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Council Building
2 High Street
Perth
PH1 5PH

29/06/2022

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 06 July 2022 at 10:00**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

Councillor Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Hugh Anderson
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Eric Drysdale
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 06 July 2022

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 MINUTES**
- 3(i) MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 13 APRIL 2022 FOR APPROVAL (copy herewith) 7 - 44**
- 3(ii) MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 1 JUNE 2022 FOR APPROVAL (copy to follow)**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 21/02284/FLM - ERECTION OF 78 DWELLINGHOUSES, FORMATION OF SUDS POND, LANDSCAPING AND ASSOCIATED WORKS, LAND 90 METRES EAST OF 16 HEBRIDEAN GARDENS, KINCARDINE ROAD, CRIEFF Report of Handling by Head of Planning and Development (copy herewith 22/160) 45 - 66**
- 5(1)(ii) 22/00142/AMM - APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PERMISSION 16/01348/IPM (ERECTION OF 67 - 88**

45 DWELLINGHOUSES, 3 GARAGES AND ASSOCIATED INFRASTRUCTURE (REVISED DESIGN)), LAND 150 METRES SOUTH WEST OF DOBBIES GARDEN CENTRE, EAST HUNTINGTOWER, PERTH

Report of Handling by Head of Planning and Development (copy herewith 22/161)

5(2) LOCAL APPLICATIONS

- | | | |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 5(2)(i) | 21/01673/FLL - RELOCATION OF DRIVING RANGE, ERECTION OF GOLF ACADEMY BUILDING AND SHOP, FORMATION OF PARKING AREA, PART DIVERSION OF CORE PATH, LANDSCAPING AND ASSOCIATED WORKS, MURRAYSHALL HOUSE HOTEL, MURRAYSHALL, PERTH
Report of Handling by Head of Planning and Development (copy herewith 22/162) | 89 - 118 |
| 5(2)(ii) | 21/02187/IPL - RENEWAL OF PERMISSION 18/01855/IPL (RESIDENTIAL DEVELOPMENT), LAND 100 METRES NORTH WEST OF SHCIEHALLION, CROOK OF DEVON
Report of Handling by Head of Planning and Development (copy herewith 22/163) | 119 - 132 |
| 5(2)(iii) | 21/02133/AML - ERECTION OF 10 DWELLINGHOUSES, 6 GARAGES AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 18.01855/IPL), LAND TO THE WEST OF INNERDOWNIE, CROOK OF DEVON
Report of Handling by Head of Planning and Development (copy herewith 22/164) | 133 - 152 |
| 5(2)(iv) | 21/02279/FLL - CHANGE OF USE, ALTERATIONS AND EXTENSION TO AGRICULTURAL STEADING TO FORM 6 DWELLINGHOUSES, ERECTION OF 2 DWELLINGHOUSES AND ASSOCIATED COMMUNAL AND ANCILLARY BUILDINGS, INSTALLATION OF SOLAR ARRAYS, FORMATION OF ACCESS ROAD, PARKING AREA AND ASSOCIATED WORKS, KINVAID FARM, MONEYDIE, PERTH
Report of Handling by Head of Planning and Development (copy herewith 22/165) | 153 - 178 |
| 5(2)(v) | 21/02280/LBC - ALTERATIONS AND EXTENSION TO BUILDINGS TO FORM 6 DWELLINGHOUSES, KINVAID FARM, MONEYDIE, PERTH
Report of Handling by Head of Planning and Development (copy herewith 22/166) | 179 - 192 |
| 5(2)(vi) | 22/00140/AML - ERECTION OF A DWELLINGHOUSE (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF | 193 - 206 |

19/01540/IPL), LAND 20 METRES NORTH EAST OF CAIRN COTTAGE, KINNOCHTRY, COUPAR ANGUS

Report of Handling by Head of Planning and Development (copy herewith 22/167)

- 5(2)(vii) 22/00429/FLL - CHANGE OF USE AND ALTERATIONS TO FORMER BANK (CLASS 2) TO FORM HOT FOOD TAKEAWAY AND INSTALLATION OF REPLACEMENT FLUE, THE ROYAL BANK OF SCOTLAND, DRUMMOND STREET, COMRIE, CRIEFF** **207 - 222**
- Report of Handling by Head of Planning and Development (copy herewith 22/168)

6 PROPOSAL OF APPLICATION NOTICES (PAN)

- 6(i) 22/00011/PAN - ERECTION OF 2 TRANSFORMERS, CONTROL BUILDING, ASSOCIATED PLAN AND INFRASTRUCTURE, ANCILLARY FACILITIES, LAYDOWN AREAS, CONSTRUCTION COMPOUND, SITING OF WELFARE/SITE OFFICE UNITS, LANDSCAPING AND ASSOCIATED WORKS, LAND 170 METRES NORTH WEST OF STUDIO COTTAGE, TUMMELL BRIDGE** **223 - 232**
- Pre-Application Report by Head of Planning and Development (copy herewith 22/169)
- 6(ii) 22/00012/PAN - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED LANDSCAPE FRAMEWORK AND INFRASTRUCTURE (IN PART, ALLOCATED SITE H69), LAND AT FORFAR ROAD, MEIGLE** **233 - 242**
- Pre-Application Report by Head of Planning and Development (copy herewith 22/170)
- 6(iii) 22/00014/PAN - ERECTION OF 50 DWELLINGHOUSES, FORMATION OF SUDS, LANDSCAPING, FOOTPATHS AND ASSOCIATED WORKS (ALLOCATED SITE H24), LAND 150 METRES SOUTH-WEST OF MONCUR FARM, MONCUR ROAD, INCHTURE** **243 - 252**
- Pre-Application Report by Head of Planning and Development (copy herewith 22/171)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 13 April 2022 at 10.00am.

Present: Councillors R McCall, B Brawn, R Brock, T Gray, D Illingworth, I James, T McEwan, L Simpson, R Watters and W Wilson

In Attendance: D Littlejohn, K Smith, S Panton, P Williamson, L MacLean and L Reid (all Communities); C Elliott, D Williams; A Brown and K Molley (all Corporate and Democratic Services).

Apologies: Councillor M Barnacle, C Reid and M Williamson.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and noted apologies as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee of 16 March 2022 was approved as a correct record.

4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
21/01946/FLL	5(2)(ii)
21/02159/FLL	5(2)(iv)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **21/02270/FLM - S42 application to modify condition 4 (hours of operation for construction) of permission 18/01890/FLM, land at Wester Tomaknock, Crieff – Report No. 22/73 – GS Brown Construction Ltd**

Resolved:

Grant, subject to the following conditions, terms 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 occupation of any residential plot, 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 unless otherwise agreed in writing.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
3. Prior to any phase of the development hereby approved being 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, in consultation with Transport Scotland. 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 vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
4. Construction work shall be limited to Monday to Friday 07:00hrs to 19:00hrs and Saturday 08:00hrs to 13:00hrs with no noisy works out with these times or at any time on Sundays.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Council as Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.
Reason: In the interest of pedestrian and cycle safety.
6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Council as Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The subsequently approved play area(s) shall be designed, laid out and equipped in accordance with Perth & Kinross Council's current criteria for play area provision

within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

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

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Council as Planning Authority for further written in consultation with the Council's Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

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

10. Prior to the commencement of development, 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 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.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed 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 prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

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

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

13. There shall be no land raising or the erection of solid boundaries within the 0.5% annual probability (AP) floodplain as shown on drawing number 13019/21/001A forming part of planning permission 16/02217/FLM.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any

sustainable urban drainage System (SUDS) does not increase flood risk elsewhere.

14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. 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, commensurate with the associated stage of the development and prior to the completion of the development.

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

16. 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: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

17. The conclusions and recommended action points within the supporting biodiversity surveys submitted and hereby approved (plan ref 16/02217/80 and 16/02217/88) 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).

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority. Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

19. 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.

20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority. Reason: In the interests of enhancing environmental quality and of biodiversity.

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

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

22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Council as Planning Authority, including full boundary treatment details (with elevations). Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

23. 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. This shall include a further detailed review of the elevation treatments on plots 65-76. 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 and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.
24. The approved layout and site plans, which includes a site access detail up to the eastern boundary of the site shall be constructed up to the edge of the eastern boundary in full, in conjunction with and no later than 3 years of the formation of the eastern public access, (bounding plots 49 and 50) or the occupation of any of the plots 42, 43 or 44, whichever is earlier.
Reason: To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2019.

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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and

Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
 6. The applicant is advised that the detailed design of all sustainable urban drainage systems (SUDS) shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. i.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
 7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
 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. No work shall be commenced until an application for building warrant has been submitted and approved.
 10. 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.

11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016 forming part of 16/02217/FLM planning permission documents). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02217/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

(ii) 22/00046/AMM - S42 application to amend condition 16 (service delivery times) of permission 19/00163/AMM, land 90 metres south west of Cemetery House Lodge, Perth Road, Blairgowrie – Report No. 22/74 – Lidl Great Britain Ltd

S Panton introduced the report and provided an update, also circulated to members prior to the meeting, advising of an error in the numbering of the conditions within the report which had been amended and that reference to “Lidl” had been replaced with “the unit identified as “Lidl” on Plan 19/00164/4 of planning permission 19/00163/AMM” or similar in order to futureproof the conditions should a new occupier use the unit under question.

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.
3. Prior to the commencement of development, a scheme to provide a right turn lane from the A93 (southbound) in to the

development and a signalised pedestrian crossing on the A93 shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall confirm the location, specification, detailed design and delivery timescales of both the turn and pedestrian crossing. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit.

Reason: In the interests of road and pedestrian safety.

4. 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

5. Prior to the commencement of development, a scheme for the technical details, delivery phasing and signage needed for the diversion of Core Path BLAI/29 and for the future maintenance of the path within the site shall be submitted to, and approved in writing by, the Council as Planning

Authority. This scheme shall also ensure that all existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason: In the interest of sustainable transportation being maintained.

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

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

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

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

7. Prior to the commencement of development hereby approved, the final construction details for the disposal of surface water via a Sustainable Urban Drainage System (SUDs), and the subsequent maintenance of the scheme, shall be submitted to, and approved in writing by, the Council as Planning Authority. The design for the SUDs basin shall incorporate an emergency spillway for exceedance flood events to be directed towards a watercourse. Further, this design shall ensure that, where any outfall will affect the adjacent swamp/pond area, only clean water enters this wetland area. The scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit and thereafter maintained in accordance with the approved scheme.

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

8. Prior to the commencement of development, updated landscape proposals shall be submitted to, and approved in writing by, the Council as Planning Authority. The updated proposals shall include a planting scheme which incorporates increased native species, detail the delivery implementation and arrangements for maintenance. The landscaping scheme, as approved, shall thereafter be

implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted in the next available planting season. The approved scheme as approved, shall be maintained thereafter to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

Before any residential or commercial unit is occupied the measures to mitigate all identified risks after intrusive investigation shall be fully implemented as approved by the Planning Authority.

