out only in full accordance with such approved details.

Reasons: To protect the stability of the adjacent railway and the safety of the rail network.

20. No development shall take place on site until such time as a detailed scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Broad leaf deciduous species should not be planted adjacent to the railway boundary. All landscaping, including planting, seeding and hard landscaping shall be completed in accordance with the approved scheme.

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. To control the impact of leaf fall on the operational railway.

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

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

22. Prior to commencement of any other development at Plots 1 to 7, the 2 metre high acoustic bund and 1 metre high fence shall be installed along the western boundary of the site as approved in drawing reference 17/02190/29.

Reason: In the interests of residential amenity and to ensure the viability of employment use on the remainder of Site MU8 allocated in the Perth and Kinross local Development plan 2014.

23. The glazing of habitable rooms on the north-facing facades of plots 8 -18 shall have a minimum sound

reduction index of 35 dB, Rw+Ctr to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity preventing noise issues from the adjacent rail line.

24. No extensions or alterations, whether or not permitted by virtue of Schedule 1, Part 1, Class 1B, 1D and 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be constructed or erected on the rear elevations of Plots 1-7 (located on the western boundary).

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

Justification

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

Procedural Notes

Permission shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/02190/FLL.

The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

Informatives

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

control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is 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. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on

site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
13. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
14. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
15. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
16. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
17. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. 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.

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Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352

E-mail: AssetProtectionScotland@networkrail.co.uk

18. **There is a Section 75 legal obligation associated with this planning permission. A copy is available to view on the Council's [Public Access portal](#).**

Amendment (Councillors H Anderson and M Barnacle)

Refuse the application, as it is contrary to both Policy PM1B(B) and PM1B(C) of the Perth and Kinross Local Development Plan 2014, due to the design and density, and the impact upon local historic landmarks.

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

9 members voted for the Motion as follows:

Councillors Band, Brawn, Drysdale, Gray, James, McCall, Simpson, Watters and Wilson.

4 members voted for the Amendment as follows:

Councillors Anderson, Barnacle, Coates and Jarvis

Resolved:

In accordance with the Motion.

- (ii) **19/00080/FLL - KENMORE - Siting of 43 caravans, formation of landscaping and associated works, Mains of Taymouth, Kenmore – Report 19/131 – Mains of Taymouth Country Estate**

Mr Menzies, the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors E Drysdale and H Anderson)

Grant, subject to the following direction, terms, conditions and informatives in Report 19/131.

Amendment (Councillors W Wilson and I James)

Grant, subject to the following direction, terms, conditions and informatives.

Conditions

1. **The development hereby approved must be carried out in accordance with the approved drawings and**

documents, unless otherwise provided for by conditions imposed by this decision notice.

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

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

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

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further 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 and thereafter 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.

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

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

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

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

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
7. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.
Reason: In the interests of protecting environmental quality and of biodiversity.
8. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
Reason: In the interests of protecting environmental quality and of biodiversity.
9. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.
Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

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

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

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

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

- 13. Prior to the occupation of any of the caravans hereby approved, the applicant shall submit full details of the management rules/title deeds which links every caravan to the wider Mains of Taymouth Estate.**

These details shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of any of the caravans. This agreement between the Applicant (or successor) and the owner of each caravan shall be maintained in perpetuity.

Reason - To ensure the suitable occupancy of the caravan.

- 14. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests.**

The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds**
- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods**

- (c) **construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound**
- (d) **timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.**

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

Justification

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

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**
- 3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.**
- 4. An application for Building Warrant may be required.**
- 5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.**
- 6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds**

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

7. The applicant is 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.
8. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. 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.

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

6 members voted for the Motion as follows:
Councillors Anderson, Barnacle, Coates, Drysdale, Gray, McCall.

7 members voted for the Amendment as follows:
Councillors Band, Brawn, James, Jarvis Simpson, Watters and Wilson.

Resolved:

In accordance with the Amendment.

(iii) 19/00113/FLL - RATTRAY - Alterations and extension to building, Rattray Primary School, High Street, Rattray, Blairgowrie, PH10 7DG – Report 19/132 – Perth and Kinross Council

Mr Lister, on behalf of Rattray Parent Council, objects to the application, followed by Mr P Clader, Housing and Environment, Agent, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following direction, terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;

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- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>

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Perth and Kinross Council  
Planning & Development Management Committee – 5 June 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/165)

**PROPOSAL:** Mixed use development comprising holiday accommodation, spa, restaurants, retail, public house, events spaces, storage, landscaping and associated infrastructure.

**LOCATION:** Land North West of Easterton Farm, Blackford.

Ref. No: [17/00950/IPM](#)  
Ward No: P7- Strathallan

### **Summary**

This report recommends approval of the 'In Principle' application for a tourism-related mixed use development as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

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

- 1 The site is 104.4 hectares and located approximately 3km west of Gleneagles Hotel and 4km west of Auchterarder. The site is bound to the north, west and east by open countryside. A public road bounds the site to the south. Eight farm buildings and two associated residential dwellings are located on site and will be partially retained. There are small areas of forestry on site, in particular the eastern area and a band of trees along the southern boundary which is designated as ancient woodland. There are two small watercourses that run north-south through the site. The approved and implemented, but never fully completed, gWest golf course is located across this road further to the south. The site is bisected by two gas pipelines with one at the northern perimeter and the other close to the southern boundary. The masterplan illustrates the routes of both pipelines along with the associated lines of the inner, middle and outer consultation zones.
- 2 The site is currently farm land used for rough grazing. It has an existing farm access off public road on the southern boundary. This minor road runs between the A822 near Braco to the west and the A823 at Gleneagles and onwards to Auchterarder to the east.
- 3 The site is located outwith any settlement boundary, in a countryside location. Other than the aforementioned band of Ancient Woodland, there are no statutory natural heritage designations on the site. The Land Capability Classification for Agriculture map shows that the site comprises mainly Class 4.1 - mixed agriculture soils suitable for a narrow range of crops/predominantly

grass with some Class 3.2 soils. These soils are not classed as being prime agricultural land and are primarily used for grassland.

- 4 The application seeks In Principle permission for the creation of a rural leisure destination, comprising a range of accommodation types, facilities such as a spa, restaurants and a bar. The applicant, Gleneagles Hotel, is seeking to enhance its offer and increase the seasonality of activities at Gleneagles.
- 5 An indicative masterplan submitted in support of the application illustrates how the proposed development could be laid out. An accommodation schedule accompanying the masterplan sets out indicative levels of accommodation types and other uses with approximate floorspaces. The following uses are included:

#### **Accommodation**

- 24 x Steading Studio Apartments
- 35 x 1 Bed Cabin
- 35 x 2 Bed Cabin
- 14 x 3 Bed Cabin
- 7 x 4 Bed Cabin
- 1 x 7 Bed Cabin
- 56 x Safari Tents (Permanent)
- 43 x Tipi Tents (Seasonal)

**215 Total Units**

**305 Total Bedrooms**

#### **Facilities**

- 1 Gatehouse Building
- 1 Existing Cottage (Staff Use)
- 2 Event Barns
- 2 Restaurants
- 5 Workshops/Retail
- Guest Services building
- 1 Country Pub
- 1 Spa facility
- 1 Energy Centre
- 2 Storage Buildings

- 6 Originally an area for housing plots was included at the southern part of the site but this has since been dropped following advice that this element would not be supported. The indicative masterplan shows how all of the proposed elements can be accommodated within the middle third of the site that is not constrained by the pipelines. The existing Easterton farm cottage would be retained and used as ancillary to the leisure development. The other farm buildings on site would be demolished. The barns could cater for various activities such as weddings, parties, corporate events etc.

- 7 Access is proposed from the existing farm access at the southern boundary of the site. Car parking would be provided at the south eastern area of the site close to the entrance and guests would be transported from there to their accommodation or to the events spaces.

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

- 8 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **PRE-APPLICATION CONSULTATION**

- 11 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held locally on 22 March 2017. It was attended by approximately 31 people. The main issues raised were regarding transport, noise, light, ecology, archaeology, pedestrian and cycling routes.

### **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
  - 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: paragraph 269 - 291

## **Planning Advice Notes**

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- 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 65 Planning and Open Space
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

## **Designing Streets 2010**

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



### **Creating Places 2013**

- 18 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**

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

### **DEVELOPMENT PLAN**

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

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

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

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

- 22 The following sections of the TAYPlan 2016 are of particular importance in the assessment of this application.

### **Policy 2: Shaping Better Quality Places**

- 23 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 8: Green Networks**

- 24 Seeks to protect and enhance green and blue networks by ensuring that:
- Development does not lead to the fragmentation of existing green networks
  - Development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself.

- The provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

### **Policy 9: Managing TAYPlans Assets**

- 25 Seeks to respect the regional distinctiveness and scenic value of the TAYPlan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

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

### **Policy PM1A - Placemaking**

- 28 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

- 29 All proposals should meet all eight of the placemaking criteria.

### **Policy PM2 - Design Statements**

- 30 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3 - Infrastructure Contributions**

- 31 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy ED3 - Rural Business and Diversification**

- 32 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

### **Policy ED4B - Caravan Sites, Chalets and Timeshare Development**

- 33 Proposals for new or expanded transit and touring caravan and camping sites will be supported where they are compatible with placemaking policies. There shall be no presumption in favour of residential development if any of the above uses ceases.

### **Policy ED4C - Caravan Sites, Chalets and Timeshare Development**

- 34 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

### **Policy ED5 - Major Tourism Resorts**

- 35 The improvement or expansion of Major Tourism Resorts will be encouraged, and the landscape setting which is integral to their tourism offer will be protected.

### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 36 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 37 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF2 - Public Access**

- 38 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy HE1B - Non Designated Archaeology**

- 39 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE4 - Gardens and Designed Landscapes**

- 40 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

### **Policy NE1A - International Nature Conservation Sites**

- 41 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

### **Policy NE1B - National Designations**

- 42 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

### **Policy NE2A - Forestry, Woodland and Trees**

- 43 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 44 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 45 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

**Policy ER6 - Managing Future Landscape -Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes**

- 46 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

**Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 47 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

**Policy EP2 - New Development and Flooding**

- 48 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

**Policy EP3A - Water, Environment and Drainage**

- 49 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

**Policy EP3B - Water, Environment and Drainage**

- 50 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

**Policy EP3C - Water, Environment and Drainage**

- 51 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

**Policy EP4 - Health and Safety Consultation Zones**

- 52 Full account will be taken of advice from the Health and Safety Executive in determining planning applications for development within the consultation zones identified on the proposals and inset maps.

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

- 53 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 54 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 55 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 56 [17/00001/PAN](#) Proposal of Application Notice for mixed use development comprised of holiday accommodation, spa, restaurants, retail, public house, events spaces, residential dwellings, storage, landscaping and associated infrastructure. Content of PAN approved 15 February 2017
- 57 [17/00727/SCRN](#) EIA Screening request for leisure led mixed-use development Decision Issued 15 May 2017 – No EIA required.

## **CONSULTATIONS**

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

### **External**

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

- 59 No objection provided condition on de-culverting is applied.

**Scottish Natural Heritage (SNH)**

- 60 No objection provided remit of applicants Recreation Access Management Plan (RAMP) is fully adhered to prior to operation of the facility.

**Transport Scotland**

- 61 No objection.

**Historic Environment Scotland (HES)**

- 62 No objection.

**Scottish Water**

- 63 No objection.

**Forestry Commission Scotland (FCS)**

- 64 No response received.

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

- 65 No objection provided archaeology condition is imposed.

**National Grid**

- 66 No objection.

**Health and Safety Executive**

- 67 No objection.

**Blackford Community Council**

- 68 Expressed concern about potential light pollution; poor road condition and width; will be visible from the Ochil Hills; adverse impact on biodiversity; unrealistic traffic numbers and economic impact.
- 69 In addition they would like to see walking and cycling routes in area improved

**Braco and Greenloaning Community Council**

- 70 No response received.

**Auchterarder and District Community Council**

- 71 No response received.

## **Muthill and Tullibardine Community Council**

72 No response received.

### **Internal**

#### **Structures and Flooding**

73 No objection provided certain conditions regarding SUDs are applied.

#### **Biodiversity Officer**

74 No objection provided conditions on habitat protection are applied.

#### **Transport Planning**

75 No objection.

#### **Environmental Health**

76 No objection provided certain conditions on noise and air quality are applied.

#### **Strategy and Policy**

77 Supportive of proposal as complaint with LDP policy.

#### **Development Negotiations Officer**

78 No developer contributions required.

#### **Community Greenspace**

79 No response received.

#### **Commercial Waste**

80 No response received.

#### **Enterprise Team**

81 Supports the proposal as it will have a positive economic impact for Perthshire.

## **REPRESENTATIONS**

82 The following points were raised in the one representation received. These issues are addressed in the Appraisal section of the report:

- Contrary to LDP
- Inappropriate land use/out of character with area
- Over intensive development
- Flawed Transport Statement - Road safety concerns including congestion



- Adverse impact on biodiversity
- Exaggerated economic impact

## ADDITIONAL STATEMENTS

83

|                                       |                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                 | Not Required                                                                                                                                                                                                                                                                                                                  |
| Screening Opinion                     | Submitted                                                                                                                                                                                                                                                                                                                     |
| Environmental Impact Assessment       | Not Required                                                                                                                                                                                                                                                                                                                  |
| Appropriate Assessment                | Not Required                                                                                                                                                                                                                                                                                                                  |
| Design and Access Statement           | Not Required                                                                                                                                                                                                                                                                                                                  |
| Reports on Impact or Potential Impact | Planning Statement, Flood Risk Assessment, Recreational and Access Management Plan, Breeding Bird Survey, Transport Statement, Addendum Capacity Assessment, Pre-application Consultation Report, Economic and Tourism Report, Landscape and Visual Assessment, Noise Assessment, Cultural Heritage Report, Ecological Report |

## APPRAISAL

- 84 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYPlan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### Principle

- 85 The Perth and Kinross Local Development Plan 2014 does not allocate the site for any specific use class. As it is located outwith the settlement boundary of both Auchterarder and Blackford the site is classified as rural.
- 86 The proposed development is designed to meet the growing demand for holiday style accommodation in rural locations with easy access to outdoor pursuits such as hill walking, mountain biking, fishing etc. As the proposal is a rural tourism proposal associated with and in close proximity to Gleneagles Hotel Policy ED3 - Rural Business and Diversification; Policy ED4 - Caravan Sites,

Chalets, and Timeshare Developments; and Policy ED5 - Major Tourism Resorts are all applicable.

- 87 Gleneagles Hotel and its associated facilities is a major tourism resort and significant employment provider in the area. It plays a significant role in the local, national and international tourism economy. Policy ED5 supports the improvement or expansion of such resorts provided the landscape setting can be protected.
- 88 Policy ED4C supports new chalet type developments where it is clear they will not be used for permanent residential purposes. The location, layout, design, materials and supporting information contained within the application indicates that none of the proposed accommodation types will be used for all year round permanent residency. Control of the occupation of the accommodation is recommended to ensure this is achieved and as a consequence the proposal is considered to comply with Policy ED4C (Condition 32).
- 89 Policy ED3 Rural Business and Diversification supports the expansion of existing rural businesses and the creation of new ones. Sites outwith settlements may be acceptable if related to a site specific opportunity and contribute to the local economy through the provision of jobs, visitor accommodation and help extend the tourism season.
- 90 The proposed development is a significant expansion of Gleneagles Hotel tourist accommodation portfolio close to numerous outdoor activity pursuits at their own complex and others in the area. It is considered that the proposal and its location close to walking routes, fishing facilities etc. will help extend the tourism season. Based on the above it is considered that the proposal complies with LDP Policy ED3.

### **Design and Layout**

- 91 The proposed development will provide a complementary leisure experience to the Gleneagles Hotel. The design includes the development of 5 different types of accommodation, 2 event spaces, up to 2 restaurants, a pub, a spa facility and studio/workshop space alongside a gatehouse and associated car parking and ancillary buildings.
- 92 The proposed Gate House is located a few hundred metres off the public road and is where it is proposed that guests will transfer from their own car and be transported to their accommodation. The car park has been designed to be low impact so it should not spoil the rural aspect of the development or the surrounding countryside. The indicative masterplan does show it will impact the ancient woodland along the southern boundary. This is not acceptable but can be addressed during the detailed application stage.
- 93 The proposed restaurants, pub, spa workshops and events spaces have been designed to create a central hub for the development. It has been arranged around two courtyards to resemble traditional farm steading buildings.