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

11. 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: The site lies adjacent to areas of archaeological significance.

12. Prior to the occupation of any retail unit hereby approved, a scheme for all external lighting shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall ensure appropriate alignment and provide sufficient screening so as to ensure that there is no direct illumination of neighbouring land including the A93 (Perth Road) and Ardblair Terrace and that light spillage beyond the boundaries of the site is minimised. The lighting scheme shall thereafter be implemented in full, prior to the occupation of each retail unit.

Reason: In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished.

13. All plant or equipment on each building hereby approved 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 the interest of protecting residential amenity from noise generated by plant or equipment.

14. Within any neighbouring residential property, noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax, with window slightly open.

Reason: In the interest of protecting residential amenity from noise.

15. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows

that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason: In the interest of protecting residential amenity.

16. With the exception of the unit identified as 'Lidl' on Plan 19/00163/4 of planning permission 19/00163/AMM, all servicing and deliveries to any retail unit hereby approved must be within the core hours of 07:00 and 21:00 Monday to Saturday and within the hours of 09:00 and 17:00 hours on Sundays. Where any retail unit is to receive deliveries between the extended hours of 21:00 and 23:00 Monday to Saturday only, a Delivery/Servicing Noise Management Plan, outlining mitigation measures to reduce noise, shall be submitted to and approved in writing by the Council as Planning Authority prior to activity taking place during these hours. The servicing and delivery arrangements must be in accordance with the core hours or, where approved, in accordance with any scheme and mitigation approved under the extended hours.

Reason: To safeguard the amenity of neighbouring residential properties.

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

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

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

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

19. 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.

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

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

21. Noise from deliveries to the unit identified as 'Lidl' on Plan 19/00163/4 of planning permission 19/00163/AMM shall not exceed 50dB(A) Leq,1 hour including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, or L A90,1 hour background noise level plus 5dB when measured within external amenity areas at any residential property.

Reason: To safeguard the amenity of neighbouring residential properties.

22. Prior to the commencement of the development a Noise Management Plan for the unit identified as 'Lidl' on Plan 19/00163/4 of planning permission 19/00163/AMM shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with deliveries and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: To safeguard the amenity of neighbouring residential properties.

23. Servicing of and deliveries to the premises identified as 'Lidl' on Plan 19/00163/4 of planning permission 19/00163/AMM shall be carried out between 0700 and 2100 Monday to Sunday.

Reason: To safeguard the amenity of neighbouring residential properties.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the

Town and Country Planning (Scotland) Act 1997 (as amended).

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
 - In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.

7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
10. 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.
11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.

(iii) 22/00187/IPM - S42 application to modify condition 3 (building height) of planning permission in principle 20/01103/IPM, The James Hutton Institute, Errol Road, Invergowrie – Report No. 22/75 – The James Hutton Institute

Resolved:

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

Conditions

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

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

2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) a construction (including demolition) phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths/cycleways and structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of any landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) details of protection of scheduled monuments;
 - (x) lighting details;
 - (xi) bin storage, collection location and recycling facilities provision;
 - (xii) air quality assessment;
 - (xiii) updated ecology assessment including protected species survey, a breeding bird survey of buildings and potential bat roost features in any buildings proposed to be demolished;
 - (xiv) biodiversity action plan (to specifically include biodiversity enhancement and opportunities to support protected species);
 - (xv) contaminated land assessment;
 - (xvi) a Green Travel Plan (GTP); and,
 - (xvii) archaeological working scheme of investigation.
- Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
3. No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 18 metres in height.

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

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed applications, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

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

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

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

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

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

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

9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, details of the location and measures proposed for the safeguarding and continued operation of any Scottish Water supply pipes sited within and running through the application

site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To safeguard Scottish Water infrastructure.

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

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

Reason - To safeguard archaeology in the area.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

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

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

12. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a

hard and soft landscaping scheme shall be submitted to and approved in writing by the Council as Planning Authority.

The scheme shall include the following specification:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture and equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

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

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

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

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

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

Reason - In the interests of road safety

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

Reason - In the interests of road safety

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

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

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

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

18. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented to the satisfaction of the Council as Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been

- dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
 3. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing any demolition work. If bats are found during works, the work should stop immediately, and you should contact NatureScot at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult NatureScot for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
 4. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
 5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
 6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
 7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required

information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

8. The granting of planning permission does not stop the continued right of public access along the existing core paths INGI/8 and 52/8. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
10. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
12. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
13. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate

application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

(2) Local Application

- (i) 21/00407/FLL - Erection of 5 dwellinghouses, garages and associated works, land north of Woodbine Cottage, Duncricvie, Glenfarg - Report 22/76 - GS Brown Construction Ltd**

Resolved:

Grant, subject to the following conditions, including additional condition 9, terms 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, a detailed landscaping and planting scheme for the site shall be submitted for the 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. Particularly elements of structural planting to the north and northwest boundaries should be incorporated. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
3. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk

assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority. Reason - In order to deal with any potential contamination of the site as a result of its former use.

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

5. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

6. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

7. The conclusions and recommended action points within the supporting flood risk assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

8. 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.

9. Prior to the commencement of the development hereby approved, the developer shall submit for the 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) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (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) traffic arrangements in the immediate vicinity of temporary construction compounds; and,
 - (h) arrangements for dealing with non-compliance

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

Reason - In the interests of road safety during the implementation of the development and proper site management.

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. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
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 should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure

adequate measures are provided on site to allow for the collection of waste.

10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations include the submission of a Flood Risk Assessment.

(ii) 21/01946/FLL - Erection of a dwellinghouse and garage, land south east of Graybank House, Graybank Road, Perth - Report 22/77 - Mr W Robb

Mr J McGurk and Mr F Martin, objectors to the application, followed by Mr R Taylor, agent, and Ms A Robb, applicant, addressed the Committee via audio conference and answered members questions.

Motion (Councillors McCall and Illingworth)

Grant, subject to the following conditions, terms 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, 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) taking cognisance of the 7.5t limit 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 to ensure that access for emergency service vehicles are not impeded; and
 - (d) details of HGV movements to and from the site.
- The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

- 3. All plant or equipment, which includes the Air Source Heat Pump, 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. The ancillary one bedroom annexe located on the ground floor (plan ref 19) hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be occupied separately at any time and shall be retained within the same planning unit as the dwelling.

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

- 5. As set out in the application forms and hereby approved documents (plan ref 02) the surface water drainage shall be connected to the Scottish Water combined sewer system.

Reason - To ensure the discharge of surface water is managed.

- 6. Prior to the commencement of any works on site, the Root Protection Area identified on plan ref 02 shall be put in place. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

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 has been signed and registered to take account of this application or the upfront payment made. The legal agreement should be concluded and completed within 4

months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately 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. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 5. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.**
- 6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.**
- 7. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to clarify position of hedge.**

Amendment (Councillors Wilson and Simpson)

Refuse on the basis that the proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019)

- (i) Policy 1A: Placemaking due to the dominant appearance, scale, location and massing of the proposed dwellinghouse which would look incongruous to its surroundings. The proposed dwellinghouse would not contribute positively to the local built and natural environment.
- (ii) Policy 1B(c): Placemaking due to the three storey nature of the building, its design, scale, appearance and orientation. The proposed dwelling would not blend well into the surrounding landscape and buildings. The proposed dwelling would not contribute positively to the local built and natural environment.

In terms of Standing Order 21.6 a roll call vote was taken.

8 members voted in accordance with the Motion:
Councillors Brawn, Brock, Gray, Illingworth, James, McCall, McEwan and Watters

2 members voted in accordance with the Amendment:
Councillors Simpson and Wilson.

Resolved:

In accordance with the Motion.

- (iii) **21/02087/FLL - Change of use from open space to form extension to garden ground, formation of a path and erection of fence, Ard Mor, 39 Highfield Road, Scone - Report 22/78 - A and J Stephen Ltd**

Resolved:

Grant, subject to the following conditions, terms 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 first use of the hereby approved path, the bollard shall be provided and shall thereafter remain in its approved location, as per the details on approved Plan 03.
Reason - In order to ensure that the design limits use of the path link.
- 3. Prior to the commencement of the development hereby approved, a landscaping and planting scheme for the verges alongside the edges of the footpath and also the 'triangle'

area to the west adjoining the site, all primarily as shown in brown on hereby approved drawing P8430_342, shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented within the first available planting season after completion of the development. Any planting failing to become established with 5 years, shall be replaced within the next available planting season.

Reason – In order to protect the visual amenity of the area and to promote bio-diversity)

4. Prior to the commencement of the development hereby approved, a street lighting design must be submitted to and for the approval in writing by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority, and shall be implemented in accordance with the approved details prior to the footpath being brought into use.

Reason - In the interests of pedestrian and cyclist safety.

5. Prior to the commencement of the development hereby approved, detailed surface water disposal details shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented as the development progresses.

Reason – In order to ensure that surface water is adequately dealt with.

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. The applicant / developer should be aware that if there is any proposal to alter a line of an existing core path (SCON/13) a further procedure is required. The granting of planning permission does not stop the continued right of public access along the existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
5. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the inclusion of a bollard.

(iv) 21/02159/FLL - Erection of a dwellinghouse and garage (revised design), land south of Innfield, Abernyste - Report 22/79 – Mr A Strickland

Mr P Lacoux, objector to the application, followed by Mr A Strickland, agent for the applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of development hereby approved, details of the location and specification of the four swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the first use of the hereby approved dwellinghouse.
Reason - In the interests of protecting environmental quality and of biodiversity.

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. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

COUNCILLORS BRAWN AND SIMPSON LEFT THE MEETING AT THIS POINT

6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **22/00006/PAN - Installation of a 49.9MW ground-mounted solar array and associated works, 130 metres southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus – Report 22/80**

Councillor James requested that the size, scale and need be considered.

Councillor Wilson stressed the importance of consultation undertaken with local residents. Councillor Wilson also requested that size and scale be taken full account of, and that noise, dust and vibration during any potential construction phase be considered. Councillor Wilson also requested that drainage, flooding, cumulative landscape impact, transport, core paths, need, design and access all be considered.

Councillor McEwan requested that both access to site and biodiversity on the site be considered.

The contents of the Head of Planning & Development's Report were noted.

(ii) 22/00007/PAN - Replacement poultry farm comprising 4 rearing sheds and associated works 200 metres north west of Innerpeffray, Crieff - Report 22/81

Councillor Wilson requested that landscape, water resources, soils, air quality, transport assessment, and a tree and woodland survey be considered.