- 94 Immediately west of the Hub is the first accommodation type, 2 storey studio apartments, also based around a steading type configuration and most will enjoy views of the Ochil Hills to the south. Permanent tents, designed in the style of a traditional “safari tent” are proposed to be located in clusters to the west of the Hub and studio apartments. These permanent tents which will sit on a raised deck platform and will contain bathroom facilities, electricity, and stoves etc.
- 95 The remainder of the cabins are arranged into clusters of 3 or 4 arranged around a social fire pit space and positioned to maximise views over the Ochil Hills to the South and Orchil Castle to the west and north west. The cabins are a mix of 1 to 4 bed accommodations.
- 96 Located centrally in the site the proposal is to create two small bodies of water (lochans) along the route of the western watercourse which will form part of a larger landscaped outdoor activity area. This area will be the central point for the leisure activities on the site including an area for swimming. Adjacent to the northern lochan is a proposed 7 bed lodge house.
- 97 A small public house is proposed to be located within proposed landscaped trees to the north of the site. To the north west of the site, within proposed landscaped trees, is a spa facility which includes a natural outdoor pool and indoor treatment rooms.
- 98 Seasonal camping, which will be in the form of temporary bell type tents is proposed at the north western corner of the site enjoying views toward Orchil Castle.
- 99 The development is expected to be delivered in phases over a number of years, being developed in phases in reaction to market demand. Therefore, a Direction extending the period for the submission of applications for the Approval of Matters Specified in Conditions (AMSC) from 3 years to 6 years is recommended. Overall, the proposed development will bring a modest change to the landscape setting but the planting of native trees and foliage will help soften the impact of the guest accommodation and activity areas. The tracks and roads are designed to be low impact and proposed in an informal nature in order to sit comfortably in a rural location. The proposal is considered to adopt good placemaking ideals as the design and siting respects the character and setting with a low impact proposal and thereby accords with LDP Policy PM1- Placemaking. The layout design will be given in detail as part of any subsequent application(s) for AMSC submitted, against the specific criteria recommended (Condition 3).

### **Landscape and Visual**

- 100 A Landscape and Visual Impact Assessment has been submitted in support of the planning application. By its very nature the proposed development will result in landscape and visual effects that will cause modest changes to local landscape character and affect views from certain locations.

- 101 The characteristics of the proposed development will be of a farmstead group of buildings located on agricultural grassland, together with small buildings dispersed amongst woodland and meadow settings.
- 102 There is significant existing screening from the public road to the south which will screen views from passing traffic. Structural woodland planting is proposed, particularly along the eastern boundary of the site. The main visual effects of development will be from the northern parts of the site.
- 103 The scale of buildings proposed will be of agricultural proportions for the hub area, so not uncommon in rural locations. The proposed lodges and the semi-permanent tents will be a feature that will be quite visible. The proposed woodland planting will be important in helping the new buildings settle into their setting as without it would appear very open with built development on it.
- 104 At the detailed design (AMSC) stage the applicant proposes to address the following:
- Confirmation of exact building materials
  - A rural approach to road engineering, with no kerbs and narrow carriageway;
  - Embedding of car parking and infrastructure within woodland planting on the eastern boundary;
  - Micro-siting of buildings and tents to respond closely to the topography, so that they do not appear uniform in layout or imposed upon the terrain;
  - Provision of biodiverse habitats at the transitions between woodland, meadow, wetland and pasture;
  - Minimisation of any cut and fill, to preserve the integrity of fluvial glacial deposition features and to reduce disturbance of soils and vegetation cover;
  - Variation in the orientation of roof gables, to reduce the visual massing of buildings;
  - Maintaining the existing strong boundary to the road, using drystone walls, hedging and woodland planting;
  - Avoiding conspicuous branding and signing at the roadside, which would be inappropriate to the rural setting and aspirations of the design;
  - Enhanced path will improve permeability and access in the countryside, subject to operational considerations;
  - Advanced establishment of tree planting early in the construction programme rather than at the end.
- 105 With such information properly integrated into the design process at the detailed stage, it is considered that the proposal will result in a site landscape offering diversity that has responded to the rural topography in a sensitive manner. The proposal will be integrated into the landscape and will not cause a significant adverse impact on the landscape character and therefore acceptable. As advised above, this will be considered in detail as part of AMSC applications against the specific criteria recommended (Condition 3).

## **Roads and Access**

- 106 A Transport Statement and an Addendum Capacity Assessment report has been submitted in support of the application and has been examined by both Transport Scotland and Transport Planning.
- 107 The Transport Statement provided data from a traffic survey that was carried out and has indicated that the nearby A823 road at the proposed development site was very lightly trafficked. A junction capacity assessment was also carried out that shows that the junctions in the area are all currently operating well within capacity. Given this, and Transport Planning's assessment of the data, they are content that the local road network will be able to satisfactorily cope with traffic generated by the proposed development.
- 108 Transport Planning also note that the applicant has re-iterated their commitment to making the development as sustainable as possible and has committed to extending the existing pedestrian footway from Gleneagles to the entrance of the development and to widening the 'Braco Road' to 6m in the vicinity of the development, together with working with the current bus operators to extend the current bus services to serve the proposed development. These commitments are welcomed and will help to facilitate more sustainable development to the site without impacting on the ancient woodland. The exact details of these improvements will be considered in detail for subsequent AMSC applications against the specified matter for road widening/improvement and footpath provision (Condition 3(v)).
- 109 At this stage of the planning process the proposal is considered to comply with LDP Policy TA1 - Transport Standards and Accessibility Requirements. Consideration of policy consideration will be further assessed at the detailed design stage.

## **Drainage and Flooding**

- 110 A Flood Risk Assessment (FRA) has been submitted in support of the application and this has been assessed by both SEPA and the Council's Structures and Flooding Team. Both SEPA and Structures and Flooding initially objected due to a lack of information on flood risk. An updated Flood Risk Assessment was submitted in February 2019.
- 111 Both SEPA and the Council's Flooding section have reviewed this further information and are now in a position to remove their objections subject to specific planning conditions being applied with any decision notice.
- 112 The updated FRA describes several flood risk factors affecting the proposed development. There are several areas of proposed development that are situated in areas of possible overland flood risk. These include the Cabin Cluster D, Camping Concept 1 Zone C, Cabin Cluster E (especially the Family unit [065]) and the Family unit (091) in Cabin Cluster G. The affected units will be moved out of the flow accumulation areas or details provided showing how the overland flow of water will be handled in these areas. Finished Floor Levels (FFL) will be required to be at least 600mm above ground level in these areas,

with the structures designed to be flood resilient. The vehicular access road in this area will also need to be shown to be passable in these areas for emergency access (Condition 27).

- 113 Various swales and interception trenches are proposed to capture and divert overland flow around the accommodation clusters and appear appropriate in principle. A surface water flood map and animation will be required to be produced at the detailed planning stage to show how the flood waters would flow across the site, taking into account the proposed overland flow interception and diversion interventions. This would show exactly where the cabins and camping pitches should be located and the effectiveness of the interventions.

#### Watercourse 1

- 114 There were several issues involving Watercourse 1 (western) as there was a lodge (no. 92) shown on the masterplan built on top of the tributary. This lodge was required to be moved out of the functional floodplain and have a FFL of 600mm above the 1:1000 year +20% Climate Change (CC) flood water level.
- 115 The revised masterplan and updated FRA shows the lodge is relocated out of the floodplain. The FRA suggests a buffer zone of 6m between any watercourse bank and any building/plot. In principle this is considered to be acceptable.
- 116 To reduce the flood risk caused by the overtopping of the tributaries W1-T1 and W1-T2 at their respective culverts, the culverts will need to be resized to accommodate the 1:200 year +20% CC flood flows (Condition 23).

#### Watercourse 2

- 117 There is a preference for Watercourse 2 (eastern) to be de-culverted to reduce the flood risk from overtopping and the applicant has agreed to look into the de-culverting of this watercourse at the detailed stage. In this case the access road culvert should still be resized to accommodate the 1:200 year +20% CC flood flows (Condition 23).

#### New Lochans

- 118 There are several new lochans in the Masterplan, and further details will be submitted at the detailed planning stage (Condition 25).

#### Surface Water Drainage

- 119 A surface water drainage design plan showing the proposed SUDs layout will be provided at the detailed planning permission stage to ensure there is no flood risk elsewhere in the area (Condition 26).

## **Cultural Heritage**

- 120 A Cultural Heritage Assessment was submitted in support of the application and has been assessed by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT).
- 121 HES have assessed the proposal and the potential for it to affect the nearby Gleneagles Hotel and Golf Courses Garden and Designed Landscape. They have considered the information received and do not have any comments to make on the proposals.
- 122 PKHT have confirmed that while there are no known archaeological sites within the proposed development site, the proposed development site lies within an area that is considered to have archaeologically potential, given the proximity of the development site to the remains of an extensive later prehistoric settlement discovered at the adjacent G West Golf Course, 500 metres to the southeast of the proposed site and an ancient fort 400 metres to the north west. The evaluation and subsequent excavation at the golf course revealed extensive remains of later prehistoric settlement activity.
- 123 Given the record of archaeological discoveries in the area, it is recommended that an archaeological evaluation should take place to assess the presence/absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits. This will be required to ensure the proposal complies with LDP Policy HE1B - Non Designated Archaeology (Condition 16).

## **Natural Heritage and Biodiversity**

- 124 Initially an Ecology and Protected Bird Survey was submitted in support of the application and have been reviewed by both SNH and the Council's Biodiversity Officer.
- 125 The Biodiversity Officer commented that the site is predominantly pasture grazing farmland with some woodland and hedgerows with trees of varying quality. The submitted Preliminary Ecological Assessment (PEA) is considered to be acceptable for an 'In Principle' application. It will therefore be necessary to provide updated comprehensive habitat and protected species surveys with any further applications for this development, or each phase of the development, as the validity of surveys is limited by time (Conditions 3 (xiv), 4, 5, 6, and 7).
- 126 The existing farm buildings located in the south east corner of the site are proposed to be demolished. The PEA identifies the 'significant bat roost potential' and these will require to be re-surveyed during the bat activity season as part of the requirements for detailed surveys for any further detailed planning applications for the site (Conditions 3 (xiv) and 4). This will ensure that demolitions or other demolitions will not have an unacceptable impact on bats.

- 127 The submitted bird survey is dated July 2017 and further surveys will be required for any detailed applications (Conditions 3 (xiv) and 5). Geese were found to be grazing the pastures to varying degrees over the winter months, the proposed development may displace them to other areas.
- 128 Any vegetation removal should be undertaken outside of the bird breeding season to avoid disturbance of breeding birds. If not possible a pre-commencement survey prior to the vegetation clearance should be carried out by a suitably qualified ecologist (Condition 10).
- 129 Any trees on site which are to be felled will need to be re-assessed for bat roost features and the appropriate bat surveys should be undertaken prior to felling of trees (Conditions 3 (xiv) and 4).
- 130 The PEA indicates a commitment to produce and implement a Biodiversity Action Plan for the site. This is supported and should be provided with any future application for the site (Condition 7).
- 131 A development of this scale offers opportunities to provide suitable nest/roost sites for particular bird species and bats. It is therefore recommended that a proportion of all 2 storey properties should incorporate nest boxes and bat roosts to provide suitable habitats (Condition 13).
- 132 SNH initially objected to the proposal regarding the potential impact on to the pink-footed geese, greylag geese and waterfowl assemblage of the South Tayside Goose Roosts SPA located 1.2km south west of the proposed site from disturbance due to increased public access to the SPA.
- 133 They also expressed concern regarding the potential impact on Carsebreck and Rhynd Lochs SSSI wetland features located 1.2km south west of the proposed site through pollution due to mitigation agreed with SEPA for the treatment of any waste water drainage.
- 134 A detailed Recreation and Access Management Plan (RAMP) was requested and this was submitted in August 2018. SNH have now confirmed that the measures contained in the RAMP are sufficient to allow them to withdraw their objection in relation to the issue of disturbance of the nearby SPA interests.
- 135 SNH also advise that the measures contained in the RAMP confirm there will be no adverse effect on the integrity of the protected features of South Tayside Goose Roost SPA.
- 136 SNH do advise, for the Council to have a high degree of certainty of 'no Adverse Effect on Site Integrity (AESI)', it should be explicit in any planning consent that all the relevant RAMP measures (i.e. works on all tracks, signage, planting, reduction of car parking etc.) are all implemented completely before operation of the facility can begin (Condition 8).
- 137 Implementation of these measures also needs to take account of the presence of wintering geese and be done between May and September or 1 hour after dawn to 1 hour before dusk during the period October to April.



- 138 As noted in the RAMP, implementing some of the mitigation is also likely to require discussions and agreement from the landowner of the SSSI. SNH advise that a programme of action should be drafted between the Council and the applicant to achieve the mitigation (Condition 9).

### **Noise and Air Quality**

- 139 A Noise Assessment and Sustainability Statement has been submitted in support of the application and has been assessed by Environmental Health.

#### Construction Noise

- 140 Environmental Health have confirmed there is the potential for existing residential properties to be affected by noise and dust during the construction stage of the development from plant/machinery and increased vehicle movements to the site. They recommend that a Construction Management Plan is submitted and approved prior to the commencement of the development which forms part of this recommendation (Condition 19).

#### Road Traffic Noise

- 141 The Noise Assessment concluded that the only area to be affected by road traffic noise is the 'Camping Concept 1 Zone A' and the report recommends that either an earth bund or acoustic barrier will need to be installed to screen this area from the main access road to the resort site. Environmental Health consider that it is acceptable for the noise impact to be reassessed as part of any detailed application and require the provision of appropriate mitigation where necessary to protect the amenity of the residential units and camping areas (Condition 17).

#### Entertainment Noise

- 142 The Noise Assessment concluded that existing noise sensitive properties (Westervale/ Orchill House & Whitehills) would not be adversely affected from entertainment noise from proposed event barns. The assessment also concluded that certain assumptions have been made such as the barns construction materials and thus the sound installation properties of these materials are unknown at this stage. The actual hours of operations of the event barns are also unknown. It is recommended that once this information is available at the detailed design stage that the Noise Impact Assessment (NIA) model should be updated to give a more accurate noise assessment (Condition 17).

#### Plant/Equipment Noise

- 143 The applicant's Sustainability Statement outlines arrange of options such as air conditioning and ventilation, heat recovery, space heating and cooling which will be considered at the detailed design stage. Environmental Health advise there is the potential for noise from such plant equipment to affect the residential amenity of existing dwellinghouses. They therefore recommend that any plant

or equipment associated with the development be taken into account when the NIA is reassessed at the detailed design stage (Condition 17).

### Wood Burning

- 144 The Sustainability Statement also outlines that there is the option of fire pits and wood burning stoves to be installed or available in association with the cabin accommodation with the development. If a large number of these were available as part of the development it could have an impact on the air quality levels around the development area. If it is indeed the intention that a large number of stoves are to be installed and fire pit areas available, the effect on local air quality must be assessed as part of any detailed application (Condition 18).

### **Pipelines**

- 145 The proposed site is bisected by two gas pipelines, one to the north and one to the south. The masterplan illustrate the lines of both pipelines along with the associated lines of the inner, middle and outer consultation zones. The issues relating to the gas pipeline were discussed with the Council during the pre-application phase. The applicant met with the Health and Safety Executive, and this included a full site walkover and discussion. At this meeting a full discussion was had regarding the masterplan and the positioning of the various uses with the linear consultation zones around the pipelines.
- 146 Of the two gas pipelines on site, only the potential seasonal camping area is in the outer consultation zone of the northern pipeline. No development is proposed here and so does not require to be considered against the HSE guidance.
- 147 The applicant's discussion with the HSE focused primarily on the pipeline running through the middle of the site. Appendix 1 of the applicants Planning Statement contains a written account by the HSE of the meeting. This letter demonstrates the compliance of the proposal with the HSE's Land Use Planning Methodology, which is a document that sets out the broad uses and relative intensities of use that are acceptable within the various inner, middle and outer consultation zones of a pipeline.
- 148 A couple of potential issues were brought to light. Firstly, the positioning of the hub and events space was moved further north as a result of HSE's advice, taking it out of the middle consultation zone altogether. Secondly the configuration of the car parking and drop-off areas has been modified. This was directly raised as a safety issue and it was decided to relocate any parking and drop off areas away from the inner consultation zone and the direct line of the gas pipeline.
- 149 The updated masterplan is acceptable to the HSE as full cognisance has been taken of the advice provided by the HSE. The Proposed Development is now considered to be compliant with LDP Policy EP4 - Health and Safety Consultation Zones.

## **Developer Contributions**

- 150 The Council's Developer Contributions Officer has assessed the applicants Transport Statement and the Addendum Capacity Assessment which identifies that the road network can accommodate the proposed development and the trips generated would be off-peak. No specific impact on the Loaninghead junction has been identified and the applicants have identified a commitment to sustainable development including working to extend the bus route to the site and extending the footpath from Gleneagles Village to the site. As a result no contribution towards the A9 Junctions will be required.

## **Economic Impact**

- 151 The applicant submitted an Economic Impact Assessment in support of the application and this has been assessed by the Council's Economic development team.
- 152 In general terms, capital investment in a development of this nature is to be welcomed. There is a clear fit with the national tourism strategic objective of encouraging investment in new, high quality accommodation and the Council's tourism plan specifically recognises that ongoing investment in improving facilities is essential for the development of quality products that allow Perthshire compete in an increasingly competitive destination market place.
- 153 This particular development would have a well-established upscale brand behind it and would appear to be on trend in terms of its offer and positioning as an outdoor tourism destination.
- 154 The report describes the potential impact on the economy at the Perth and Kinross and Scotland levels and estimates that the construction phase of development would support the creation of an additional 188 temporary jobs during construction as well as 64 additional permanent jobs once the resort is operational.
- 155 The operational and visitor impacts (including net additional expenditure) have largely been based on supply side information with certain assumptions made regarding occupancy, length of stay, expenditure per person etc. The report estimates that once it is operational the guests at the resort would generate net additional annual expenditure of £3.4 million. Much of this will relate to accommodation and on site expenditure. The report further estimates that a proportion of expenditure in relation to 'eating/drinking', 'shopping' and 'entertainment' would be spent off site in the wider Perth and Kinross economy, amounting to £699,000 per annum. The estimated outcomes are considered reasonable.
- 156 The report provides a useful indication of the potential positive impacts that the resort would have on the local and national economy. Taking this information into account, and having considered how this proposed resort development would support wider strategic tourism considerations, Economic Development consider that it would bring a welcome addition to the Perthshire destination offer.

## **LEGAL AGREEMENTS**

- 157 None required at this stage.

## **DIRECTION BY SCOTTISH MINISTERS**

- 158 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**

- 159 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development represents a significant expansion of the tourist accommodation portfolio in the area and close to numerous outdoor activity pursuits at Gleneagles itself and others in the area. It is considered that the proposal and its location will help extend the tourism season and have positive impact on the local economy. The proposed development will have a modest visual impact on the landscape but with planting of native trees and foliage will help soften the impact of the guest accommodation and activity areas. The proposal is considered to adopt good placemaking ideals as the design and siting respects the character and setting with a relatively low impact proposal.
- 160 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.
- 161 Accordingly the proposal is recommended for approval subject to the following direction and conditions.

## **RECOMMENDATION**

### **A DIRECTION**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

### **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 2013 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. The masterplan and numbers as submitted is purely indicative and is not approved.

Reason: The application is for planning permission in principle only at this stage and details of a layout would be considered in subsequent applications for the Approval of Matters Specified in Conditions.

3. 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 'Approval of Matters Specified Condition' (AMSC)) have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) an updated masterplan and a phasing plan;
- (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; details of all cut and fill operations;
- (iii) the siting, design, height and external materials of all buildings, structures, roads and camping areas;
- (iv) the details of all accesses, roads, car parking, footpaths, cycleways, path connections throughout the development;
- (v) the details of public road widening/improvement and footpath improvement/connection with Gleneagles Hotel and Auchterarder;
- (vi) details of any screen walls/fencing to be provided
- (vii) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (viii) details of all landscaping, structure planting and screening associated with the development of each site;
- (ix) the lighting of all roads and paths;
- (x) the layout of any play areas and the equipment to be installed;
- (xi) details of watercourse alignments and any de-culverting
- (xii) full details of the proposed means of disposal of foul and surface water from the development;
- (xiii) details of car charging points to be provided within the car park;
- (xiv) updated ecological/biodiversity/protected species/breeding bird survey;
- (xv) submission of Construction and Environment Management Plan (CEMP);
- (xvi) archaeological assessment;
- (xvii) noise assessment; and
- (xviii) air quality assessment.

Reason - To ensure that the matters referred to within this Planning Permission is Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).

4. In pursuance of Condition 3 (xiv), a detailed protected species survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

5. In pursuance of Condition 3 (xiv), a detailed breeding bird survey covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

6. In pursuance of Condition 3 (xiv), an updated ecology report covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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).

7. In pursuance of Condition 3 (xiv), a biodiversity action plan covering the site shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall include appropriate mitigation to protect any identified species.

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

8. Prior to the operation of the facility, all the relevant measures stated within the applicant's Recreation and Access Management Plan (RAMP) shall be fully implemented. For the avoidance of doubt, the implementation of these measures needs to take account of the presence of wintering geese and be done between May and September or 1 hour after dawn to 1 hour before dusk during the period October to April.

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

9. Prior to the operation of the facility, and as noted in the RAMP, a programme of mitigation shall be submitted to and for the approval of the Planning Authority in consultation with SNH.

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

10. No site clearance or removal of vegetation, including trees and shrubs will take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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. As part of any application for the Approval of Matters Specified by Condition (AMSC), measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be incorporated within proposals and, once approved, implemented for the duration of the construction works of the development. 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. In pursuance of Condition 3 (viii), where it is intended to create semi-natural habitats, a detailed native species planting proposal shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

13. In pursuance of Condition 3 (iii), as part of any application for the Approval of Matters Specified by Condition (AMSC), details of the location and specification of swift brick(s) and bat nest box(s) shall be incorporated in to the submitted application for the approval in writing by the Council as Planning Authority. Thereafter, the swift brick(s) and bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation/operation of the relevant building.

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).

14. In pursuance of Condition 3 (iii and viii), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to any work starting, on the relevant parts of the site, a tree survey shall be submitted to identify all trees on site, all trees to be retained, including ancient woodland, as identified in the submitted surveys. Thereafter, all trees to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the 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 consent of the 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.

15. In pursuance of Condition 3 (xv), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity.

16. In pursuance of Condition 3 (xvi), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In the interest of protecting archaeological interest within the site

17. In pursuance of Condition 3 (xvii), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interest of residential amenity.

18. In pursuance of Condition 3 (xviii), should any wood burning stoves /flues and fire pits be proposed, an air quality assessment shall be required to be



submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The report shall assess the impact of these facilities on the air quality of the environs.

Reason: In the interest of residential amenity and air quality.

19. In pursuance of Condition 3 (xvii and xviii) a Construction Management Plan (CMP), detailing pollution prevention, control and mitigation measures for noise and dust shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interest of residential amenity.

20. In pursuance of Condition 3 (iv), a plan of public access across the site (existing, during construction & upon completion) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall illustrate:
- a) all existing paths, tracks & any (including proposed) rights of way.
  - b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - c) all paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
  - d) any diversions of paths - temporary or permanent- proposed for the purposes of the development
  - e) the detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

21. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the approved phasing plan.

Reason: To ensure the implementation and completion of the proposed development

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;

- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: To mitigate the adverse impact of development traffic.

23. In pursuance of condition 3 (xi) full details and method statements of any proposed de-culverting of watercourses shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: To prevent flood risk.

24. As required by condition 3 (xii), storm water drainage from all hard surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.

25. In pursuance of condition 3 (xii), full drainage calculations and the final layout and depth of the proposed lochans and associated infrastructure shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.

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

26. As required by condition 3 (xii), the developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

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

27. In pursuance of Condition 3 (ii) and (iii), any application for the Approval of Matters Specified by Condition (AMSC) shall detail that the Finished Floor Level of all properties shall be a minimum of 600mm + 20% Climate Change above the 200 year flood level.

Reason: To reduce the risk of flooding.

28. In pursuance of condition 3 (xii) details of the soffit level of any bridges or culverts shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: To reduce the risk of flooding.

29. In pursuance of condition 3 (xii), details of the foul drainage system shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). For the avoidance of doubt foul drainage from the site shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant.

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

30. In pursuance of condition 3 (viii), the hard and soft landscaping scheme, including woodland shelter planting, submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation including ancient woodland 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 play 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.

31. In pursuance of Condition 3 (xvi), a site specific plan, detailing bin storage areas, collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interests of the sustainable disposal of waste.

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

Reason: In order to clarify the terms of the permission; to control and restrict the use of the buildings.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None required at this stage.

## **D 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
4. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
6. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
8. Please consult the Street Naming and Numbering Officer, Housing and Environment, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
9. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
12. The applicant should be advised that a caravan and camping licence is required in terms of Section 1 of the Caravan Sites and Control of Development Act 1960

and therefore an application should be made to The Environment Service (Environmental Health) if planning consent is approved.

13. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
14. Please contact Scottish Water as further investigations may be required to be carried out as there is a 12" Trunk Water Main running through this site.
15. No works are to be undertaken in the vicinity of the gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place with the operator (Ineos).

Background Papers: 1 letter of representation  
Contact Officer: Steve Callan  
Date: 23 May 2019

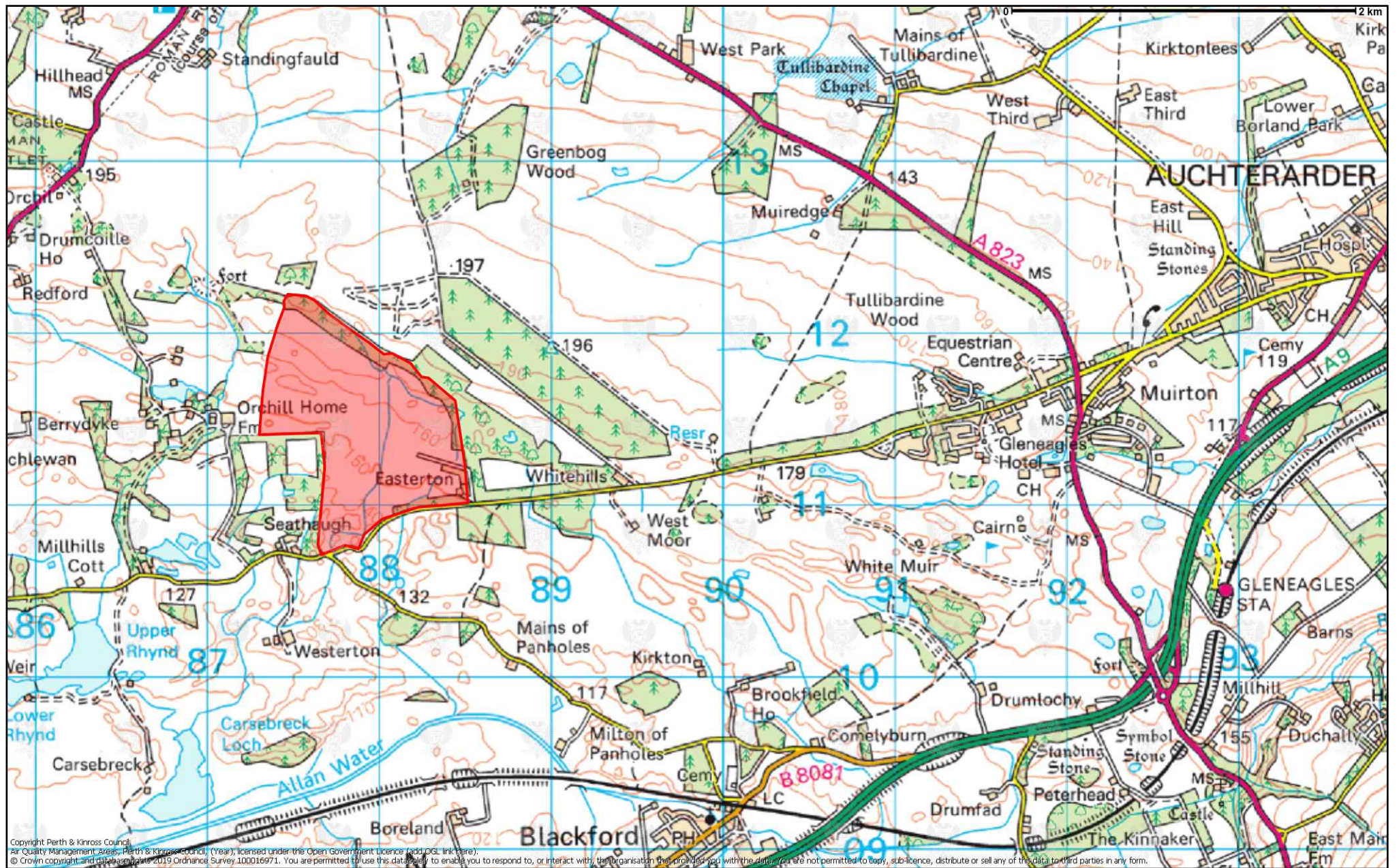
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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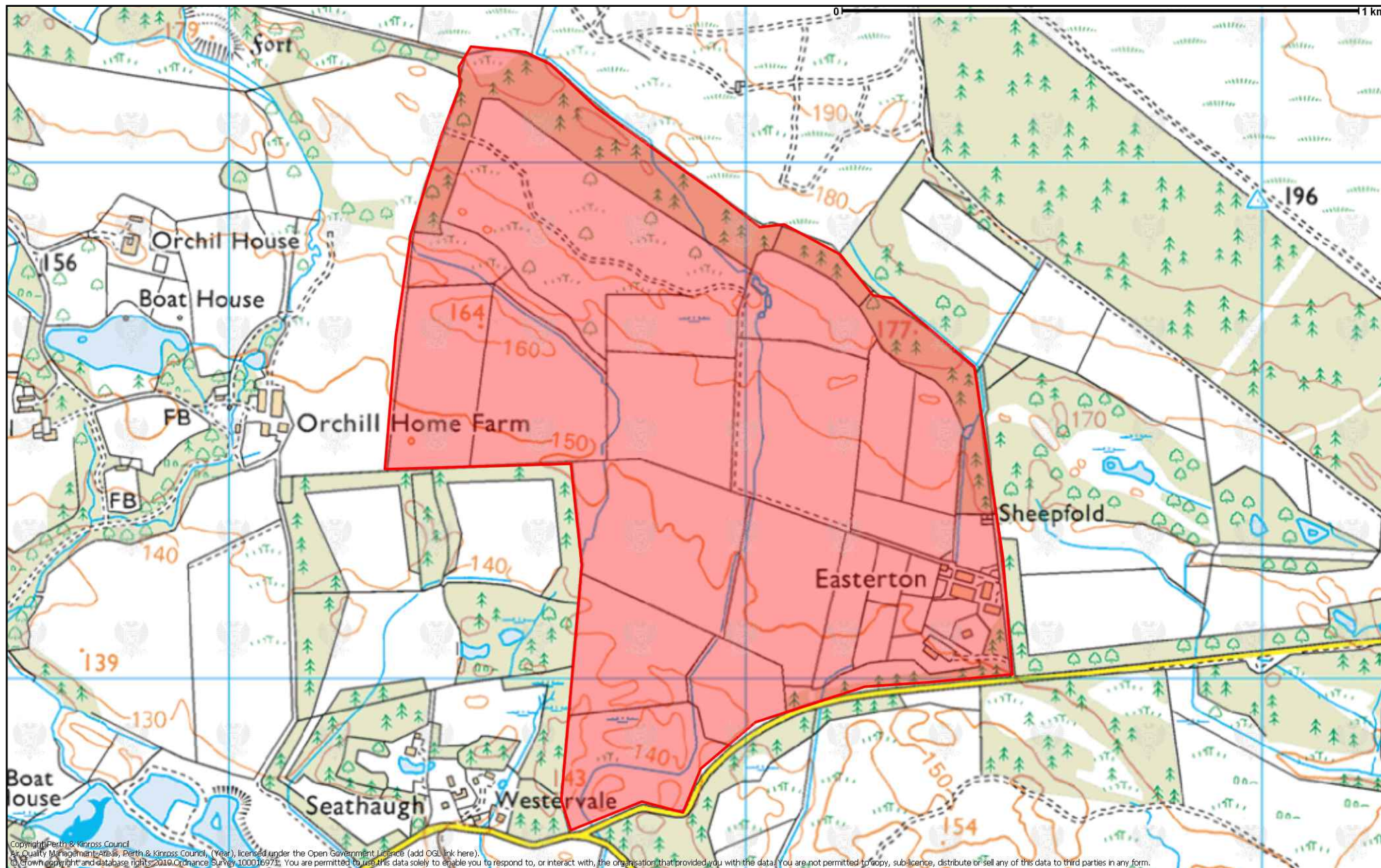
17/00950/IPM

Land 400 Metres North West Of Easterton Farm, Blackford









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17/00950/IPM

Land 400 Metres North West Of Easterton Farm, Blackford





Perth and Kinross Council  
Planning & Development Management Committee – 5 June 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/166)

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and Condition 3 (phasing of development) of planning permission [15/01237/IPM](#) (mixed use development including residential, employment, open space, amenity landscaping, formation of access roads, footpaths and cycle ways, associated drainage works and ancillary facilities (in principle)).

**LOCATION:** Land at Broich Road, Crieff.

Ref. No: [18/02213/IPM](#)  
Ward No: P6 - Strathearn

### Summary

This report recommends approval of the application for variation of Conditions 1 and 3 of permission 15/01237/IPM to allow additional time for the submission of applications for the Approval of Matters Specified in Conditions, and to alter the phasing of development on land at Broich Road, Crieff.