Councillor McEwan requested that active travel and local walking routes be considered.

The contents of the Head of Planning & Development's Report were noted.

(iii) 22/00008/PAN - Formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works at Whinstone Quarry, Devonshaw, Powmill - Report 22/82

Councillor Wilson requested that strategic planning policy, community greenspace, economic development, water resources, soils, biodiversity, transport implications, tourism and economy, landscape and visual impact, a habitat survey, and a sustainability assessment all be considered.

Councillor Watters requested that biodiversity, local economy and transport provision all be considered.

The contents of the Head of Planning & Development's Report were noted.

(iv) 22/00009/PAN - Residential development, access, landscaping, SUDS and associated works (allocated site MU27), land 170 metres south west of 8 Tayview, Luncarty – Report 22/83

Councillor James requested that access to the site, neighbouring properties, flooding, core paths, and recreation ground all be considered.

Councillor Wilson requested that access, drainage, waters and soils, impact of agriculture, potential archaeology, and landscaping all be considered.

The contents of the Head of Planning & Development's Report were noted.

(v) 22/00010/PAN - Installation of a 14.5 CWh hydro scheme and associated works east of Corrievarkie Lodge, Rannoch – Report 22/84

Councillor Wilson requested that transport implications, tourism and economy, impact of land-based industries, and habitat on land and water courses all be considered.

The contents of the Head of Planning & Development's Report were noted.

DRAFT

Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/160)

PROPOSAL:	Erection of 78 dwellinghouses, formation of SUDS pond, landscaping and associated works
LOCATION:	Land 90 metres east of 16 Hebridean Gardens, Kincardine Road, Crieff

Ref. No: [21/02284/FLM](#)

Ward No: P6- Strathearn

Summary

This report recommends **approval** of the application for a development comprising the erection of 78 dwellinghouses, formation of SUDS pond, landscaping and associated works on land 90 Metres East of 16 Hebridean Gardens, Kincardine Road, Crieff.

The development is considered to continue 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 Planning permission is sought for a residential development comprising 78 dwellinghouses and associated works, to include roads, drainage and landscaping. The site is located within the Crieff Settlement Boundary as defined in LDP2. The site was originally allocated as part of a wider housing development within the now superseded, Strathearn Area Local Plan 2001. The original allocation was to be delivered in three phases, with phases one and two having been completed for some time. Planning permission was also granted in April 2007 for phase three, which included the application site as well as an area to the north-west. That proposal was for 115 dwellinghouses of which 29 were to be affordable. However, only the affordable homes part of the permission on the area to the north-west (Craig Rossie View) was implemented at that time. A further application for 20 homes was approved in 2011 for the area to the south of Craig Rossie View and has since been completed, but the remainder of the site has remained undeveloped. As the previous permission (ref: 06/02451/FUL) was implemented in part, it remains extant in perpetuity.
- 2 The site extends to approximately 3.8ha and is situated to the south-east of Crieff, within the settlement boundary. To the north, south and west are established residential areas, with the parts to the south and west forming part of the previously Kincardine Road designated housing site. The Kincardine

Walk Core Path bounds the site to the north. The Alligan Burn runs along the eastern boundary with open agricultural land beyond which is located outwith the settlement boundary. The site itself slopes gradually downhill from the north-east corner to the south-west with an approximate 7m level change across its full extent. Some earthworks were undertaken as part of the previous approval. However, the site is currently vacant and is fenced off to prevent access.

- 3 The current proposal draws on the previous layout with vehicular access points having been established from Hebridean Gardens to the south-west and Reid Place to the north-west. The road layout will connect the two accesses providing a single arterial street through the development with shared-surface tertiary streets branching from it. The majority of the houses have been orientated to face a road or the areas of open space.
- 4 The areas along the east and south boundaries of the site will be landscaped and will incorporate a footpath link from Skye Crescent at the south-west corner to the Core Path to the north. The footpath will also link into tertiary streets within the development. An area of green open space, including a play area, will be provided centrally within the site. Open space will also be provided at the south-east corner of the site and will include a SUDS pond and further landscaping.
- 5 All of the 78 houses proposed are to be for private sale, with the affordable element having already been delivered at Craig Rossie View. The dwellings comprise a mix of detached, semi-detached and terraced homes. The unit numbers and tenure mix includes:
 - 10 x two-bedroom terraced dwellinghouses;
 - 25 x three-bedroom terraced/semi-detached/detached dwellinghouses;
 - 34 x four-bedroom detached dwellinghouses; and
 - 9 x five-bedroom detached dwellinghouses.
- 6 All the houses are two storeys in height and will be provided with private garden space. The properties will be finished with smooth white render with a grey coloured facing brick base course and grey weatherboard. The roof coverings will be grey concrete tiles.

Environmental Impact Assessment (EIA)

- 7 An EIA screening has been undertaken in relation to the proposal. The screening exercise concluded concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects.

Pre-Application Consultation

- 8 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it proposes a residential development of 50 or more dwellings. Therefore, the applicant was required to undertake formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report has been submitted in support of the application.

- 9 The PAC Report advises that, in line with Covid-19 Regulations, traditional public engagement was replaced by the production of a project webpage and an online event was held between 18:30 and 20:00 on 29 July 2021. There were seven individuals who registered to participate in the online event. This was followed by the applicant issuing a written update to those who had made contact as well as Ward Councillors, local MP, local MSP and Crieff Community Council. The update was issued on 18 and 22 November 2021.

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 2014

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

The Scottish Planning Policy 2014 (SSP)

- 12 The Scottish Planning Policy (SPP) 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
 - Maintaining a 5-year Effective Land Supply: paragraphs 123 - 125
 - A Low Carbon Place: paragraphs 152 – 154
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 - 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 271

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 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 84 Reducing Carbon Emissions in New Development

Creating Places 2013

- 15 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

- 16 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 17 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

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

TAYplan Strategic Development Plan 2016-2036

- 19 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 20 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*

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

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 4 – Homes

Perth and Kinross Local Development Plan 2

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

- 23 The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

[Placemaking Supplementary Guidance \(March 2020\)](#)

- 24 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

[Flood Risk and Flood Risk Assessment Supplementary Guidance \(March 2021\)](#)

- 25 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

SITE HISTORY OF RELEVANCE

- 26 [06/01911/FUL](#) Full Planning Permission application was Withdrawn On 1 September 2006 for Residential development comprising of 29 units.
- 27 [06/02451/FUL](#) Full Planning Permission was Approved On 23 April 2007 for Erection of 115 dwellinghouses (inclusive of 29 housing association units), formation of access road, footpaths and associated works (Phase 3).
- 28 [10/00015/PAN](#) On 24 September 2010 for Residential development.
- 29 [10/02014/FLL](#) Full Planning Permission was approved on 31 August 2011 for a Residential development consisting of 20 multiplex units and associated landscaping and infrastructure.
- 30 [21/01092/SCRN](#) On 27 September 2021 for Screening Opinion.
- 31 [21/00012/PAN](#) On 1 July 2021 for Residential development, landscaping, suds and associated work.

CONSULTATIONS

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

External

- 33 **Crieff Community Council:** No comments received.
- 34 **Scottish Environment Protection Agency:** No objection.
- 35 **Scottish Water:** No objection. A review has confirmed that there is currently sufficient capacity at Turret Water Treatment Works and Crieff Waste Water Treatment works to service the development.

Internal

- 36 **Biodiversity/Tree Officer:** No objection, subject to conditions on biodiversity enhancement, protected species and landscaping.
- 37 **Community Greenspace:** No objection received.
- 38 **Community Waste Advisor - Environment Service:** No objections. Swept path diagram demonstrates ability for refuse vehicles to service the site.

- 39 **Development Contributions Officer:** No contributions required.
- 40 **Environmental Health (Contaminated Land):** No objection, subject to a pre-commencement condition requiring the submission of a Preliminary Risk Assessment (Phase 1 Desk Study) to be undertaken.
- 41 **Environmental Health (Noise/Odour):** No objection. The change in light duty vehicle traffic flow on local roads due to the development is below the criteria to undertake a full air quality assessment.
- 42 **Planning And Housing Strategy:** No objection received.
- 43 **Structures And Flooding:** No objection, subject to a pre-commencement condition requiring agreement of the SUDS details.
- 44 **Transport Planning:** No objections, subject to a pre-commencement condition requiring the submission and agreement of a Construction Traffic Management Scheme.

REPRESENTATIONS

- 45 No letters of representation have been received in respect of the current application.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Arboricultural Report • Flood Risk Assessment • Preliminary Ecological Appraisal • Site Investigation Report • Transport Statement • Voluntary Action Remediation Statement

APPRAISAL

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

material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 47 The application site is not specifically allocated for housing development within LDP2 but is located within the defined Crieff settlement boundary. However, the principle of residential development on the site is already established by planning permission (ref: 06/02451/FUL). The partial implementation of that permission ensures that the ability to develop the site remains extant in perpetuity. This is a significant material consideration in the determination of this application. The principle of the development continues to be acceptable, subject to compliance with other relevant LDP2 policies.

Design and Layout

- 48 This application seeks to change the detail of the residential development from the previous permission, including: reduced dwellinghouse numbers, revised house types, a more coherent road layout, relocation of the open space and playpark, inclusion of a SUDs basin and minor plot design changes.
- 49 The layout seeks to provide a logical movement pattern, particularly for non-motorised users with emphasis on creating permeability through the site. Connections are made to the core path to the north while also taking cognisance of desire lines through the site, particularly to Strathearn Community Campus to the south-west.
- 50 The proposed landscaping of the eastern and southern boundary will form an appropriate transitional area between the development and the open farmland to the east. The green corridor will also play an important role in forming a green connection through the site which will allow for a continuation of the landscape character of the site edge.
- 51 A strategy of boundary treatments has been proposed which provides good definition between public and private spaces and creates a legible environment which connects the new housing to the existing street network. An area of open space with a play park will be provided in the centre of the development creating a focal point for residents to socialise and play. A desire line through the open space will be formalised via a path encouraging pedestrian activity within the space. The play park will
- 52 A total of 78 houses are proposed, which equates to a density of 21 units per hectare. The majority of the houses have been orientated to face a road or areas of open space, where they can provide passive surveillance. The proposal provides a suitable mix of 2-5 bedroom units, addressing the needs of a range of households. All the dwellinghouses will be two storeys in height and will have their own private garden space. Overall, the scale and density of the development is commensurate with the previous phases of the development and the prevailing townscape in this part of Crieff.

- 53 The proposed palette of materials, including white render, grey brick and weatherboard and grey concrete roof tiles is appropriate in this location and is considered acceptable. The final specification of materials will require to be determined via a condition (condition 2).
- 54 Overall, it is considered that the design and layout of the development contribute positively to the quality of the surrounding built and natural environment and represents an improvement on the extant permission.

Residential Amenity

Daylight, Overshadowing and Privacy

- 55 The development will connect to the previous phases of development to the west, with the closest new properties being predominantly laid out in a back-to-back arrangement with those on Hebridean Gardens. At this point the site layout is broadly similar to the previous permission and there is not considered to be any undue impact on the amenity of the existing properties. Window to window distances are all in excess of 18m to maintain privacy, and the scale of the properties will ensure that there is no unacceptable impact on daylight or overshadowing.
- 56 Similarly, the remainder of the new properties will be adequately spaced out to ensure privacy and to prevent any impact on amenity in terms of loss of daylight or overshadowing.

Air Quality

- 57 The main potential long-term impact on air quality resulting from the development will be from vehicular trips. The applicant has provided a Transport Statement and Traffic Generation Tables which assess the impact of these trips. Environmental Health has confirmed that the change in light duty vehicle traffic flow is below the criteria requiring a full Air Quality Assessment to be undertaken. Any impact on air quality as a result of the development is considered to be negligible.
- 58 Overall, the proposal complies with Policy 57 'Air Quality'.

Roads and Access

- 59 The two vehicular accesses to the site have been established through the extant permission. The proposed layout seeks to connect the two accesses creating a more permeable site than the previously proposed cul-de-sacs. Although the layout will now form a road through the development, the site's location and the road layout itself will not encourage through traffic to utilise it as a shortcut. The use of shared surfaces within the development will reduce vehicle speeds and create a more pleasant environment for cyclists and pedestrians.

- 60 All the detached and semi-detached properties will have driveways, with parking for the terraces and visitors largely provided in two parking courts and on street. The majority of the driveways extend along the properties' gables to allow vehicles to be parked away from the road in line with Designing Streets principles, trying to reduce the visual impact of parked cars within the street scene.
- 61 Footpath connections are provided through the site with links to Kincardine Walk Core Path and a landscaped perimeter path along the eastern and southern boundaries will provide access to Strathearn Community Campus.
- 62 A Transport Statement (TS) has been provided in support of the proposal. The TS highlights that the site has good access to pedestrian routes and bus services. Local bus services are available from Strathearn Community Campus with regular services to Perth, Glasgow and Edinburgh available from Crieff centre. Transport Planning has raised no objections subject to a condition requiring a Construction Traffic Management Scheme (condition 8).
- 63 The proposal complies with Policy 60 'Transport Standards and Accessibility Requirements'

Drainage and Flooding

- 64 Policy 52 'New Development and Flooding' advises that there will be a general presumption against proposals for development or land raising on a functional floodplain and in areas at medium to high risk of flooding from any source. The site is not within an identified flood risk area, however, a Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA identifies some limited flood risk to the site along the line of the Alligan Burn and from surface water and overland flows from the north and north-east of the site. The FRA makes a number of recommendations to mitigate the flood risk, which the developer has agreed to undertake.
- 65 The first recommendation is to provide a 6m wide buffer from the edge of the Alligan Burn to the development, including gardens. It is proposed to provide a footpath adjacent to the watercourse at this point for access and amenity purposes. However, this is considered a 'water compatible use' in SEPA's Land Use Vulnerability Guidance and is acceptable in this location.
- 66 Further recommendations are: to provide an overland flow pathway along the line of the culverted section of the Alligan Burn: the provision of a swale along the northern boundary: and careful design of levels to permit surface water to be managed within the site without increasing flood risk.
- 67 SEPA has been consulted and have no objections to the proposal. Structures and Flooding also has no objections to the proposal subject to a pre-commencement condition requiring the submission and agreement of SUDS details (condition 7). The proposal is considered to comply with Policy 52 'New Development and Flooding'.

Energy and Low Carbon Technology

- 68 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. The houses will be built using a 'fabric first' approach and all the properties will have roof-mounted photo-voltaic cells. The applicant advises that this can deliver at least a 10% reduction in typical energy use. The proposal is in compliance with Policy 32.

Waste Collection

- 69 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

Natural Heritage and Biodiversity

- 70 LDP2 Policy 40 'Forestry, Woodland and Trees' states that there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 71 The development will require all the 227 trees within the site to be removed. A total of 31 of the trees are Category B, with all the others being Category C and U specimens with low amenity value. The location of the trees within the site is not compatible with the proposed layout, and the extant permission would allow their removal at any time.
- 72 The Biodiversity /Tree Officer has no objection to the tree loss providing a robust landscaping plan is submitted which adequately compensates for the loss of biodiversity and amenity. The draft site plan illustrates a high number of trees and hedgerows; however, it lacks detailed information and a condition will be necessary requiring the submission of a detailed planting plan indicating species, location and density. Condition 3 has therefore been recommended to secure this. Overall, the proposal is considered to comply with Policy 40.
- 73 A Preliminary Ecological Appraisal Report (PEAR) has also been submitted. The report lists a number of mitigation measures to prevent construction-related impacts to protected species and ecological enhancements. A Site Biodiversity Action Plan will be required by condition to confirm the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures mentioned in the PEAR (condition 4). Subject to the condition, the proposal complies with Policy 41 'Biodiversity'.

Contaminated Land

- 74 A Site Investigation Report and a Voluntary Action Remediation Statement have been submitted in support of the application. These reports identify areas

of contamination and proposals for remedial works. Therefore, a condition is required to ensure that any contamination is suitably remediated (condition 6).

Developer Contributions

- 75 No contributions are being sought, and as such, there is no requirement for a legal agreement.

Affordable Housing

- 76 The proposal is for 78 dwellinghouses that will all be for private sale. The affordable housing provision for the wider site has already been delivered across the previous phases leaving no requirement for any further provision on this phase.

Economic Impact

- 77 During the construction period, jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area with improved links to a dedicated area of recreation.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 78 None required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 80 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 81 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

General

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.

Finishes

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 residential amenity; to ensure a satisfactory standard of local environmental quality.

Landscaping and Biodiversity

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

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

4. Prior to the commencement of development hereby approved, a Site Biodiversity Action Plan confirming the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures recommended in supporting Preliminary Ecological Appraisal by David Dodds Associates Ltd dated August 2021 shall be submitted for the written agreement of the Council as Planning Authority. The submission should clearly show how enhancement measures have been incorporated into design schemes and architects' drawings to ensure they are realised. The

scheme as subsequently approved shall be carried out and completed to the satisfaction of the Council as Planning Authority.

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

5. The play area shall be implemented as part of the site development programme and completed in full prior to the occupation of the final dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of the amenity of the area and to ensure the satisfactory implementation of the play area.

Ground Contamination

6. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

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

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

Transport

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further 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.

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 required.

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. 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.
5. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000

8. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
9. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.
10. No work shall be commenced until an application for building warrant has been submitted and approved.

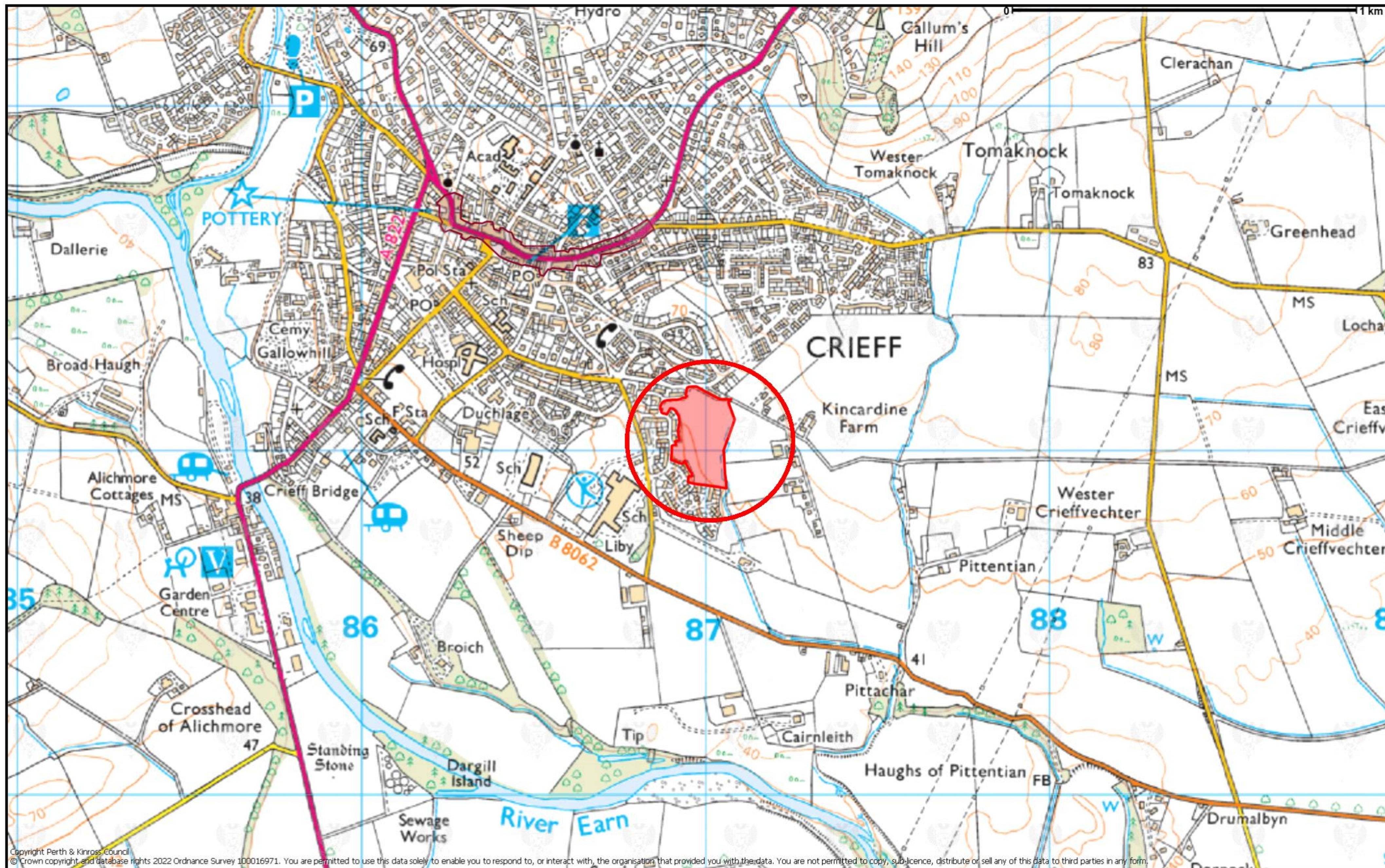
Background Papers: none
Contact Officer: Alex Gudgeon
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