The development is considered to accord with the provisions of the Development Plan and is recommended for approval, subject to conditions.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is located to the south of Crieff and comprises approximately 36.7 hectares of mainly flat agricultural grassland. The northern boundary of the site is formed by Broich Road and the rear of some properties and businesses including Broich Road Farm, Wiltshire Farm Foods and Arnbro Caravan Site. Across the road is Crieff Primary School and Crieff Community Campus. The southern boundary mostly follows the line of a woodland corridor which incorporates a Category B-listed building (outwith the site boundary) known as Broich House, with the River Earn running in a south easterly direction further to the south. South east of the site boundary lies Perth and Kinross Council's Recycling Centre at North Forr.
- 2 Within the site itself, an area of around 10.8 ha is associated with the Scheduled Monument known as Broich Cursus, ring-ditch, barrow and palisade. Although within the planning redline boundary this area is proposed to be excluded from physical encroachment and will form landscaped open space with physical protection for the Scheduled Monument.



- 3 The site forms the majority part of a 46 ha site designated for mixed use development (Ref MU7) within the current Perth and Kinross Local Development Plan (LDP). The LDP acknowledges the potential for 300+ residential units, employment land, open space and amenity landscaping.
- 4 In December 2015, In Principle Planning Permission ([15/01237/IPM](#)) was approved for mixed use development including residential, employment, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.
- 5 Following the granting of the In Principle Planning Permission, Ogilvie Homes, has been confirmed as the lead developer for the residential element of the site and they are intending to submit an application for Approval of Matters Specified in Conditions ("AMSC") for the first phases of residential development of the site soon. The permission, however, requires that AMSC applications must be submitted within 3 years; before December 2018.
- 6 Therefore, to facilitate the submission of AMSC applications beyond the existing time period, the applicant is seeking to vary the terms of the existing permission under Section 42 of the Town and Country Planning (Scotland) Act 1997 to extend the submission timescales (which Condition 1 of 15/01237/IPM refers). The proposed variation to the condition will extend the timescales of the permission to December 2025, allowing sufficient time for the AMSC application(s) to be prepared, submitted and determined by the Council.
- 7 Alongside this, the applicant is seeking to change the phasing requirements of the construction programme which relates to the timing for the servicing of the employment land, erection of dwellinghouses and the provision of structural planning (Condition 3 of 15/01237/IPM refers). The proposed changes are as follows:
  - (i) *Phase 1 and 2 of the employment land development must be fully serviced before the occupation of the 100th open market residential dwelling;*
  - (ii) *Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the latter;*
  - (iii) *the structure planting required must be planted along the site boundary with the Arnbro caravan site during the planting season immediately following the commencement of the development.*

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

- 8 An EIA was submitted with the 15/01237/IPM application. The applicant has submitted an up-to-date EIA Addendum for this S42 application, which assesses the implications of the proposals. The original Environmental Statement, and this Addendum cumulatively form the EIA Report for considering this EIA development. This assessment concludes that the impacts arising from this development have not changed from the original EIA development.

## **PRE-APPLICATION CONSULTATION**

- 9 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, does not require Pre-application Consultation for Section 42 applications which relates to a 'major planning applications' made on or after the 3 February 2013.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Sustainable Transport and Active Travel: paragraphs 269-291

### **Planning Advice Notes**

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

### **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 2014.

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

- 17 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. 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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 1: Locational Priorities**

- 19 Seeks to focus the majority of development in the region’s principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

### **Policy 2: Shaping Better Quality Places**

- 20 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 4: Homes**

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

## **Policy 6: Developer Contributions**

- 22 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## **Policy 8: Green Networks**

- 23 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
  - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
  - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

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

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

### **Policy PM1A - Placemaking**

- 26 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

- 27 All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

- 28 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are

reasonably related to the scale and nature of the proposed development are secured.

#### **Policy ED1A - Employment and Mixed Use Areas**

- 29 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

#### **Policy ED1B - Employment and Mixed Use Areas**

- 30 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

#### **Policy RD1 - Residential Areas**

- 31 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **Policy HE1A - Scheduled Monuments**

- 32 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

#### **Policy HE1B - Non Designated Archaeology**

- 33 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

#### **Policy HE2 - Listed Buildings**

- 34 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.



### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 35 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

### **Policy EP2 - New Development and Flooding**

- 36 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP11 - Air Quality Management Areas**

- 37 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 38 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy NE2A - Forestry, Woodland and Trees**

- 39 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 40 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 41 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

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

- 42 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 43 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 44 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 45 [14/00455/SCRN](#) EIA Screening Request for mixed use development. Decision issued April 2014. EIA required.
- 46 [14/01198/SCOP](#) EIA Scoping Request for mixed use development. Decision issued August 2014.
- 47 [14/00005/PAN](#) Mixed use development including residential, employment, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Content of PAN approved August 2014.
- 48 [15/01237/IPM](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Application approved by Development Management Committee December 2015.

## **CONSULTATIONS**

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

### **External**

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

50 No objection.

#### **Historic Environment Scotland (HES)**

51 No objection.

#### **Scottish Natural Heritage (SNH)**

52 No objection.

#### **Royal Society of Protection of Birds (RSPB)**

53 No response received.

#### **Transport Scotland**

54 No objection.

#### **Scottish Water**

55 No objection.

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

56 No objection.

#### **Perth and Kinross Community Health Partnership**

57 No response received.

#### **Muthill and Tullibardine Community Council**

58 No response received.

#### **Crieff Community Council**

59 No objection to the proposed change to Condition 1 but objects to proposed change to Condition 3 as it will result in a delay in the employment land being delivered.

- 60 Concern was also expressed regarding traffic safety on Broich Road and would like a road improvement scheme implemented prior to any further planning permissions being granted.

**Tay Salmon Fisheries Board**

- 61 No response received.

**Internal**

**Structures and Flooding**

- 62 No objection.

**Development Negotiations Officer**

- 63 No objection.

**Community Waste**

- 64 No response received.

**Transport Planning**

- 65 No objection.

**Environmental Health**

- 66 No objection.

**Land Quality (Contaminated Land)**

- 67 No objection.

**Community Greenspace**

- 68 No response received.

**Strategy and Policy**

- 69 No objection.

**Biodiversity Officer**

- 70 No objection.

**REPRESENTATIONS**

- 71 No representations received other than that from Crieff Community Council.

## ADDITIONAL STATEMENTS

72

|                                                |                                                        |
|------------------------------------------------|--------------------------------------------------------|
| Environment Statement                          | Addendum EIA submitted                                 |
| Screening Opinion                              | EIA Required                                           |
| Environmental Impact Assessment                | Required                                               |
| Appropriate Assessment                         | Not Required                                           |
| Design Statement / Design and Access Statement | Not Required                                           |
| Reports on Impact or Potential Impact          | Planning Supporting Statement, Marketing Reports (x 2) |

## APPRAISAL

### Policy

- 73 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires 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 Plans that are applicable to this area are the TAYplan Strategic Development Plan 2016 – 2036 as well as Perth and Kinross Local Development Plan 2014.
- 74 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached.
- 75 The determining issues in this case are whether: the development without compliance with part of the condition in contention would be consistent with the relevant provisions of the Development Plan; or if an exception to these provisions is justified by other material considerations.
- 76 This application is for the variation of Conditions 1 and 3 of planning permission 15/01237/IPM.

### Principle

- 77 Since the approval of the 2015 application there has been a Development Plan change with the adoption of TAYplan 2016-2036 and the Perth and Kinross Local Development Plan 2014. Notwithstanding this change the principle of mixed use development is still maintained under the allocation MU7 in the LDP. The proposed variation of the condition to extend the time to commence development is considered to accord with the updated Development Plan.

### Condition 1

- 78 Town and Country Planning (Scotland) Act 1997, paragraph 59 states that every In Principle planning permission granted will automatically be deemed to have a 3 year time limit for submission for the associated Approvals of Matters Specified by Condition (AMSC) application(s).

- 79 However, in this instance because of the scale of the site, it is likely to result in AMSC applications beyond the 3 year time period, and consequently, the applicant has requested a 10 year period in which to submit these applications for the overall site. In this instance it is agreed that the 10 year period requested is an acceptable timescale for the necessary approvals to be in place to deliver this important site in Crieff. However rather than a 10 year condition it is considered best practice to apply a direction of 10 years to the permission. The applicant's supporting planning statement confirms their acceptance of the use of a direction.
- 80 The proposed replacement of Condition 1 with a Direction will allow for the timeous submission of AMSC applications over a more realistic development time period for a site of this scale.

### Condition 3

- 81 The proposed phasing amendments to Condition 3 will still ensure the implementation and completion of the employment land element of the proposal. This development will be to a revised phasing schedule to that originally envisaged that will better reflect current market conditions regarding the take up of the employment land in Crieff. The submitted Marketing Reports demonstrate that there is currently little demand for employment sites such as that at Broich Road.
- 82 The Marketing Reports confirm that the site has been actively marketed since January 2017. A closing date was held on 16 June 2017 at which no formal offers were received for the employment land and there were only three enquiries for the site. Two of these enquiries did not materialise and the third resulted in the sale of 1 acre of the 15 acre employment site to JM Dewar Contractors who adjoin the development site and were seeking to expand their yard. Whilst this has allowed a local business to expand, and this is to be welcomed, the prospect of any further development on the remaining part of the employment land area appears to be very limited in the short term.
- 83 The Marketing Reports also confirm that over the last decade most demand in the local area has been for smaller workshops and warehousing storage units. This market is locally derived and driven by small businesses. Occupiers for large footprint premises are not prevalent. The Reports further advise that take-up of business space including workshops and warehousing in the Strathearn area has been sporadic. There are several other available sites and properties within Crieff, some of which could potentially be sub-divided to form smaller units within an existing building and this may offer a more cost-effective option for smaller business rather than building brand new units.
- 84 The current wording of Condition 3 requires the servicing of the first two phases of employment land prior to the occupation of the first residential dwelling on the overall site. As outlined above, the current market conditions clearly illustrate a lack of demand for the delivery of the employment land at this time. Furthermore, this restriction will also result in delaying delivery of any residential development on the allocated site and in particular any affordable housing, which Ogilvie Homes are seeking to deliver as an early part of the development.

- 85 In light of the above the proposed amendment to the wording of Condition 3 (i) to allow 100 open market dwellings to be delivered and occupied before the servicing of Phases 1 and 2 of the employment land, is considered to be an acceptable compromise. Any employment land being delivered prior to this threshold will of course be supported and welcomed. The proposed changes to Condition 3 (ii) is also considered in principle to be acceptable and would ensure that the delivery of dwelling's 101 to 200 are not delayed should there be any lack of interest in Phases 1 and 2 of the employment land.
- 86 In terms of Condition 3 (iii), at present the developer is required to complete structured planting along the site boundary with Arnbro caravan site prior to the commencement of construction of the residential dwellings. The applicant is now seeking to alter the wording of this element of the condition so that the structure planting along the boundary with the caravan site is delayed until the first planting season following the commencement of development on that part of the site. However, given the lack of landscaping along this boundary it is considered important to the amenity of the caravan site that this structured planting is completed as early as possible in order to ensure that the landscaping has as much time as possible to establish. It is therefore recommended that the request amendments to Condition 3 (iii) are not accepted that that the wording of this part of the condition remain unchanged.
- 87 As such, with the exception of Condition 3 (iii), the proposed changes to Condition 3 (i) and (ii) are acceptable. These changes will allow for the delivery of the early residential phases of development, including affordable housing, without the need to service the first phases of employment land until such a time as there is confirmed demand for employment land at this location.
- 88 In addition, it is considered good practice to update the conditions to meet current regulations and requirements especially with a change in the Development Plan. In this instance the 2015 permission has a number of conditions that are now considered to either be slightly out of date or more appropriately served by incorporating them into the 'all matters' condition (Condition 2). As such the recommended conditions have been updated accordingly.

### **Site Specific Developer Requirements**

- 89 The 2014 LDP does require a number of site specific requirements to be adhered to in the development of the site.
- Masterplan required with phasing plan due to scale of site;
  - A mix of housing types and sizes including low cost housing;
  - Transport Assessment;
  - Public access, extension of core path network to the south of Crieff;
  - Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around perimeter of site to be extended;
  - Enhancement of biodiversity and protection of habitats;

- At the eastern part of the site there is a Scheduled Monument, which development should avoid; and
- Archaeological investigation required.

90 All of the above requirements will be addressed through the Approval of Matters Specified by Condition (AMSC) applications following any In Principle permission granted here, as this when the exact details of the development will come forward.

### **Traffic and Transport**

91 No concerns have been expressed by Transport Scotland or Transport Planning regarding accessibility, congestion or road safety and access continues to be from Broich Road. For any detailed application it is expected that a Transport Assessment/Statement will be submitted in support of such an application.

92 Concern has been expressed by Crieff Community Council regarding road safety on Broich Road and they would like to see a road improvement scheme implemented prior to further planning permissions being granted.

93 The 2015 permission requires the applicant/developer to pay a financial contribution towards road improvements on Broich Road and in particular at the junction with King Street and Burrell Street.

94 In response to the Community Council's concerns a road improvement scheme has been designed and developed by the Councils Roads Design and Network Management Team for the end of Broich Road, King Street and Burrell Street. One third of the estimated project cost has been paid by one of the approved retail sites on Broich Road and one third will be required by the applicant/developer of this site (Condition 5). The final third will be required from the remaining Broich Road retail site provided the approved development comes forward. Should there be a funding shortfall, Perth and Kinross Council have agreed to underwrite it.

95 Works were due to commence on the junction improvement in October 2018 but were postponed to allow Scottish Gas Network to replace a gas main. The junction works were re-scheduled for March 2019. However, Sustrans are now involved with some match funding and are working with the Council on the junction improvement as part of a wider safer routes to school scheme. The Roads Design and Network Management Team met with Local Ward Members in December 2018 and they agreed to postpone the March 2019 works to work with Sustrans. Delivery of the works is now expected in Autumn/Winter 2019.

96 Sustrans met with the Roads Design and Network Management team and the Elected Members in February 2019 to agree a way forward. In addition Scottish Gas Network hosted a consultation event in February 2019 regarding the gas main works and the Roads Design and Network Management Team were also in attendance.



- 97 Whilst there has been a delay in the delivery of the road improvement, it is very much a priority project and having Sustrans on board should result in an even more comprehensive road safety scheme being delivered.

### **Developer Contributions**

#### Affordable Housing

- 98 The Council's Affordable Housing Policy applies requiring 25% of the development to contain affordable units. As per the 2015 application, a condition to reflect this requirement is proposed to be included with any permission (Condition 6).

#### Primary Education

- 99 As with the In Principle application, it is not possible to provide a definitive answer at this stage regarding primary school developer contributions. It should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of the affordable units. The determination of appropriate contribution, if required, will be based on the status of the school when detailed applications are submitted (Condition 7).

#### Broich Road Transport Improvements

- 100 The applicant/developer will be required to pay approximately one third of the cost of the road safety and public transport improvements required for Broich Road (Condition 5).

### **Economic Impact**

- 101 During the In Principle application the Council's Economic Development Officer confirmed the economic impact of the proposal is likely to be significantly beneficial for the area. It is considered that the level of available expenditure that will be created by the development will have a significant positive impact on Crieff and in particular businesses and shops in the town centre.

### **LEGAL AGREEMENTS**

- 102 A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

### **DIRECTION BY SCOTTISH MINISTERS**

- 103 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**

- 104 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 105 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.
- 106 The development of the residential and employment land on land that is allocated in the LDP for mixed use in a sustainable location close to services and Crieff town centre is considered to comply with the current Development Plan and on that basis the application is recommended for approval subject to conditions.
- 107 It is considered that the proposed modifications would not be contrary to the vision or wider spatial strategy of the Development Plan and would still deliver key Local Development Plan objectives. The modification of Condition 3 (i) and (ii) will still ensure the employment land is delivered but in a way that will not affect the delivery of the residential development should there be an initial lack of interest in the employment land. Accordingly the proposal is recommended for approval subject to the following direction and conditions.

## **RECOMMENDATION**

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

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (18/02213/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

#### **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) an updated 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, structures and cycleways throughout the development;
  - (v) details of any screen walls/fencing including retaining walls to be provided;
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all 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) protection of scheduled monument;
  - (x) a Construction and Environment Management Plan (CEMP);
  - (xi) a Site Waste Management Plan (SWMP);
  - (xii) lighting details;
  - (xiii) bin storage, collection location and recycling facilities provision;
  - (xiv) air quality mitigation;
  - (xv) noise impact assessment;
  - (xvi) updated ecology survey;
  - (xvii) tree survey;
  - (xviii) contaminated land assessment;
  - (xix) a Green Travel Plan (GTP); and,
  - (xx) archaeological assessment.

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. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.
- (i) Phase 1 and 2 of the employment land development as shown on the agreed phasing plan required by condition 2(i) must be fully serviced before the occupation of the 100th open market residential dwelling;
  - (ii) Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the latter;

- (iii) the structure planting required by condition 2(vii) of this consent must be planted along the site boundary with the Arnbro caravan site before the start of construction of residential dwellings.

Reason: To ensure the implementation of the employment land component of the proposal.

- 4. In pursuance of Condition 2 (iii), (iv) and (v), a development brief shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The briefs shall specify:
  - (i) the height and appearance of all new structures;
  - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
  - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
  - (iv) the lighting of all streets and footpaths;
  - (v) the layout of play areas and the equipment to be installed;
  - (vi) maintenance of all open space and treed areas not included in private house plots;
  - (vii) details of car charging points to be provided within the development;

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

- 5. No part of the development shall commence until an agreed financial contribution has been paid towards a road improvement scheme (including public transport) that mitigates the impact of the proposed development on the local and trunk road network be paid. The details of this provision shall be agreed in writing with the Planning Authority. If this not achievable a Section 75 legal agreement will be required between the applicant and the Council.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 6. The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in September 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on affordable housing.

- 7. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in September 2016 all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved Education Contributions policy.

8. In pursuance of Condition 2 (ix), a development brief to protect Scheduled Monument 9135 and its settings shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interest of protecting the scheduled monument and archaeological interest within the site.

9. In pursuance of Condition 2 (viii), full details of the finalised SUDS scheme including Drainage Impact Assessment for all individual phases of development shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: To ensure adequate protection of the water environment from surface water run-off.

10. In pursuance of Condition 2 (x), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity.

11. In pursuance of Condition 2 (xiii), a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

12. In pursuance of Condition 2 (xiv), a scheme of mitigation to improve air quality shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

13. In pursuance of Condition 2 (xv), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

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

14. In pursuance of Condition 2 (vii), the hard and soft landscaping scheme submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:

- (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 play 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.

15. In pursuance of Condition 2 (xvi), the Ecology Survey undertaken in respect of In Principle application 15/01237/IPM shall be updated and re-submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

16. In pursuance of Condition 2 (xviii), an intrusive contaminated land investigation shall be submitted as part of any application for Approval of Matters Specified by Condition (AMSC). The investigation should 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 details are acceptable to the Planning Authority and to safeguard residential amenity.

17. In pursuance of Condition 2 (xix), the Green Travel Plan (GTP) shall have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local and trunk road network.

18. In pursuance of Condition 3 (xx), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: In the interest of protecting archaeological interest within the site

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

## **D INFORMATIVES**

1. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

3. The definition of ‘fully serviced business land’ in Condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is 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.
6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, Housing and Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in “Lowland Paths Guide: A Good Practice Guide to Planning , Design, Construction and Maintenance of Lowland paths in Scotland – A Guide to Good Practice” published by SNH and Paths for All Partnership.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water’s assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA’s Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA’s published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
10. The Council’s Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
11. A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.



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

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 and EIA Report (comprising an Environmental Statement Addendum) dated April 2019. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.

The EIA Addendum Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:

- Crieff Air Quality Management Area (AQMA);
- Archaeology including Scheduled Monument of Broich cursus, ring ditch, barrow and palisade;
- Drummond Castle Garden and Designed Landscape;
- Drummond Lochs SSSI;
- South Tayside Goose Roosts SPA; and
- Flood Risk.

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

The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Structural Planting and Landscaping
- Protection of Scheduled Monument
- Construction and Environment Management Plan
- Site Waste Management Plan
- SUDs
- Lighting Details
- Air Quality Mitigation

- Noise Assessment
- Updated Ecology Report
- Tree Survey
- Contaminated land assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 2, 9, 10, 12, 13, 14, 15, 16, 17 and 18, as set out herein, the proposal is acceptable and can be approved.

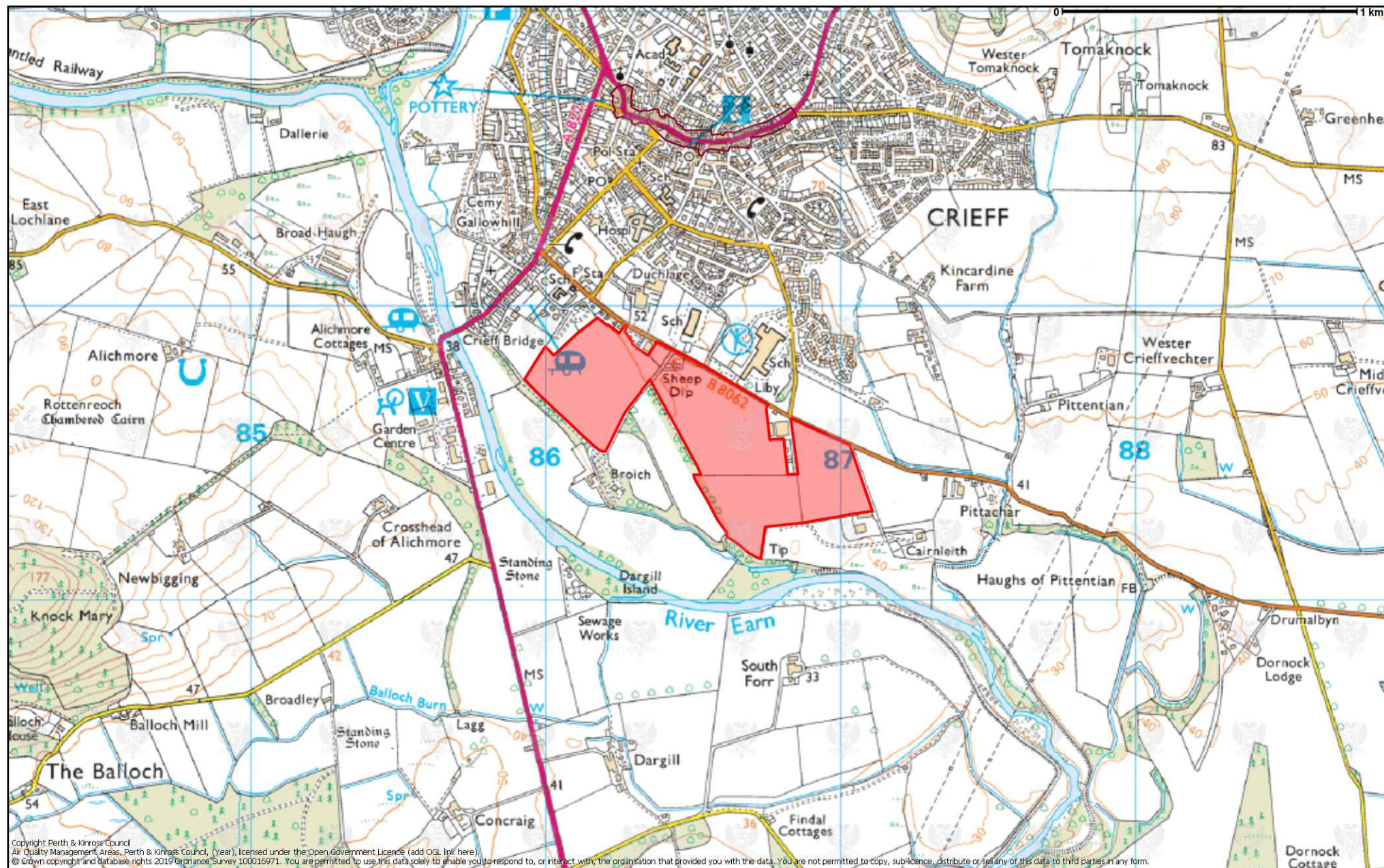
Background Papers: 15/01237/IPM Decision Notice  
 Contact Officer: Steve Callan  
 Date: 23 May 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                                    |
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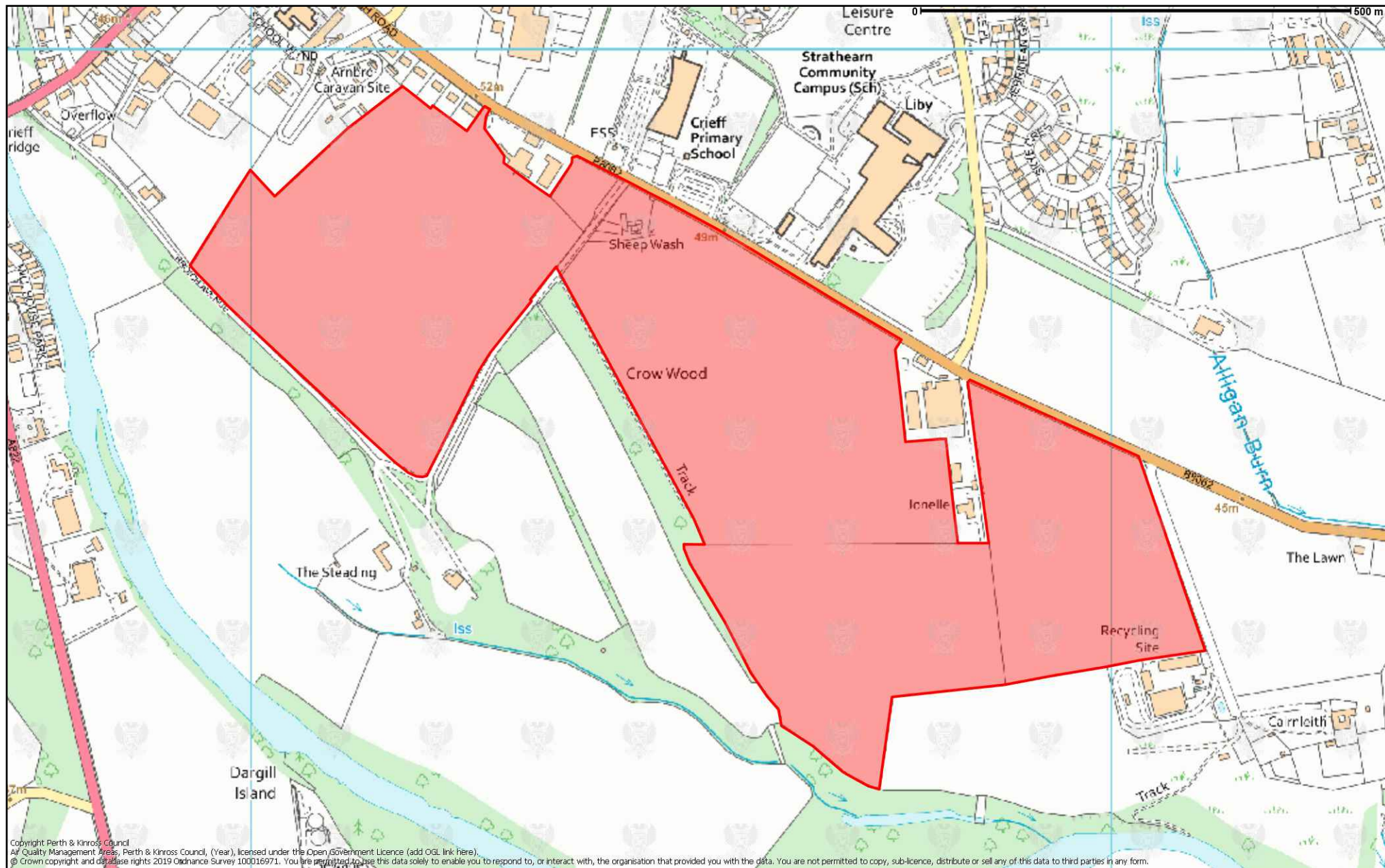
18/02213/IPM

Land 300 Metres South West Of Tighnacaille, Broich Road,  
 Crieff









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18/02213/IPM

Land 300 Metres South West Of Tighnacaille, Broich Road,  
Crieff





Perth and Kinross Council  
Planning & Development Management Committee – 5 June 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/167)

**PROPOSAL:** Erection of 3 dwellinghouses and garages (matters specified by conditions 17/02057/IPL).

**LOCATION:** Land north of Morvich House, Golf Course Road, Blairgowrie.

Ref. No: [19/00146/AML](#)  
Ward No: P3- Blairgowrie & Glens

### **Summary**

This report recommends approval of an application for the approval of matters specified relating to a consented planning in principle application for a residential development on Woodlands Road, Blairgowrie. 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 planning application seeks the approval of matters specified relating to a planning in principle consent for a residential development on a site located in Blairgowrie, within an area locally known as 'Rosemount'. The site is a former small holding which is currently unkempt grass, and generally flat across the majority of the site. There are two groups of trees inside the site's boundary at both its eastern and western edges, with a mix of mature hedging and significant trees along its boundaries.
- 2 The site is surrounded by existing residential curtilages to the north, south and east. Immediately to the north of the site is a private access serving a neighbouring residential property, whilst to the west is Woodlands Road - a narrow, but adopted public road. Further to the west are undeveloped paddock areas.
- 3 The site is located immediately to the east of Woodlands Road, and is broadly rectangular in its shape with a length ranging from 120m-140m (east to west) and a width of approx. 55m.
- 4 A planning in principle permission for a residential development on the site was approved at the Planning and Development Management Committee on 14 March 2018. This planning application seeks the approval of the specific (detailed) matters relating to that in principle permission.
- 5 The specific matters which have been brought forward relate to a small residential development consisting of three detached dwelling houses, all with

detached garages. All three dwelling houses are of the same house type, which offers living accommodation over two levels with the upper level contained partly within the roof space via the use of dormer windows.

- 6 Vehicular access to the site is proposed via an existing field access which is proposed to be improved. A new private, shared and surfaced driveway would then serve the three proposed dwellings. The private driveway would be located along the southern part of the site, with the proposed dwellings then taking their individual accesses from the shared driveway. To deliver an acceptable and safe access with Woodlands Road, the two sections of the western boundary hedge - on either side of the proposed access are proposed to be removed. It is proposed to replant the northern section of hedge in a setback location to allow for a suitable forward visibility to be achieved. The southern section is not proposed to be replaced, with the visibility splay to the south to be kept clear of any new planting/structures.

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

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

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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



## **Scottish Planning Policy 2014**

- 13 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.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

- 15 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 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places 2013**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 21 The following sections of the TAYplan are relevant in the assessment of this application.

#### **Policy 1 - Locational Priorities**

- 22 Seeks to focus the majority of development in the region's principal settlements. Blairgowrie is identified as a Tier 2 settlement which has the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development

#### **Policy 2- Shaping Better Quality Places**

- 23 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

#### **Policy 4 – Homes**

- 24 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

#### **Policy 6 - Developer Contributions**

- 25 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## **Policy 9 - Managing TAYplans Assets**

- 26 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

- 27 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 28 The site lies within the settlement boundary of Blairgowrie, within an area which has been identified as being residential with compatible uses. In addition to this, the site is within the wider setting of a listed building and there are existing trees / hedges scattered across the site, and along its boundaries. To this end, the following policies are applicable to the proposal;

## **Policy HE2 - Listed Buildings**

- 29 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

## **Policy NE3 - Biodiversity**

- 30 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

## **Policy PM1A - Placemaking**

- 31 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

## **Policy PM1B - Placemaking**

- 32 Proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

- 33 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 34 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

- 35 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

### **Policy NE2B - Forestry, Woodland and Trees**

- 36 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy EP3B - Water, Environment and Drainage**

- 37 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 38 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

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

- 39 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2

(LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed LDP2 was approved at the Special Council meeting on 22 November 2017.

- 40 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 41 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.
- 42 There are no policies or proposals contained within the LDP2 which materially alter the assessment, recommendation or decision in relation to this planning application.

## **SITE HISTORY**

[17/02037/IPL](#) Residential development in principle. Approved by the Planning and Development Management Committee March 2018

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 45 No objection to the proposal in terms of public infrastructure matters. Scottish Water has indicated that the applicant should be fully aware that they are unable to reserve capacity at the local water and/or waste water treatment works for the proposed development at this point in time. Once a formal connection application has been submitted to Scottish Water, they will be able to review the availability of capacity at that time and advise the applicant accordingly.

## **Internal**

### **Transport Planning**

- 46 No objection to the proposal in terms of the proposed new vehicular access, internal access/driveway, parking provision or the potential impact on the local road network.

### **Development Negotiations Officer**

- 47 No objection to the proposal, subject to a Developer Contribution in relation to Primary Education being secured prior to the release of any consent.

### **Biodiversity Officer**

- 48 The submitted Environmental, Habitat and Biodiversity Survey, provides a satisfactory level of information, and that based on the survey, there are no protected species are currently using the site. Recommends that retaining some rough grassland at the edges of the site would enhance the value of the site for wider biodiversity, and recommends that a number of conditions and informative notes should be attached to any permission.

### **Community Waste Team**

- 49 No objection to the proposals, subject to the provision of a bin presentation area adjacent to Woodlands Road. They have indicated that the end of the private driveway would be the collection point for bins.

## **REPRESENTATIONS**

- 50 Twelve letters of representations have been received, all of which are objecting to the proposal. The main points which have been raised within the representations are:
- Roads safety
  - Inappropriate house types
  - Impact on trees
  - Out of character with the area
  - Impact on Residential amenity
  - Land ownership dispute
- 51 These issues are addressed in the Appraisal section of the report.
- 52 In terms of land ownership disputes, this is not ordinarily a material planning consideration. The applicant has, nevertheless, confirmed to the Council that the details which they have declared on the submitted application form / land ownership are correct insofar as their client is the sole owner of the land contained within the red line application site boundary. Any further dispute will therefore be a private legal matter between the two parties.