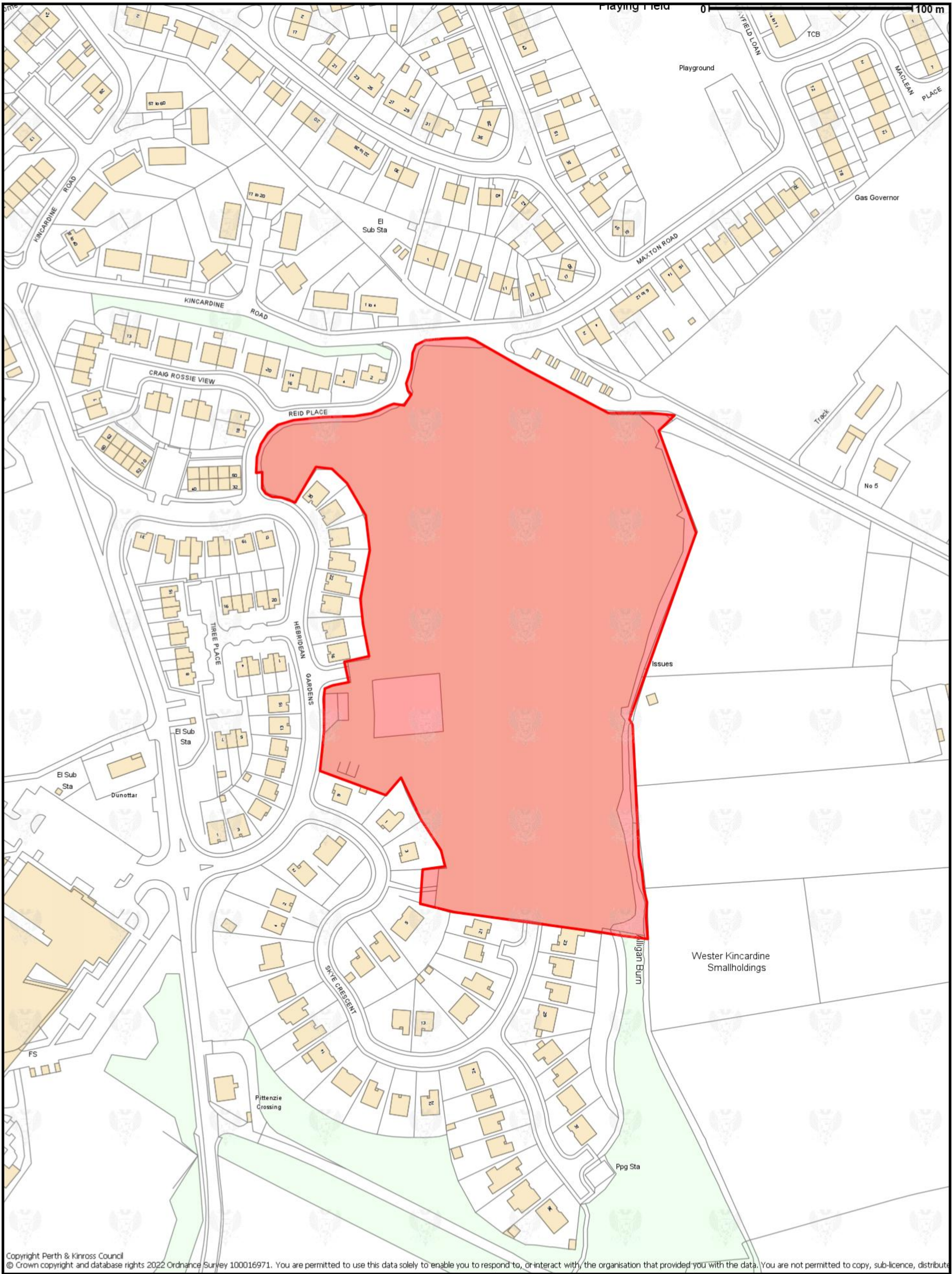
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21/02284/FLM
Erection of 78 dwellinghouses, formation of SUDS pond, landscaping and associated works



Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/161)

PROPOSAL:	Approval of matters specified in conditions of permission 16/01348/IPM (erection of 45 dwellinghouses, 3 garages and associated infrastructure (revised design))
LOCATION:	Land 150 metres south west of Dobbies Garden Centre, East Huntingtower, Perth

Ref. No: [22/00142/AMM](#)
 Ward No: P5- Strathtay

Summary

This report recommends approval of the application which proposes a substitution of house types and a minor design layout change, relative to phase 5 of planning permission in principle 16/01348/IPM for residential development at this location. The proposal is considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site, which extends to approximately 1.95 hectares, is located to the south of the A85 Trunk Road and to the west of the A9 Trunk Road as it bypasses Perth's western periphery. It is currently accessed from the A85 shared with existing businesses (Dobbies Garden Centre, The Glover Arms Pub and Restaurant & Travelodge Hotel) which would also serve as the access for this proposed development.
- 2 This development forms part of the wider in principle residential development (16/01348/IPM) for this site and the associated subsequent applications for the approval of matters specified by conditions, namely 18/00412/AMM and 18/01038/AMM for the erection 208 houses, 30 flats, 11 garages, roads infrastructure, Sustainable Urban Drainage System (SUDS) pond, play area, open space, landscaping and associated works. Development for this wider site has been delivered in 5 phases, with phases 1 - 3 already completed and phase 4 partially complete.
- 3 This application seeks a substitution of house types and a very minor change to the layout for phase 5 of planning permission 18/01038/FLM. No change is proposed to the road layout or number of houses within this phase. The house types (referred to as Blair, Drummond, Douglas, Geddes, Fraser, Maxwell, Wallace, Dunlop, Baxter and Andrew) have either been used elsewhere within the wider development or are very similar in character and appearance to those

existing types. The designs proposed continue to align with the design statement and previously approved details. The very minor revisions to the internal layout reflect the need for small curtilage boundary adjustments.

Pre-Application Consultation

- 4 The development proposed is an approval of matters specified by conditions in accordance with Planning Permission 16/01348/IPM. Consequently, under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the application is considered a 'Major' development. However, in this case formal pre-application consultation with the local community is not considered to be required owing to the minor revisions sought to matters previously approved, and as community consultation has been undertaken in respect of the wider residential development for this location. The application as proposed does not seek to change the number of dwellings or significantly alter the design and layout for Phase 5. As such, the development remains in accordance with any previous decisions and further consultation would not add benefit to the planning process in this case. Matters raised through previous consultation remain applicable and have been addressed through this report.

Environmental Impact Assessment (EIA)

- 5 An Environmental Statement (ES) was submitted as part of the in principle application (16/01348/IPM) and it was found that an EIA was not required.
- 6 The previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up-to-date supporting assessments for Phases 1-4, which assess flood risk, drainage, transport, ecology, noise, air quality and contaminated land. This information addressed the environmental information needed for the proposal and does not alter the position in respect of the EIA, which is not required at this AMSC stage.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the

development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

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

- Sustainability: paragraphs 24 - 35
- Placemaking: paragraphs 36 – 57
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

Planning Advice Notes

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- 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

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

Creating Places 2013

13 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.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2

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

- 19 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 4: Perth City Transport and Active Travel
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology

- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

20 Other Policies

- Supplementary Guidance – Developer Contributions & Affordable Housing (adopted 2020)
- Supplementary Guidance – Flood Risk and Flood Risk Assessments (adopted 2021)
- Supplementary Guidance – Landscape (adopted 2020)
- Supplementary Guidance – Placemaking (adopted 2020)
- Supplementary Guidance – Renewable and Low Carbon Energy (draft)
- Planning Guidance – Planning & Biodiversity

Perth and Kinross Local Transport Strategy

- 21 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

SITE HISTORY

- 22 **00/01747/OUT:** Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.
- 21 **08/01513/IPM:** In Principle Permission sought for a mixed use development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).
- 22 **09/02126/FLM:** Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013
- 23 **12/00392/FLL:** Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013.

- 24 **13/01795/MPO:** Modification of planning obligation associated with 09/02126/FLM. Application approved by Development Management Committee November 2013.
- 25 **[16/00002/PAN](#)** Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.
- 26 **[16/00004/PAN](#)** Proposal of Application Notice for residential development. Content of PAN approved June 2016.
- 27 **[16/00695/FLL](#)** Renewal of 12/00392/FLL for erection of petrol filling station. Application withdrawn April 2018.
- 28 **[16/00696/FLM](#)** Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. Application withdrawn April 2018.
- 29 **[16/01348/IPM](#)** In Principle application for residential development. Application approved by Development Management Committee January 2018 following the conclusion of a Section 75 legal agreement.
- 30 **[18/00412/AMM](#)** Residential development of 43 dwellings and formation of SUDs pond (Phase 1). Application approved by Planning and Development Management Committee July 2018. Development commenced on site September 2018.
- 31 **[18/01038/AMM](#)** Erection of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, Sustainable Urban Drainage System (SUDS) pond, play area, open space, landscaping and associated works (Matters Specified in Conditions 16/01348/IPM) (Phases 2-5). Development Approved on 18 December 2018.

CONSULTATIONS

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

External

- 33 **Transport Scotland:** No Objections or further comments.
- 34 **Scottish Water:** No Objections or further comment.
- 35 **Perth And Kinross Heritage Trust:** No Objections or further comments.

Internal

- 36 **Conservation Team:** No Objections or further comments.

- 37 **Environmental Health (Contaminated Land):** No Objections or further comments.
- 38 **Environmental Health (Noise Odour):** No objections, subject to conditions pertaining to noise mitigation to protect future residents from road traffic noise. Conditions 13 - 15 re recommended.
- 39 **Community Waste Advisor - Environment Service:** No objection.
- 40 **Structures And Flooding:** No objections. Further clarification has been sought as to whether the revised layout will have any implications in terms of previously proposed SUDS drainage and in terms high flow event capacity. However, these matters have been addressed through conditions 7 and 8.

REPRESENTATIONS

- 41 None Received.

ADDITIONAL STATEMENTS

42

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

APPRAISAL

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

Principle

- 44 The principle of residential development has been established through the approval of planning permission for residential use (16/01348/IPM) with an indicative density of 270 dwellings being identified. Development of Phases 1 – 4, comprising a cumulative total to 236 units, is nearing completion. This application relates to Phase 5, comprising the erection of 45 dwellinghouses, 3 garages and associated infrastructure. There are no concerns with the

principle of this scale of development; however, its appropriateness is assessed in the detailed matters below.