## ADDITIONAL STATEMENTS

53

|                                                |                                                                 |
|------------------------------------------------|-----------------------------------------------------------------|
| Environment Statement                          | Not Required                                                    |
| Screening Opinion                              | Not Required                                                    |
| Environmental Impact Assessment                | Not Required                                                    |
| Appropriate Assessment                         | Not Required                                                    |
| Design Statement / Design and Access Statement | Not Required                                                    |
| Reports on Impact or Potential Impact          | Tree Survey,<br>Drainage Assessment and<br>Environmental Survey |

## APPRAISAL

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

### Principle

- 55 The principle of a residential development on the site has been firmly established through the approval of the planning permission in principle for a residential development on the site. In addition to this, the site is also located within the settlement boundary of Blairgowrie, where infill residential developments are generally encouraged by the LDP (through Policy RD1: Residential Areas), providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. In light of the planning in principle permission, and as the surrounding land uses are all largely residential, the key consideration for this proposal is whether or not the layout, house types and access arrangements are acceptable in this location. As the site benefits from a 'live' planning in principle permission this is an application for the approval of the specific matters referred to in that permission, it is not considered reasonable to reassess the acceptability of the principle of a residential land use on this site as part of this current application.

### Design and Layout

- 56 Three dwelling houses are proposed across the site which is considered to be an appropriate number for the size of site. The layout is centred on a small cul-de-sac arrangement, which will be accessed directly from a new vehicular

access from Woodlands Road. The regular shape of the site makes this arrangement the most logical, and allows for all of the plots to have a suitable level of private amenity space whilst at the same time delivering an acceptable separation between themselves and the existing properties. The position of the dwellings is such that the more noteworthy trees and hedges can all be retained – with the exception of the existing hedge along the western boundary, which is to be removed and replanted in a setback location to deliver the necessary forward visibility splay. Clarification on the final landscaping scheme will be sought prior to the commencement of any development (Condition 4).

- 57 In terms of the proposed house type, the dwellings are large family homes which will offer living accommodation over two levels, with the upper level partly in the roofspace via dormer windows. All three dwelling houses will have associated detached garages. The finishes proposed are tiles for the roofs, and a mix of render and stone features for the external walls. The surrounding area has a number of different house types and styles, all of various scales – with a large portion having living accommodation over two levels. The proposed house type is of a high quality it in terms of its appearance would contribute positively to the surrounding built environment. In terms of their appearance, height, scale, mass and finishes, the house type would be in keeping with other existing properties within the area.
- 58 Concerns have been raised within some of the letters of representation that the development constitutes overdevelopment of the site, which in turn would have an adverse impact on the character and amenity of the general area. It is suggested within the representations that a two house development would be more acceptable than the proposed three house development. As stated above, I am satisfied over the proposed design and layout of three houses. The proposed plots are all generous in their size, and this is a reduction on the indicative layout of four house shown by the applicant at the in principle stage.. Excluding the shared access, and landscaping outwith the immediate curtilages of the dwelling houses, the individual plot sizes are approximately 0,17ha for plots 1 and 2, and 0.2ha for plot 3 which are all extremely generous. The surrounding plots comprise a range of house sizes, plot sizes and varying sizes of curtilages, with some being larger and some smaller than those of the three proposed plots. I therefore consider the development accords with the existing building pattern and density within the local area, respecting the surrounding building pattern.
- 59 From a design and layout point of view it is considered that the proposal is in accordance with the Council's Placemaking Standards, the aims and objectives of the Placemaking Policies of the LDP (Policies PM1A and B) and also the objectives of Policy RD1 of the LDP which seeks to ensure that all new development respects the existing environs of the area concerned.

### **Visual Impact**

- 60 In terms of the impact on the visual amenity of the area, the site is an infill opportunity which is surrounded on three sides by existing housing of varying design and scale. The proposed dwelling houses are of a good, modern design



with traditional proportions which would not impact negatively on the visual amenity of the area.

- 61 The removal of the hedges along the western boundary – to north and south of the proposed access – will have an impact on the visual amenity of the area, and the impact could be seen as being a negative impact. However, the northern section of the hedge is proposed to be replaced as part of the final landscaping scheme - which is welcomed and will go some way to restoring the attractive local feature which is being removed. The hedges within the Rosemount area which align the local roads are distinctly attractive, however, they are unprotected. Other boundary hedges and the better quality trees which contribute positively to the visual amenity of the site are proposed for retention, and proposed removals are to be suitably compensated by new additions. The applicant has shown root protection areas for the trees and hedges which are to be retained, and the implementation of suitable protection measures as per the British Standards will be secured (Conditions 5 & 6).

### **Residential Amenity**

- 62 In terms of impact on existing residential amenity I have no concerns. The proposed dwelling houses are all located an acceptable distance away from their respective boundaries which negates the potential for direct loss of privacy or overlooking to neighbours from occurring. Existing trees and hedges, and proposed new landscaping and boundary treatments will also assist in minimising any potential impact.
- 63 A concern has been raised regarding the potential for light spillage to occur from the headlights of vehicles shining towards an existing dwelling. In a residential built up area, it would be extremely challenging to eliminate all light from the headlights of vehicles reaching residential windows, and this development would be no different. However, any potential impact will be reduced by retaining existing landscaping, and introducing new appropriate landscaping and boundary treatments to the southern edge of the site in particular. This requirement is secured (Conditions 2 & 4).
- 64 I am satisfied that the proposed layout offers a suitable level of residential amenity for the future occupiers of the three dwelling houses. All the dwelling houses will have large private, usable garden areas in excess of 700 sqm.. Good separation distances are delivered between the existing neighbouring properties and the proposed dwelling houses to ensure that unacceptable overlooking and / or loss of privacy does not occur. To the south the proposed dwelling houses will be no closer than 18m to the southern boundary, with plot 1 and 2 approximately 27m away. To the north, plots 1 and 2 will be approx. 17m away from the north boundary, with plot 3 approximately 15m away. To the east, plot 3 is approximately 16m away from its boundary. Clarification of the proposed internal boundary treatments between the garden areas of the proposed dwelling houses will be secured by condition (Condition 2).

## **Roads and Access**

- 65 As was the case during the assessment of the planning in principle application, the majority of the comments made within the representations relate to road and pedestrian safety concerns. The representations make reference to the potential increase in traffic movements arising from the proposal, and the ability of the local road network to accommodate any such increases. In addition to this, the suitability of the existing Woodlands Road / Golf Course Road junction to accommodate the development has also been raised as an area of specific concern, as has the proposed new vehicular access into the development from Woodlands Road.
- 66 The development relates to three family homes. The number of additional vehicular movements which are likely to be generated by this development will therefore be extremely low in actual numbers, and in the context of the existing volume of vehicles using the local roads, the level of additional movements which this development may generate will not exceed a typical daily variance in vehicular movements within the local area.
- 67 The junction of Woodlands Road and Golf Course Road has been raised as an area of concern, as has the narrow width of Woodlands Road - which does not have any formal pedestrian provision. Road and pedestrian safety issues associated with Woodlands Road have previously been subject to extensive consultation by the Council's Traffic and Network Team. In 2016, the Council received a request from parents of school-age children asking the Council to introduce traffic calming measures in the local area, and for an upgrade of pedestrian facilities on Woodlands Road as the road formed part of their walk route to school. After consideration of the request, a number of options were considered including the lowering of the speed limit, speed reduction features and a one-way system along Woodlands Road. The outcome of the public consultation exercise undertaken with Ward Councillors, the Community Council and local residents was varied, but was largely negative to any of the tabled suggestions with no clear consensus of opinion about what would be suitable for Woodlands Road. It was noted at the time that several respondents did not consider traffic calming measures to be appropriate or necessary. In the absence of sufficient community support, the project was cancelled and the interested parties were advised of this position in early 2017. Since then, the Council has not re-visited the issue, but traffic flows, vehicle speeds and pedestrian movements have continued to be monitored.
- 68 Since 2017 there is no evidence to suggest that there has been a significant change in traffic flow, vehicle speeds or pedestrian movements on Woodlands Road or Golf Course Road. As the present position is being monitored by the Council, and taking into account the (small) scale of this development and the likely level of additional vehicular movements which are likely to be associated with this particular proposal, it is not appropriate to try to address any existing issues on the nearby public roads through this planning application.
- 69 In terms of the vehicular access to and from site onto Woodlands Road, as already indicated, the western boundary hedge to the north and the south of the proposed access is to be removed to deliver the required visibility splay. To the

north of the access, the hedge is proposed to be replaced in an amended location so that an acceptable visibility splay is maintained. To the south, the hedge is not proposed to be replaced and the splay is to remain clear of any new planting/structures. This is a short stretch of hedge and will assist in visibility for the existing access to the neighbouring property to the south. These measures, and the proposed geometrics of the new bellmouth will ensure that an acceptable level of forward visibility is delivered (Conditions 8 & 9).

- 70 Concerns have also been raised that the private driveway has been over specified; particularly in its width and that it is not appropriate for a three house development to be served by such a high standard of private driveway. The representations have suggested that the specification of the driveway could encourage Council refuse vehicles and other HGV's to enter and leave the site – which in turn, would compromise road and pedestrian safety. The driveway has been shown as a private shared access, and is considered to be acceptable for the purposes of serving three dwellings. It would be a matter for the applicant to decide upon whether or not they wish to ask the Council to consider it for potential adoption at a later stage. In turn, it would then be a matter for the Council to decide whether or not to consider it for adoption.
- 71 Similarly, once completed it would be a matter for the Council's Community Waste Team to decide whether or not their refuse vehicles will enter the site for bin collections. Their consultation response suggests this is not likely and the presence of a bin presentation storage area at the end of the private driveway end on the submitted plans suggests the applicant accepts this position. Ultimately, for the quality of dwelling houses proposed I do not consider it unreasonable for the applicant to provide a high standard of private access, and as it does not result in any adverse visual impact (it is considered to be acceptable as proposed).
- 72 Despite the level of representation focusing on road and pedestrian safety concerns, at the present time the local road network is being monitored, but it is considered safe for both road and pedestrian users. In isolation, the development would have limited impact on the network, and the individual new vehicular access to/from the site onto Woodlands Road is acceptable and meets the Council's standards. I therefore have no concerns in relation to road or transport related matters and consider the proposal to be in accordance with criterion e) of Policy PM1B of the LDP which states that all proposals should create safe places.

### **Drainage and Flooding**

- 73 In terms of drainage and flooding matters I have no concerns. As the site lies within an area covered by a public drainage system, the foul drainage will be connected to the public sewerage system. It would be a matter for Scottish Water to confirm (when an application is made to them for connections) whether or not capacity is available to accommodate the development.
- 74 With regards to the disposal of surface water, this will be through individual soakaway systems associated with each dwelling and these will need to be constructed to the standards required by Building Standards.

- 75 In terms of flooding, there is no known flooding history associated with the site nor has it been identified by either the Council or SEPA as being an area under risk from either fluvial or surface water flooding.

### **Waste Collection**

- 76 The applicant has proposed a bin / recycling point at the entrance to the site. In principle I have no objection to this, and this view is shared by my colleagues in the Community Waste Team. Prior to the commencement of the development, clarification on the level of bin storage will be sought to ensure that the storage area is large enough to accommodate provision for three dwelling (Condition 3).

### **Impact on Setting of Listed Building**

- 77 The site is considered to be within the wider setting associated with the property named Shian, which is located to the north of the site. Between the Shian and the site are existing trees and hedges which limits the inter-visibility between the two. The proposed development is low density, and retains the northern boundary hedge and other trees which will protect the historic setting. Whilst the removal of the hedge along the western boundary will have an immediate impact on the setting, this impact will be temporary and subject to the replacement of the hedge, the long term historic setting will be restored once the replacement hedge matures.

### **Natural Heritage and Biodiversity**

- 78 The applicant has submitted a environmental survey for the site which has identified no protected species. However, the site may still contain some local wildlife, and the Council has a duty to inform the applicant of their responsibilities in terms of the Wildlife Acts. (Conditions 10, 11 & 12) and (Informatives 6, 7 & 8).

### **Impact on Trees / Hedges**

- 79 As part of the development, and as stated previously the western hedge is to be removed to deliver an acceptable visibility splay. In addition to this a number of trees at the eastern and western end of the site are proposed to be removed. The planning application has been supported by a tree survey which identifies two groups of trees on the site affected by the development - the eastern and western areas.
- 80 The eastern area comprises approximately 50 mature conifers, and it is proposed to fell the majority of these trees which are identified within the tree survey as being tall, thin, close-grown and of poor quality. Several Hawthorn trees within this area are of a higher amenity value and they are proposed to be transplanted elsewhere in the site. Also at the eastern end, along the southern boundary there are three oak trees which are located outside the site, but have their root protection areas within the site. The closest dwelling (plot 3) is located approximately 18m away from the trunks of these oak trees; however the associated garage of that dwelling is located just inside the identified root protection area. At the distances involved, fatal damage to the main root system

is unlikely to occur, however I propose to seek clarification on the method of foundations of the garage to ensure any impact is minimised and this will be covered by (Condition 7).

- 81 In terms of the western area, this comprises a small group of softwoods and some further conifers. Similar to the eastern grouping, removals are proposed in this area, as well as the retention of the larger trees and the transplanting of the smaller trees which are of higher amenity quality.
- 82 Overall, I am satisfied regarding the proposed tree removals and the removal of the western hedge, subject to additional tree planting being added to the proposed landscaping scheme, and that replanting takes place at the earliest opportunity. Whilst some new planting has been proposed, it is my view that additional replanting, perhaps at the eastern edge and southern boundary would be beneficial to the visual amenity of the area and would promote biodiversity interests, as well as protecting the residential amenity of adjacent neighbours to the south.. These matters will be secured via Condition 4.

### **Contamination Land Issues**

- 83 There is no known contaminated land issues associated with this site.

### **Archaeology Issues**

- 84 There are no known scheduled or local archaeology within the area.

### **Developer Contributions**

#### Affordable Housing

- 85 As the development comprises three dwelling houses, there is no requirement for any affordable housing provision.

#### Primary Education

- 86 The local primary school is operating at over 80% capacity. Therefore, a Developer Contribution of £6,460 per dwellinghouse (a total of £19,380) is required to be secured to mitigate this impact prior to any permission being issued.

#### Transport Infrastructure

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

#### A9 Junction Improvements

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

## **Economic Impact**

- 89 The scale of the proposal is such that it would have limited impact on the local economy.

## **LEGAL AGREEMENTS**

- 90 In the event that the applicant wishes to delay the payment of the required Developer Contributions, a legal agreement will be necessary.

## **DIRECTION BY SCOTTISH MINISTERS**

- 91 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**

- 92 To conclude, the planning 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. Accordingly the proposal is recommended for approval.

## **A RECOMMENDATION**

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

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

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

2. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site (both internally and along the sites wider boundaries) shall be submitted for the further 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: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s) and the proposed.

3. Prior to the commencement of any development hereby approved, detailed drawings showing waste and recycling facility enclosures or waste and recycling

facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

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

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

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

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

Reason: In order to ensure that existing trees and hedges are protected.

6. All trees and hedges identified for retention and any peripheral trees or hedges bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees and hedges shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: In order to ensure that existing trees and hedges are protected.

7. Prior to the commencement of the development hereby approved, details of the construction methodology for constructing the garage of Plot 3, which is within the root protection area of adjacent trees shall be submitted to the Council for the further approval in writing by the Council. The details shall be undertaken by a suitably qualified tree arboriculturist, and the subsequent approved details shall thereafter be implemented in full.

Reason: In order to ensure that the existing trees are adequately protected during the course of construction

8. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

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

9. The visibility splays of the access onto Woodlands Road, as shown in purple on plan 19/00146/12, shall be maintained and kept clear of any structures and planting

Reason – In order to ensure that an acceptable level of forward visibility is maintained and that road and pedestrian safety is delivered.

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

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

11. An updated survey to determine presence of red squirrel dreys must be undertaken if any tree / hedge felling is proposed after 1 February 2020. If the survey identifies the presence of dreys(s), Scottish Natural Heritage must be consulted in respect of any need and implications for any application for a licence.

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).

12. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

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



## **B JUSTIFICATION**

- 96 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**

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

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

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant will be required.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that deadwood is an important habitat and food source for many rare and threatened species. Leaving some of the felled trees in tact on the ground or cut into small piles, would enhance the biodiversity value of the site, and is advised.

7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. In the event that there is a Section 75 legal obligation associated with this planning permission, which relates to education contributions. A copy is available to view on the Council's Public Access portal.

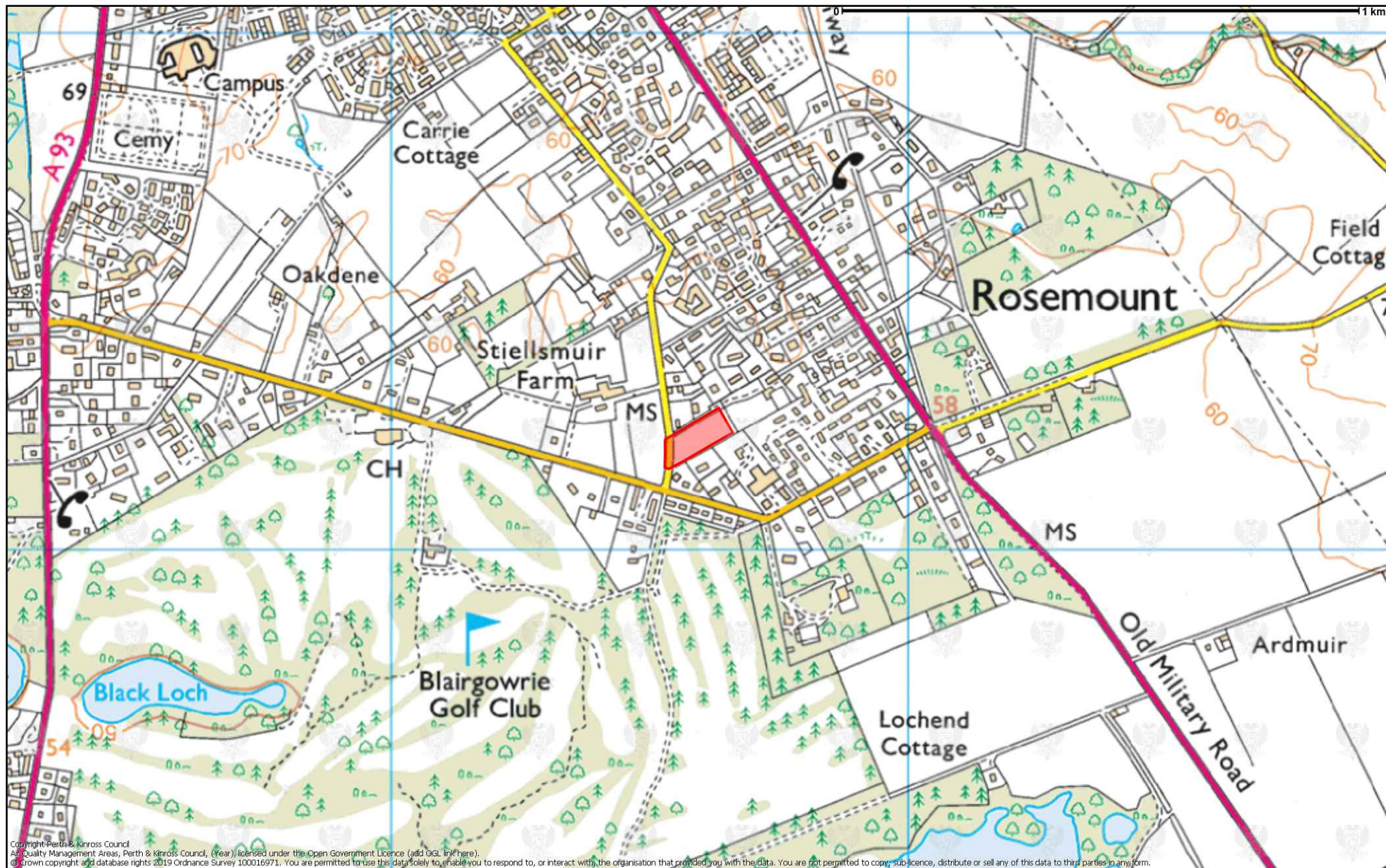
Background Papers: 12 letters of representation  
Contact Officer: Andy Baxter 01738 475339  
Date: 23 May 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                             |
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Scale 1:10000



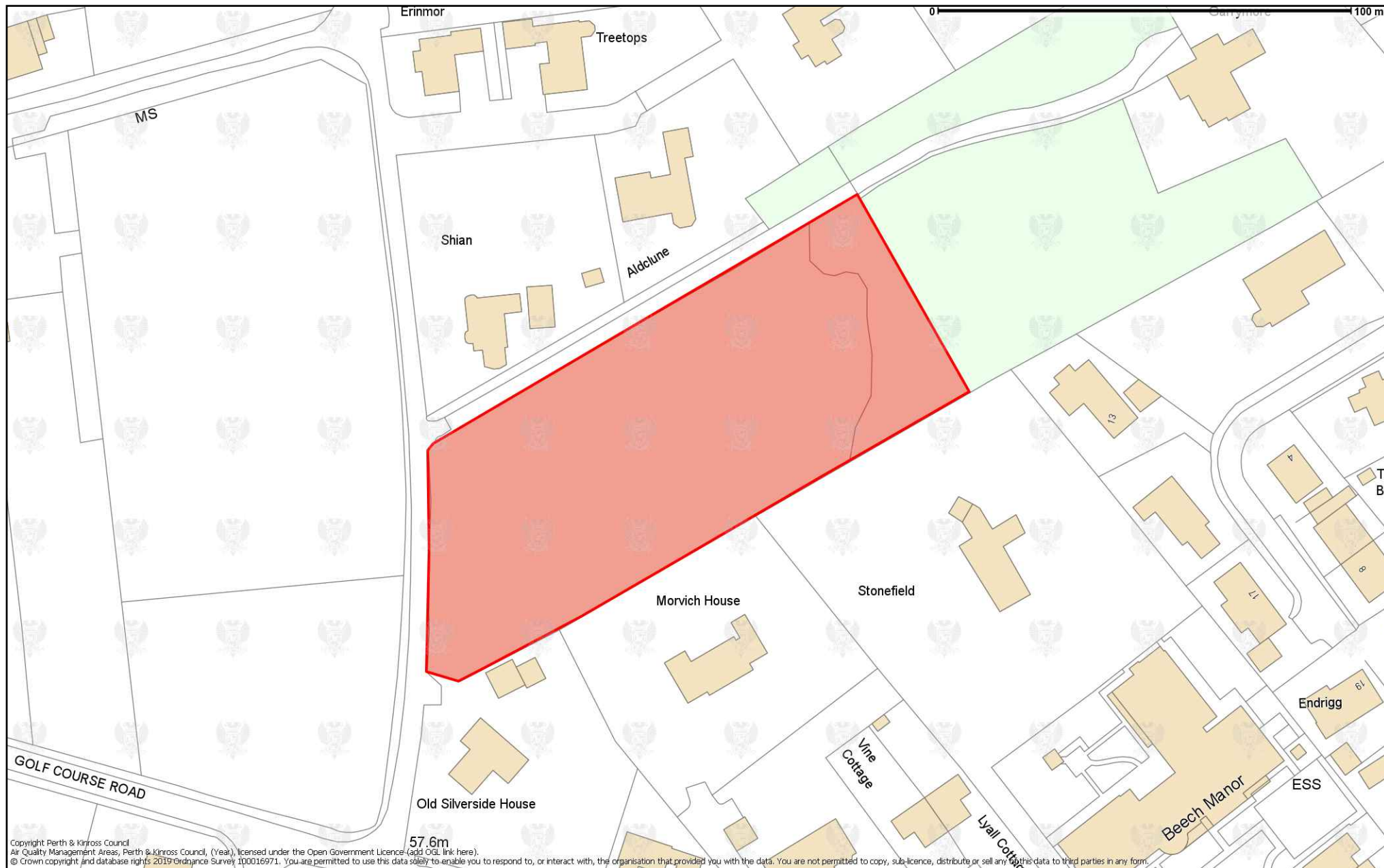
19/00146/AML

Land 50 Metres North of Morvich House, Golf Course Road,  
 Blairgowrie









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Scale 1:1250



19/00146/AML

Land 50 Metres North of Morvich House, Golf Course Road,  
 Blairgowrie





Perth and Kinross Council  
Planning & Development Management Committee – 5 June 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/168)

**PROPOSAL:** Change of use of hairdressers (class 1) to cafe (class 3).  
**LOCATION:** Louis T'ney Hair And Beauty, 8 West Mains Avenue, Perth PH1 1QZ.

Ref. No: [19/00377/FLL](#)  
Ward No: P11 - Perth City North

### **Summary**

This report recommends approval of the change of use 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 is for the change of use from hairdressers (Class 1) to café (Class 3) at West Mains Avenue, Perth. The unit forms part of a small complex of commercial buildings located within a residential area on the western edge of Perth.
- 2 The unit is located between the Co-op Food store and a hot food takeaway. The supporting statement submitted states that the proposed café is to be licensed serving wine and bottled beers with food. The types of food to be prepared on the premises are Tapas style foods, soups, sandwiches and paninis.
- 3 No changes are proposed to the exterior of the building. Changes to the internal layout are required to form the kitchen, washrooms and dining area.
- 4 The hours of operation are to be Sunday - Thursday 0900 to 2100 hours and Friday - Saturday 0900 to 2300 hours.
- 5 A communal car park for the units is located to the northeast.

### **NATIONAL POLICY AND GUIDANCE**

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

## **National Planning Framework**

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

## **Scottish Planning Policy 2014**

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

## **Planning Advice Notes**

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport

## **Creating Places 2013**

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

## **DEVELOPMENT PLAN**

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



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

- 13 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 14 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

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

### **Policy PM1A - Placemaking**

- 17 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

- 18 All proposals should meet all eight of the placemaking criteria.

### **Policy RD1 - Residential Areas**

- 19 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy PM3 - Infrastructure Contributions**

- 20 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

## **Policy TA1A - Transport Standards and Accessibility Requirements**

- 21 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

## **Policy EP8 - Noise Pollution**

- 22 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

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

- 23 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 24 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 25 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 26 No recent site history.

## **CONSULTATIONS**

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

## **External**

- 28 No external consultations required.

## **Internal**

### **Development Negotiations Officer**

- 29 No developer contributions required.

### **Transport Planning**

- 30 No objection to proposal and no conditions required.

### **Environmental Health**

- 31 No objection conditions required to cover noise, odour and servicing.

## **REPRESENTATIONS**

- 32 The following points were raised in the 6 letters of representations received:

- Consumption of alcohol on premises
- Disturbance from deliveries, clearing up and patrons leaving premises
- Littering
- Lack of parking
- Odour from existing takeaways
- Noise pollution

- 33 The issues are addressed in the appraisal section with the exception of alcohol consumption which cannot be controlled through the planning process but instead would be under the remit of the licensing board.

## **ADDITIONAL STATEMENTS**

34

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

## **APPRAISAL**

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

Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

- 36 The site is located in an area zoned for residential and compatible uses under Policy RD1. In these areas, residential amenity will be protected and changes of use away from ancillary uses such as local shops will be resisted.
- 37 For reasons mentioned throughout this report, the proposed change of use is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan. The proposed use is considered to be compatible with neighbouring land uses and residential amenity is not considered to be compromised.

### **Design and Layout**

- 38 There are no external alterations proposed to the unit, however, signage will be required if permission is granted. Internal alterations are required to form the kitchen, washrooms and dining area. It is therefore considered that there are no design and layout concerns with this proposal.

### **Residential Amenity**

- 39 The site is within a block of commercial units. The closest residential property, 5 Geddes Drive, is approximately 40 metres away from the proposed café.
- 40 The hours of operation are stated within the supporting statement as Sunday - Thursday 0900 to 2100 hours and, Friday - Saturday 0900 to 2300 hours.
- 42 Odour from the daily operation of the café has the potential to affect existing residential amenity. The impact of this can be controlled and mitigated by the installation of the correct ventilation system (Condition 2).
- 43 Noise from patrons leaving the premises especially in the late evening period has the potential to disturb neighbouring properties. However, the applicant will need to provide information to the licensing board about the control measures proposed to prevent 'public nuisance' arising from not only noise but also, light, odour, litter and anti-social behaviour. It is recognised that operational noise could give rise to amenity impacts. To safeguard the residential amenity of the area, the operational noise from cooking and ventilation systems can be controlled (Condition 3) and the hours for servicing and delivery can be restricted (Condition 4).
- 44 It is considered that a small licensed café with 20 covers and with good management policies/procedures, subject to the control measures identified, would not adversely affect residential amenity and would comply with LDP Policies RD1 and EP8.

## **Roads and Access**

- 45 The existing units have a car park located to the northeast for use of the businesses. The site also benefits from being located within a residential area where people will be able to travel on foot and access by the local bus services. The proposal therefore complies with LDP Policy TA1A.

## **Waste Collection**

- 46 Refuse collection would be required to meet the commercial waste requirements and the site can be accessed by refuse vehicle and there is provision for bins within the site.
- 47 Littering would not fall under the remit or control of the Planning Authority.

## **Developer Contributions**

- 48 The proposal does not exacerbate or generate any need for additional infrastructure as set out in LDP Policy PM3. As such, no developer contributions are required for this proposal.

## **Economic Impact**

- 49 The proposal will retain the commercial use of the building and provide employment and a local service.

## **LEGAL AGREEMENTS**

- 50 None required

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations. In this case I am content that the development proposed accords with the Development Plan and there are no material considerations that would warrant setting these objectives aside.
- 53 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

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

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

4. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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. An application for Building Warrant may be required.

Background Papers: 6 letters of representation  
Contact Officer: Joanne Ferguson 01738 475320  
Date: 23 May 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

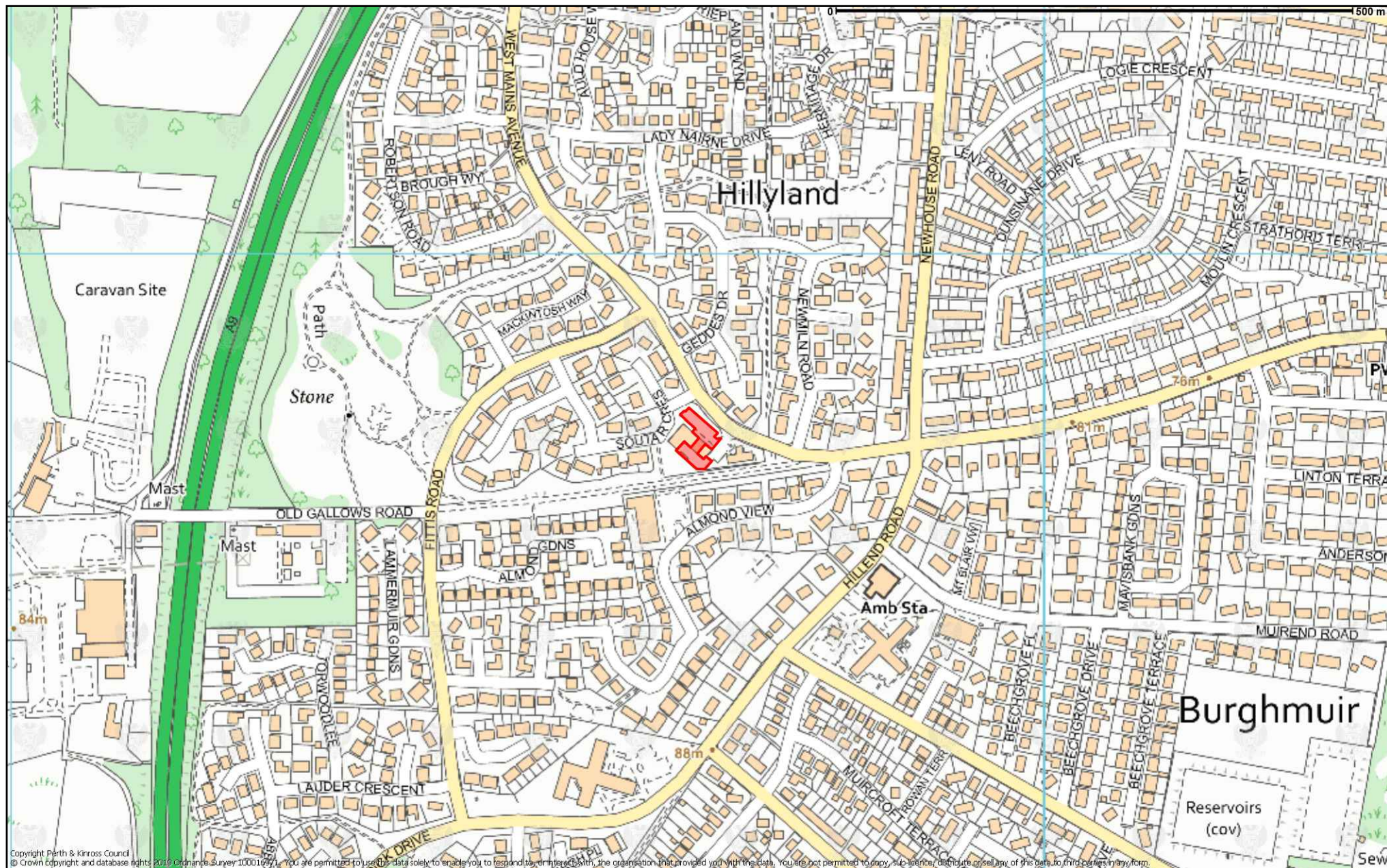
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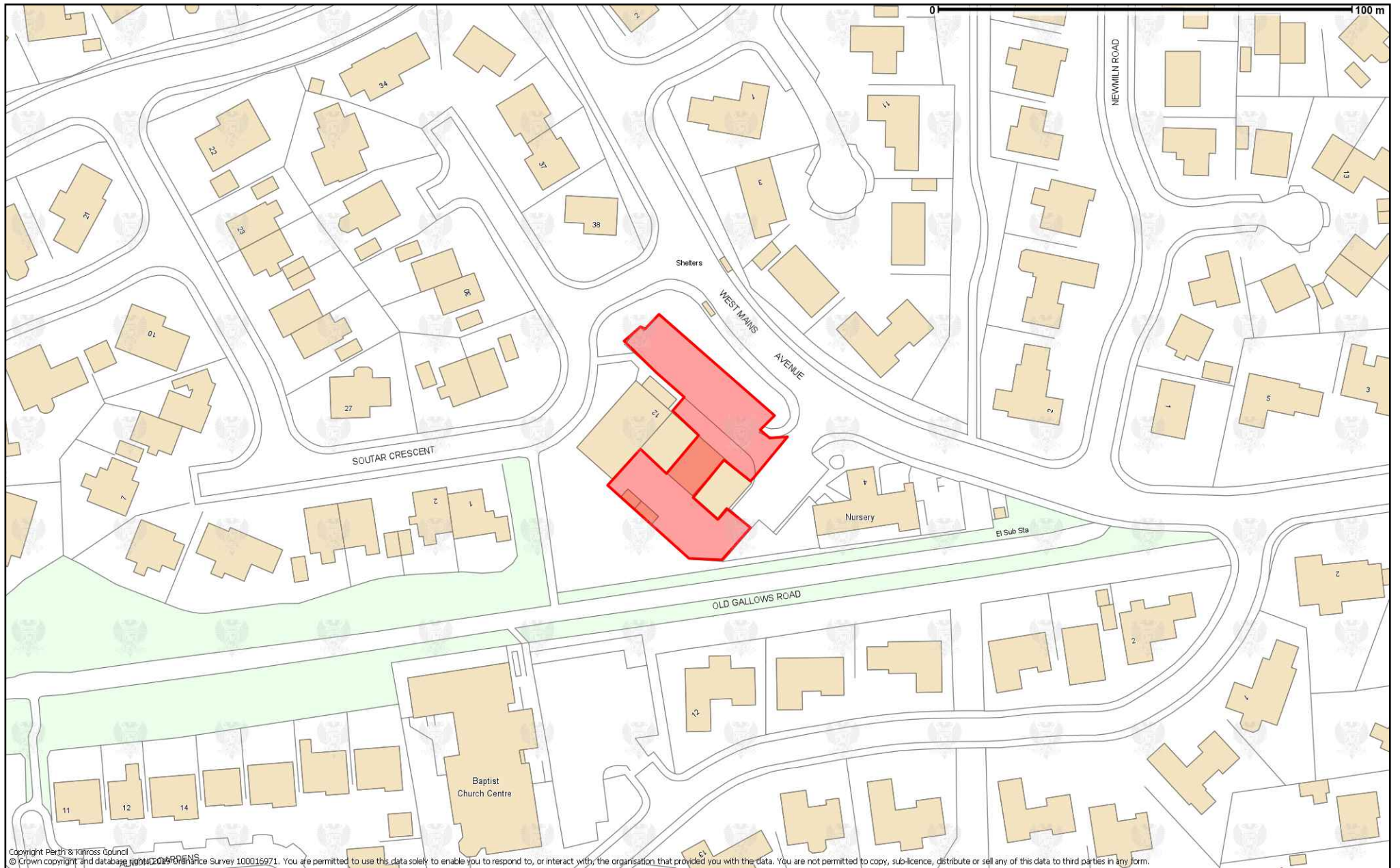
19/00377/FLL