Phase Planning

- 45 Conditions 3 and 4a) of the parent permission (16/01348/IPM) required a detailed phasing plan to be submitted and agreed as part of any future AMSC application. A phase plan has previously been submitted and agreed, with this application relating to phase 5. Phases 2-5 as approved by 18/01038/AMM, sought to provide 171 open market dwellings and 70 affordable units. A Section 75 Legal agreement was formalised as part of the parent permission to cover any financial contributions associated with affordable housing and transport contributions. The applicant has also confirmed a Registered Social Landlord (RSL) has been identified for the maintenance and management of the affordable units once constructed. This application aligns the existing Section 75 agreement and approved phasing plan and will ensure the proposal complies with the LDP2 and Placemaking Supplementary Guidance. There is no requirement to modify the existing s75.

Design and Layout

- 44 A masterplan including an indicative layout plan for the site was submitted as part of the parent permission. This set out the principal components of the proposed development. Phase 5 is in line with the masterplan for the site with only a very minor revision to some curtilage boundary positions being the subject of this application. There is no change to the number of units or road layout.
- 45 The development of Phase 5 (in alignment with phases 3 and 4) will see the provision of 45 two-storey open market housing, in a mix ranging from 2 to 4 bedroom in size. The proposed mix and layout are considered to be acceptable with good connections and permeability to other phases and the surrounding area. In terms of house design, the proposed dwellings are of a typical modern form with the use of white rendered walls and dark grey roof tiles. These designs are considered to provide a simple yet acceptable appearance and material palette. The massing and scale of the dwellings shown on the proposed layout plan can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or on each other.
- 46 The phased development of the whole wider residential development has necessitated that infrastructure such as SUDS and open space is provided within all of the proposed phases. The Council's Structures and Flooding team have confirmed the SUDS arrangements are acceptable, which is discussed in more detail below.
- 47 The proposal is considered to be in line with PAN 77 'Designing Safer Places' and LDP2 Polies 1A and 1B 'Placemaking' as well as the Supplementary Guidance on Placemaking . It is well laid out and broadly accords with the masterplan submitted as part of the parent approval.

Traffic and Transport

- 48 As the principle of this development has already been agreed and no changes are proposed to the road layout, internal path connections or number of units the development is considered to continue to accord with Policy 60B 'Transport Standards and Accessibility Requirements' of LDP2 and the Perth and Kinross LTS. Conditions are recommended to align this revised phase 5 with the previously agreed developments across Phases 1-4 including the provision of Construction Traffic Management Plan and the upgrade to bus stops at the site access road (Conditions 3-5 and 17).
- 48 Transport Scotland has raised no objections or concerns with respect of matters pertaining to access to or from the Trunk Road network. Financial contributions have previously been agreed with respect to this development.
- 49 In terms of active travel and a green travel plan to and from this development, again those matters have been previously agreed and will not be altered by this development.

Lighting

- 50 Impacts of street lighting on the Trunk Road network have previously been considered at the in principle planning stage. Phases 2-5 (18/01038/AMM) were confirmed to not have any impact on the A85 but development is proposed by Phase 2-5 adjacent to the A9. Consequently, a condition is recommended to ensure there was no light spillage onto the A9 in particular following the lighting installation. (condition 9).

Noise

- 51 Environmental Health commented on the residential development at the in principle application (16/01348/IPM) in terms of air quality and noise. At that stage the Planning Authority recommended that noise be reassessed at the approval of matters stage and appropriate mitigation suggested to protect future residents from road traffic noise.
- 52 As this application is for a revised design for different house types and for minor layout changes, Environmental Health does not believe a further noise impact assessment is required. However, previous comments relative to 18/01028/AMM and 18/01038/AMM pertaining to external amenity noise limits and internal night time noise level conditions remain relevant and should be included on any given permission (conditions 13-15).

Air Quality

- 53 As part of the parent permission a detailed Air Quality Assessment was submitted and reviewed by Environmental Health. Even with the predicted increase of particulates, the levels are well below the required standards. Nevertheless, to ensure there is no adverse impact from dust during the construction period and to afford appropriate mitigation, Conditions 2 and 16 are recommended.

Drainage and Flooding

- 54 Impacts relative to flooding and drainage were considered at the initial in principle stage with the overall design details now complete. The Council's Structures and Flooding Officer has reviewed the application and raised no objection. However, points of clarification are identified and these matters have been addressed by conditions requiring the submission of information relating to (conditions 7 and 8).

Biodiversity and Landscape

- 55 The development proposed seeks a very minor layout change and a substitution of house types. Accordingly, the proposal is unlikely to raise any significant biodiversity matters. However, conditions are recommended to ensure the development continues to align with the in principle development for the wider location, in particular construction methodology, landscaping, ecological monitoring and the protection of existing trees onsite. Conditions are recommended requiring the applicant to submit updated reports in respect of the above. (conditions 2, 10, 11 and 12).

Conservation Considerations

- 56 The principle of development has already been established for this wider location. As such no concerns have been raised by the Conservation Officer in review of this application.

District Heating

- 57 The applicant has previously submitted a District Heating Assessment and whilst this report states it would currently not be viable for the site, they are prepared to futureproof their site by leaving room next to the service strips for new pipelines. Conditional control will ensure this futureproofing can be delivered (Condition 6).

Developer Contributions

- 58 A Section 75 legal agreement has been secured for the 16/01348/IPM to ensure necessary infrastructure is delivered for the site and surrounding area. The S75 is future proofed for higher dwelling numbers as the financial contributions are based on house completions. It covers:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
- 59 This revised phase 5 proposal will continue to align with this existing agreement.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 60 A legal agreement has been secured for the 16/01348/IPM planning permission to secure infrastructure that will be impacted by the current proposal.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 61 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 62 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Conditions and Reasons for Recommendation

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

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

2. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes for Phases 2-5 shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

Road and Traffic

3. No dwelling shall be occupied until the agreed level of financial contribution with Transport Scotland to address the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

Reason - To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

4. In conjunction with Condition 2, and two months 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 Plan (CTMP) 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 CTMP as approved shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of vehicle and pedestrian safety.

5. Prior to the occupation of any dwellinghouse hereby approved, 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.

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

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

Flooding and Drainage

7. 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.

8. Prior to commencement of development, full surface water drainage proposals to identify details proposed to mitigate plots at a level below the road shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Flood Authority. The details as approved shall be implemented in full, concurrent with development and completed prior to the occupation the relevant dwellinghouse to which the drainage measures relate.

Reason - To alleviate flood risk at affected properties.

External Lighting

9. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land including the A9 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished

Biodiversity and Landscaping

10. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first

available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that the development integrates within the landscape and with the remaining phases of this residential development.

11. Prior to the commencement of development hereby approved, the applicant shall submit a Preliminary Ecological Appraisal Report for approval by the Council as Planning Authority, in consultation with the Council's Biodiversity Officer. Thereafter, any conclusions and recommendations from this report shall be fully adhered to, respected and undertaken as part of the construction phase of this 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. No Trees or Hedgerows within the development site shall be lopped, topped or removed without the prior written authority of the Council as Planning Authority. Prior to the commencement of development hereby approved the applicant shall submit a tree survey and construction plan confirming any tree protection measures or those trees / hedgerows to be removed. All trees/ hedgerows identified for retention shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Noise

13. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays.

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

14. Prior to the commencement of development hereby approved, the developer shall submit a glazing specification for all windows to bedrooms for the entire development, for the written approval of the planning authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

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

Thereafter the approved window specification shall be installed to the satisfaction of the planning authority, prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

15. Prior to the commencement of development hereby approved, the developer shall submit a scheme including a plan of the affected properties for the proposed means of ventilation for all bedrooms that are required to be closed to achieve internal sound levels, as detailed below, for the written approval of the planning authority. This shall enable each bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. The sound insulation performance for the ventilation system shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

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

Thereafter the approved scheme of ventilation shall be installed to the satisfaction of the planning authority prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

Dust

- 16 Prior to the commencement of development the applicant shall submit to the Council as Planning Authority, an Air Quality Impact Assessment Report. This report shall confirm all dust management and or mitigation measures to be applied during construction activities. Thereafter, all mitigation measures agreed shall be followed at all times during construction.

Reason - In the interests of residential amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 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 applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
7. There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought from the Scottish Environment Protection Agency (SEPA).
8. Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate that the layout will not adversely affect the resultant noise levels to external and internal amenity spaces.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. A felling licence may be required for the removal of the southern boundary woodland. Forestry Commission Scotland should be contacted for advice.

11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/01348/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

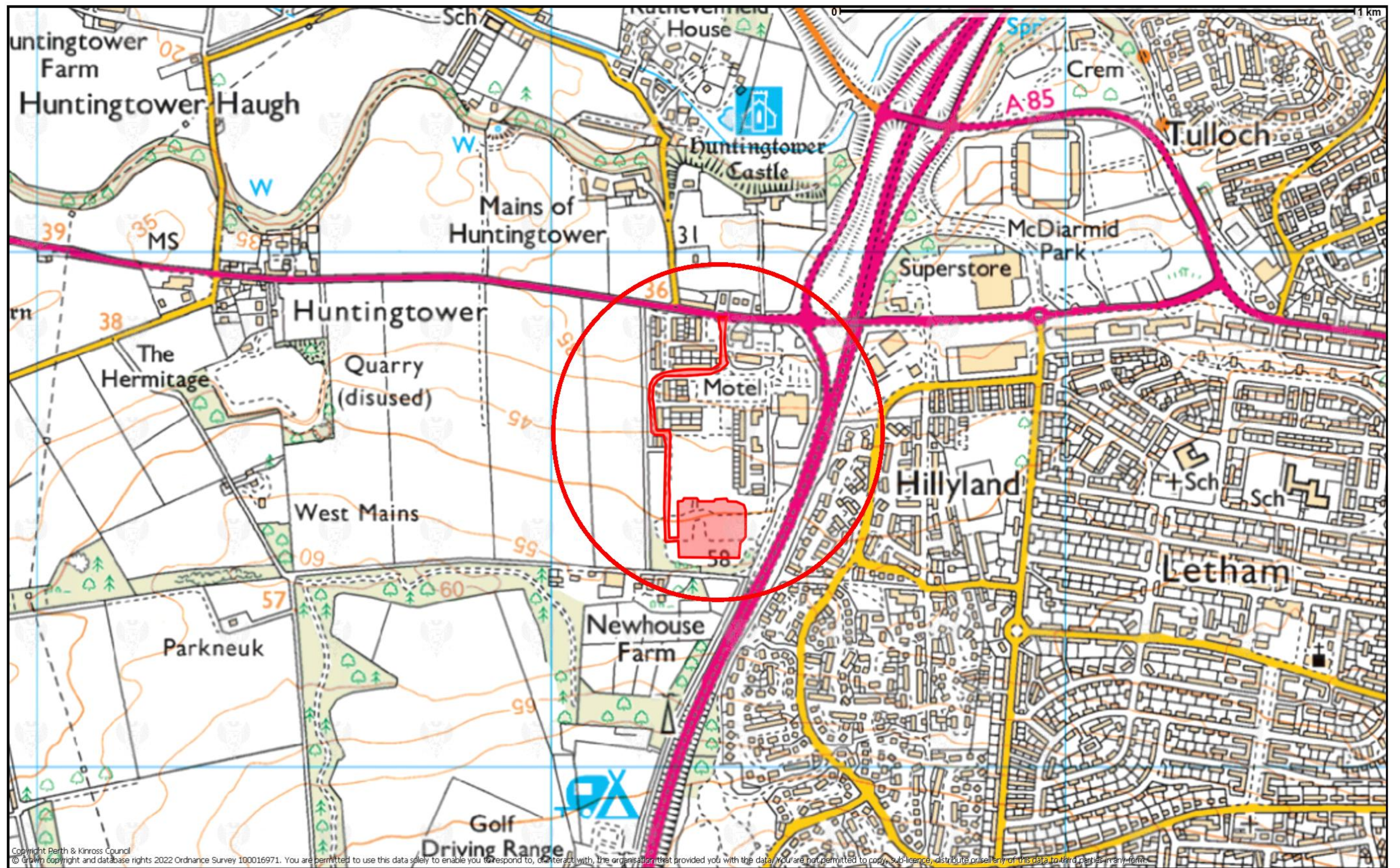
Background Papers: None letters of representation: None
Contact Officer: Jamie Torrance
Date: 23 June 2022


DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

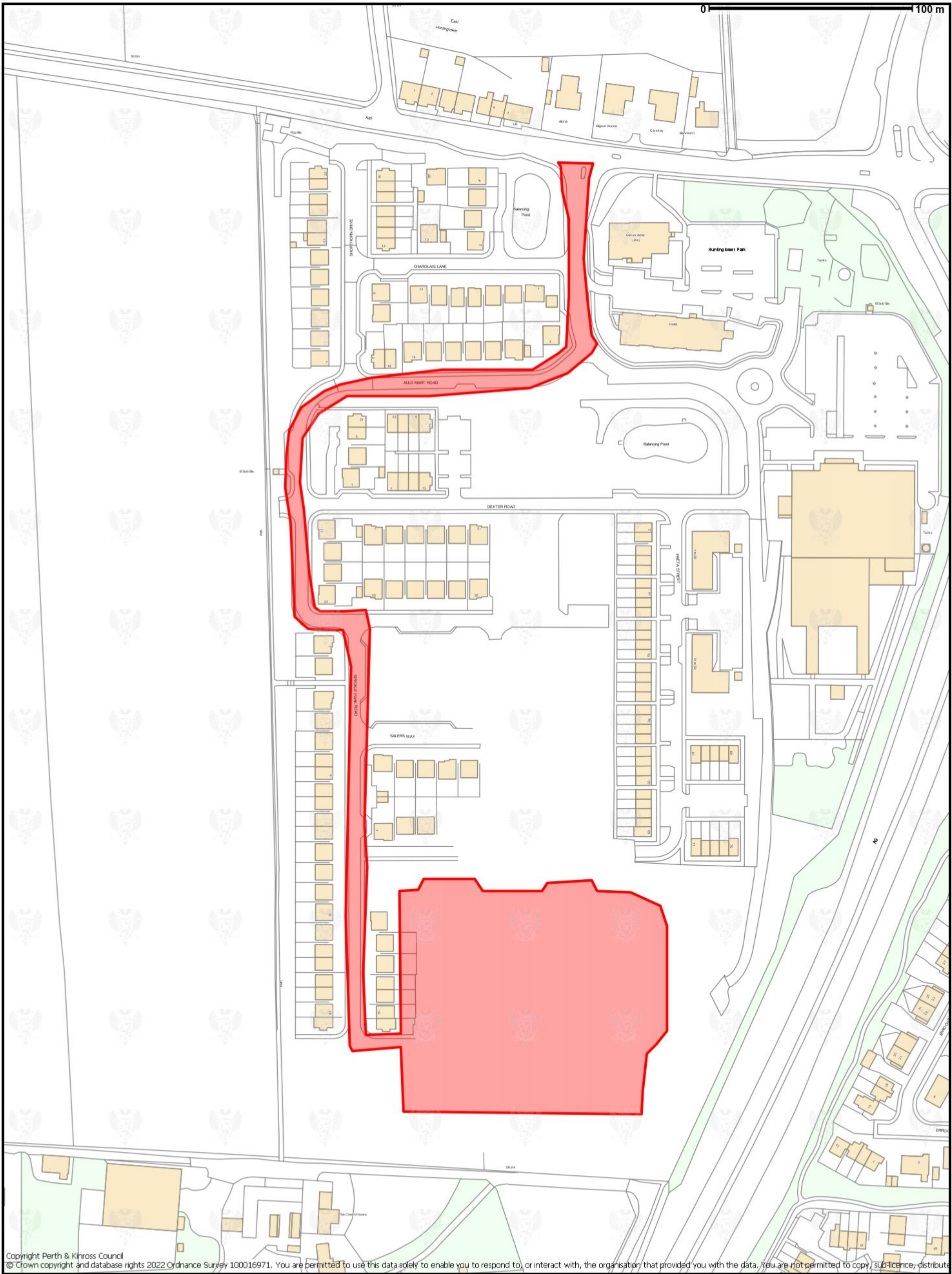
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Scale 1:2500

22/00142/AMM

Approval of matters specified in conditions of permission
16/01348/IPM (erection of 45 dwellinghouses, 3 garages and
associated infrastructure (revised design))



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/162)

PROPOSAL:	Relocation of driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works
LOCATION:	Murrayshall House Hotel, Murrayshall, Perth PH2 7PH

Ref. No: [21/01673/FLL](#)
 Ward No: P2- Strathmore

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the relocation of a driving range, the erection of a golf academy building and shop, formation of a parking area, a re-routing/diversion of a core path and associated landscaping within the grounds associated to the Murrayshall House Hotel. The site is located to the south-west of the hotel and to the immediate south of the first tee of Murrayshall Golf Course.
- 2 The application site is to the west of the hotel and adjacent and across the access drive from the first hole of the golf course. It is bounded on its north-western side by Murrayshall Road, to the north-east by the existing access drive serving the hotel. To the south-west is a small grouping of residential properties, which are beyond an existing tree belt. The south-east boundary is undefined with the end existing driving range beyond and driving bays some distance further.
- 3 Currently there is an 11-bay driving range located to the south-east of the application site. The existing driving range is orientated approximately east-west with the bays located at the eastern end and accessed separately from the hotel and golf course from the U85 public road, some distance to the south.
- 4 The SCON/7 Core Path, which is also Right of Way 39/7, crosses the proposed driving range in an approximate east-west direction and in its current position would pass directly in front of the driving range. This route links Murrayshall

Road to the west with the U85 to the east, at a point close to the existing driving range bays.

- 5 The proposal involves the formation of a building to contain the expanded offering of a 15-bay driving range and 2 further golf academy teaching bays which extends to approximately 69 metres in length. At the north-east corner of the building a 'pro shop' and changing facilities are proposed. The building would be approximately 4 metres high, with a monopitch roof and clad with profiled metal sheeting. A 'cut and fill' levelling of the ground immediately in front of the bays is proposed, to form a flatter initial "outfield" area. A new SUDS pond is proposed to the west, offset and to the right of the path of balls, and a new 18 space car park to the east.
- 6 To accommodate the driving range and avoid conflict between users of the facility and those of the path, the existing core path and right of way is to be diverted to the north, being the building and away from where balls would travel from the bays. This would see a new path formed to the north of the proposed car park and driving range building, then turning south and running parallel to Murrayshall Road before re-connecting with the existing route.
- 7 The new driving range itself is to the west of the main hotel building and close to the first tee of the golf course. Supporting documents indicating that this is to provide an improved customer experience and to have these associated and complementary facilities closer to the existing golf course, more easily allowing players to practise before starting a round. The submission also indicates that the topography of the current range facility is not ideal, where players struggle to see where balls land, whereas the proposed location is slopes gradually up and would allow improved visibility of ball flight.
- 8 A separate application for planning permission in principle (PPP) setting out a prospective masterplan for the wider Murrayshall Estate (ref:21/00508/IPM) has recently been withdrawn.
- 9 This application therefore requires to be assessed on its own merits and not in consideration of any other elements within that withdrawn submission.

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 2014

- 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. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and

planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 12 The Scottish Planning Policy (SPP) 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
 - Supporting Business and Employment: paragraphs 32 – 108
 - Valuing the Historic Environment: paragraphs 135-151
 - Managing Flood Risk and Drainage: paragraphs 254-268
 - 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 43 Golf Courses and Associated Development
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60: 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 1/2011: Planning and Noise

Creating Places 2013

- 15 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

- 16 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

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

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice For Investment
- Policy 8: Green Networks
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

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

- 21 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions

- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26: Scheduled Monuments
- Policy 27A: Listed Buildings
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 43: Green Belt
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Flood Risk and Flood Risk Assessments Supplementary Guidance 2020

- 24 The Adopted Flood Risk & Flood Risk Assessment (PDF) [5MB] supports the Adopted Perth and Kinross Local Development Plan 2 (2019) Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

Supplementary Guidance - Open Space Provision for New Development

- 25 The [Adopted Open Space Provision for New Developments Supplementary Guidance \(2021\) \(PDF\) \[6MB\]](#) has been produced to accompany the Local

Development Plan 2 (2019) Policy 14: Open Space Retention and Provision and contains information on SUDS drainage design.

SITE HISTORY

- 26 [20/01688/SCRN](#) On 24 December 2020 a Screening Opinion was requested – this saw PKC advise it considered an EIA was not Required
- 27 [20/00010/PAN](#) On 9 December 2020 a Proposal of Application Notice was submitted for a: Residential development, extension to hotel, erection of hotel accommodation units and staff accommodation units, spa facility, golf training and indoor sports buildings, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works. This saw PKC confirm that the public consultation exercise proposed was acceptable and provided advice on the level of information to support an application on 13 January 2021.
- 28 [21/00508/IPM](#) An application for Planning Permission in Principle was withdrawn on 4 April 2022, it had proposed a: Residential development, extension to hotel, erection of hotel accommodation units, café, spa and leisure facilities and groundskeeping buildings, formation of camping grounds, outdoor sports grounds, photovoltaic site, access roads, SUDS ponds, landscaping and associated works.

CONSULTATIONS

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

External

- 30 **Scone And District Community Council:** Objection regarding conflict between this application and application 21/00508/IPM (which has subsequently been withdrawn). Further information was sought on intentions for the existing driving range and regarding traffic generation and movements.
- 31 **Perth Scone Airport:** No comments.
- 32 **Scottish Water:** No objection. Advise that a Scottish Water Main is located within the site. That there is currently capacity within the waste water and water treatment works to service the development, but that a separate application will be required to connect to Scottish Water's assets.