Louis T'ney Hair and Beauty, 8 West Mains Avenue, Perth









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19/00377/FLL

Louis T'ney Hair and Beauty, 8 West Mains Avenue, Perth





Perth and Kinross Council  
Development Management Committee – 5 June 2019  
Pre-Application Report by Interim Development Quality Manager (Report No. 19/169)

**PROPOSAL:** Change of use from clay extraction pit to form extension to caravan park, formation of 9 hole pitch and putt course and erection of ancillary maintenance shed, and formation of parking areas, footpaths, boundary treatments, landscaping and associated works.

**LOCATION:** Land east of Errol Brickworks, Errol.

Ref. No: [19/00001/PAN](#)  
Ward No: P1 - Carse of Gowrie

### Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a proposed change of use from clay extraction pit to form extension to caravan park, formation of 9 hole pitch and putt course and erection of ancillary maintenance shed, and formation of parking areas, footpaths, boundary treatments, landscaping and associated works. 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 on 2 April 2019. The purpose of this report is to inform the Development Management Committee of a potential forthcoming planning application in respect Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site extends to 7.8 hectares, with part of the site formerly the Inchcoonans Clay Working, which was consented in 1948, providing raw material for the Errol Brick works. Following the ceasing of clay excavation, the site was operated as a municipal waste site by the Local Authority. The land has more recently been restored with associated woodland planting. There is extensive history associated with this site, as set out below. This proposal of application notice (PAN) seeks to formally establish a major development comprising uses as previously set out. The exact range of uses, scale and design of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening request has been submitted by the applicant and was issued on the 17<sup>th</sup> May, confirming that the development was EIA and would require to be supported by an environmental report.

## **PRE-APPLICATION PROCESS**

- 4 The Proposal of Application Notice (reference **19/00001/PAN**) confirmed that a public exhibition was held on 16 May at Errol Village Hall. The Ward Councillors and Errol 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
- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

- 8 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 1/2013 Environmental Impact Assessment
- PAN 33 Development of Contaminated Land
- 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 and Waste Management Advice (July 2015)

## **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”*

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

- 10 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 The LDP sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 12 Under the LDP, the following policies are of particular importance in the assessment of this application:-
  - PM1 – Placemaking
  - PM2 – Design Statements
  - ED3 – Rural Business and Diversification
  - ED4 – Caravan Sites, Chalets, and Timeshare Developments
  - TA1 – Transport Standards and Accessibility Requirements
  - HE2 – Listed Buildings
  - NE1B – National Designations
  - NE2 – Forestry, Woodland and Trees
  - NE3 – Biodiversity
  - NE4 – Green Infrastructure
  - ER6 – Managing Future Landscape Change
  - EP2 – New Development and Flooding

- EP3 – Water Environment and Drainage
- EP8 – Noise Pollution
- EP10 – Management of Inert and Construction Waste
- EP12 – Contaminated Land

## **OTHER POLICIES**

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

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

## **PLANNING SITE HISTORY**

- 14 1948 – Historic Planning Permission pertaining to Clay extraction. Site restored following workings.
- 15 [11/00021/PAN](#) 11/00021/PAN Formation of an outdoor experience centre Decision Issued 7 February 2012
- 16 [13/00106/FLL](#) Change of use from clay extraction pit to outdoor activity centre Application withdrawn 5 April 2013
- 17 [13/01923/FLL](#) Change of use from clay extraction pit to outdoor activity centre, siting of portable buildings, 6 no. camping pods, 20 no tipis, formation of car parking, formation of bund and associated works Application approved at Development Management Committee on 18 March 2015
- 18 [16/00941/FLL](#) Change of use from clay extraction pit to outdoor activity centre, siting of 13 lodge-style caravans, restaurant and reception building, 6 no. mobile camping pods, formation of car parking, formation of bunds and associated works Application approved under delegated powers on 29 March 2017
- 19 [17/02297/FLL](#) Installation of gas pipelines and vents and associated landraising works. Application withdrawn 25 May 2018
- 20 [18/01288/FLL](#) Siting of 6no. lodge-style caravans and restaurant building, formation of parking and associated works. Application approved under delegated powers on 30 August 2018.
- 21 [19/00179/FLL](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 7 (amplified music and public address systems), condition 9 (deliveries), condition 12 (hours of operation) and condition 13 (approved activities within the activity lawn area) of planning permission 16/00941/FLL (Change of use from clay extraction pit to outdoor activity centre, siting of 13 lodge-style caravans, restaurant and reception building, 6 mobile camping pods, formation of car parking, formation of bunds and associated works) Application withdrawn on 13 March 2019



- 22 19/00538/SCRN Siting of lodge style caravans, associated car parking, infrastructure, screening and landscaping, formation of footpath links, formation of a 9 hole pitch and putt golf course and erection of a shed EIA screening decision issued May 2019. EIA required.

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency
- Scottish Natural Heritage
- Scottish Water
- Errol Community Council

### **Internal**

- Environmental Health Noise and Dust & Contamination
- Strategic Planning and Policy
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer
- Waste Services

## **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. Impact on Noise
  - i. Transport Implications
  - j. Tourism and Economy
  - k. Impact on Agriculture
  - l. Impact on neighbouring Cultural Heritage
  - m. Site Contamination Assessments and suitability for any further development

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

- 25 In order to support the planning application, an environmental report should be submitted for consideration.

Anticipated contents of an Environmental Report should include

- Policy Framework
- Transport Assessment
- Flood Risk and Drainage Assessment
- Noise and Air quality Assessment and Management Plans
- Detailed Contamination and Ground Conditions Surveys
- Landscape and Visual Impact Assessment
- Habitat Survey
- Sustainability Assessment
- Residual and Cumulative Impact

- 26 The following should also be submitted as part of the planning submission:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None

Contact Officer: Callum Petrie – Ext 01738 475353

Date: 23 May 2019

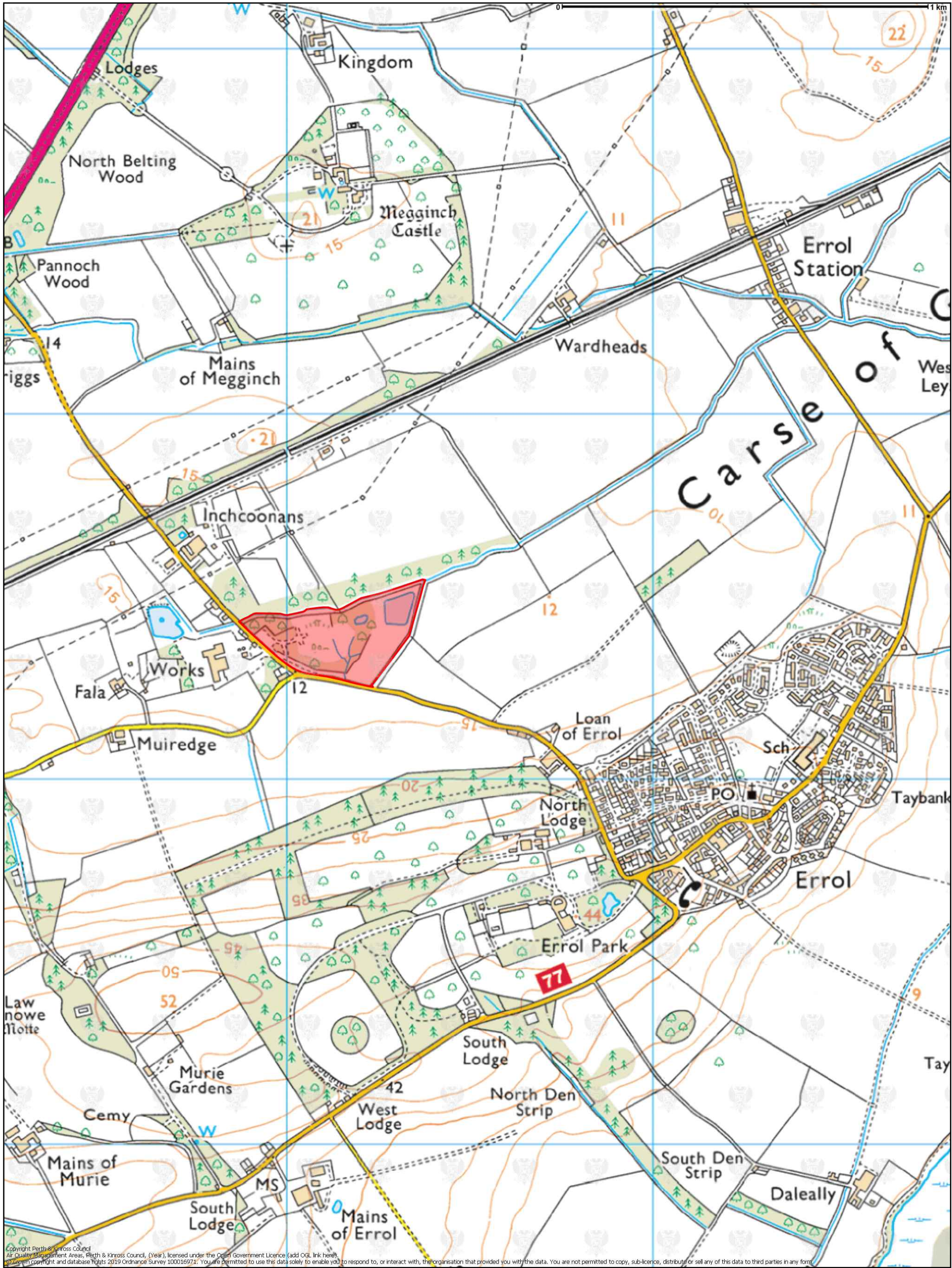
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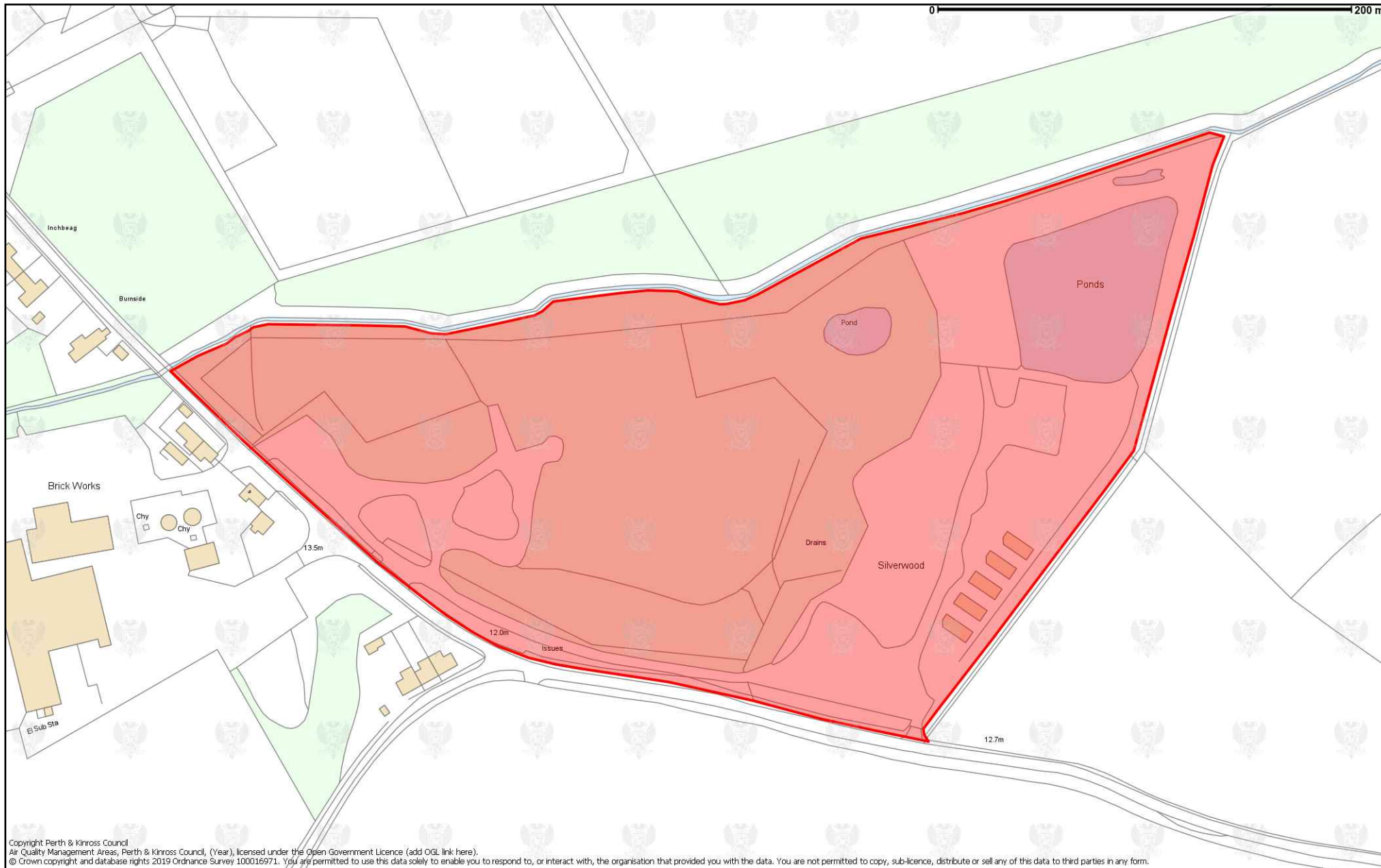
19/00001/PAN



Land 300 Metres East Of Errol Brickworks,  
Errol









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