Internal

- 33 **Structures And Flooding:** No objection. Following submission of additional information, the Drainage Strategy, SUDS and Flood Risk Assessment are considered to be acceptable and to meet the requirements of policy and supplementary guidance.

- 34 **Community Greenspace:** No objection. Advice provided on the requirement for other legislative requirements to divert the existing core path/right of way through the site. Provide comment that the proposed diversion is considered acceptable but will require to be subject to a formal request for a diversion order under Section 208 of the Planning Act.
- 35 **Biodiversity/Tree Officer:** No objection. The submitted Ecology Survey (ES) is acceptable and provides an appropriate assessment of the impact on protected species. Conditions are recommended to ensure the mitigation measures within the ES are adhered to.
- 36 **Transport Planning:** No objection. The traffic generation associated with the proposal, as indicated within the Transport Statement (TS), is considered acceptable and capable of being accommodated on the public road network. The access and parking arrangements are also accepted.
- 37 **Development Contributions Officer:** No developer contributions are required, as the proposal involves the relocation of an existing driving range.
- 38 **Planning And Housing Strategy:** No objection. Advice provided regarding policies of the Local Development Plan, with particular regard to Policy 43: Green Belt, Policy 8: Rural Business and Diversification, Policy 15: Public Access, Policy 41: Biodiversity and Policy 26: Scheduled Monuments.
- 39 **Commercial Waste Team:** No comments.
- 40 **Environmental Health (Noise Odour):** No objection in terms of impact on residential amenity, subject to conditions relating to complaint investigation and acceptable noise levels for any plant and machinery. Lighting arrangements are considered acceptable, subject to a condition which minimises light spill.
- 41 **Environmental Health (Contaminated Land):** No objection. There are not considered to be any issues relating to contaminated land on this site.

REPRESENTATIONS

- 42 A total of 41 representations have been received over two separate periods of public advertisement and neighbour notification. The issues raised are summarised as follows:
- Contrary to Development Plan
 - Inappropriate land use
 - Loss of Trees
 - Impact on green belt
 - Lack of information on intentions for existing driving range
 - Light pollution/light spill and timings
 - Impact on private water supplies
 - Relationship to Planning Permission in Principle application

- Impact on core path – Section 208 Order required
- Impact on visual amenity
- Loss of open space
- Road safety
- Out of character with area
- Traffic generation
- Lack of evidence for job creation
- Lack of engagement with local community
- Clarity on SUDS pond capacity
- Noise pollution
- Accuracy of Transport Statement
- Impact on protected species
- Flood risk
- Site ownership/applicant

43 These issues are addressed in the Appraisal section of the report. The queries raised regarding the ownership of the site and who the applicant is are not considered to be material to the assessment of the application.

ADDITIONAL STATEMENTS

44

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Drainage Strategy Report • Flood Risk Assessment • Transport Statement • Ecology Report • Tree Survey • Supporting Statement • Ground Investigation • Lighting Strategy

APPRAISAL

45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the

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

Principle

- 46 Policy 1 of the TAYplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside where it genuinely contributes to the outcomes of the Plan. However, suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.
- 47 The implementation of this principle has been translated into the LDP2 with Policy 6 - Settlement Boundaries stipulating that for defined settlements in the Plan, development will not generally be permitted outwith settlement boundaries.
- 48 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of TAYplan and Policy 6 of the Local Plan there are exceptions that can be made to this presumption against development outwith a settlement boundary. Particularly in this case through Policy 8: Rural Business Diversification. This states that the Council will give favourable consideration to the expansion of existing businesses in rural areas and that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. It goes on to state that proposals for new tourism related developments and the expansion of existing facilities will be supported where it can be demonstrated that they improve the quality of existing facilities, allow a new market to be exploited or extend the tourism season.
- 49 The proposed facilities seek to improve the existing golf offering at Murrayshall. The submission explains that the existing driving range has sub optimal topography and is also remote from the hotel, served by a separate access. The new location is served by the same access as the hotel and golf course and is directly adjacent to the first hole of the golf course. The proposal is therefore considered to result in an improvement to the existing facilities available at Murrayshall, as required by Policy 8.
- 50 In addition to the above, the policy also requires that all the following criteria be met:
 - a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.
 - b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.
 - c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

- d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.
 - e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
 - f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
 - g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- 51 It is acknowledged that a driving range will often be located in a rural area and this type of use generally cannot be suitably located within a settlement given the space requirements.
- 52 There is an existing golf course and hotel building at the site and this is considered to be a "site specific resource". The proposal is also directly associated with an existing rural business. There is clearly a locational requirement for the siting of the driving range, which is associated to the wider golf offering. The proposal also offers improved tourism and recreational facilities as required by criterion (a). The proposal is not considered to result in the suburbanisation of the area and is not considered to result in unsustainable travel patterns (as explained in more detail in the Traffic and Transport section below), addressing criterion (b). In terms of criterion (c) there are residential buildings located to the south-west, approximately 350 metres from the driving range building but given the existing topography and tree cover the proposed use is not considered to impact significantly on residential amenity. Furthermore, the proposed driving range building is located at the farthest point on the site from the residential properties. However, detailed assessment of this is provided in the Residential Amenity section below, with impacts, e.g., lighting, controllable through the use of conditions. The proposal is therefore considered to meet criterion (c). The proposal can also be successfully accommodated within the landscape as illustrated in the Design and Layout and Landscape Impact paragraphs below and therefore meets criterion (d).
- 53 Criterion (e) requires a development to meet a specific need by virtue of its quality or location in relation to existing business or tourism facilities. The supporting information and proximity to the existing hotel and golf course are considered to be sufficient to demonstrate that the proposal relates to a well-established existing business and tourism facility. Particularly given there is already a similar facility on the estate which would be replaced.
- 54 Criterion (f) requires development to be of a high-quality design. In this regard the proposed building, whilst relatively large in footprint, is only 4 metres high and is to be finished in a corrugated metal sheeting similar to that found on agricultural buildings in the local area. The scale of the building and associated works and their relationship with the landscape is acceptable, as outlined in the

Design and Layout and Landscape Impact paragraphs below. The proposal is therefore considered to meet criterion (f).

- 55 Criterion (g) requires the local road network to be capable of accommodating the development. This is considered in more detail in the Traffic and Transport paragraphs below, where it is considered that the local road network is capable of accommodating the associated traffic.
- 56 As such the proposal is considered to accord with the criteria contained within policy 8 of LDP2.

Green Belt

- 57 Policy 43 of the LDP2 states that development within the green belt will only be permitted in certain circumstances. One of these is where the proposal either supports an established use or develops a new business within the Green Belt which has a direct relationship to the land. It is clear that the proposal has a direct relationship with the golf offering associated to Murrayshall Hotel and the proposed relocation is to improve the relationship of the practice facilities with the first tee of the golf course. Policy 43 also states in criterion (d) that a development will also be supported where it constitutes uses which advance the Council's aims of improving public access to the countryside around Perth, including recreational, education and outdoor sports. Therefore, the principle of a driving range, directly associated with the existing hotel and golf course and enhancing the sports facilities is considered to be acceptable and therefore complies with Policy 43 of the LDP2. Policy 43 also requires new development to be appropriate in terms of landscape setting and protect and enhance the character of the Green Belt. This will be considered further below.

Design and Layout

- 58 Policies 1A and B relate to placemaking and require new development to respect the character and visual amenity of the area. Furthermore policies 8 and 43 state that the existing landscape should be capable of accommodating the new development. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 59 In these regards the site has a rural character located on the outskirts of Scone but is very much associated and clearly related to the existing golf course and hotel, which form a key part of the visual amenity of the area. The proposed development is relatively low in profile and will be seen in context with the golf course and the hotel building. The trees on the south and west boundaries will also provide a degree of containment. The mono-pitch roof and use of profiled metal sheeting will also give the building an agricultural and functional appearance, which is considered suitable in this context.
- 60 The engineering operations associated with the outfield and SUDS pond are not considered to alter the visual amenity significantly. The overall outfield area is proposed to rise from west to east by 11 metres and the SUDS pond is designed to have a natural form and to reflect the requirements of the Council's Open

Space Supplementary Guidance. A condition is recommended to ensure a detailed landscaping scheme for the site is submitted for approval, which should include planting of the SUDS pond. (Condition 2). A condition is also recommended to ensure that full details of the finishing materials of the building are submitted for approval. (Condition 4).

- 61 Furthermore, the proposal involves the replacement of the existing driving range, the areas of which is to be returned to grassland and therefore the extent of visual change is not considered to be significant, particularly given the containment offered by the topography on the application site and the woodland which exists on the boundaries.
- 62 As such, the proposal is considered of appropriate scale and design and conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2.

Landscape Impact

- 63 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 64 The criteria contained within this policy seek to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Policy 39 also mentions the requirement to consider the Tayside Landscape Character Assessment, prepared by Nature Scot.
- 65 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the 'Igneous Hills Landscape Character Type' and states that there are many modern influences and generally open landscapes therein.
- 66 The localised landscape is relatively undulating but generally rises from south-west to north-east and overall is characterised by small groups of residential properties together with the golf course and hotel. The proposed development retains the landscape character of the area and proposes a development which is a key characteristic of the local area. The small area of woodland which make up the boundaries of the site is to be retained.
- 67 The new building, engineering works and associated works are considered to respect site topography and will not have any adverse impact on surrounding local landmarks, views or skylines. The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

Traffic and Transport

- 68 Policy 60B of the LDP2 and the National Roads Development Guide are relevant and require an assessment of the impact which the development may have on pedestrian and traffic safety. The policy requires a Transport Statement to demonstrate the extent of traffic movements for both staff, visitors and servicing to the site and should be based on the TRICS database. It is required demonstrate the current baseline situation with traffic counts for all modes of transport to the site, accessibility by all modes of transport including active travel, trip generation for the site, distribution of traffic to the site and a traffic impact assessment on the local roads.
- 69 The submission includes a Transport Statement (TS) which outlines the implications on the road network of the proposed development.
- 70 The Transport Statement provides an indication of the existing operational characteristics of the site, the existing road network and details on the proposed offering and transport arrangements for the proposed development. It also includes trip generation data based upon the TRICS database, an industry recognised standard in assessing potential traffic generation. PKC Transport Planning have confirmed that the TS has been undertaken using the correct methodology. As noted above a number of concerns regarding traffic generation have been expressed in representations.
- 71 Access to the site is proposed from Murrayshall Road and 18 car parking spaces are included. Transport Planning have reviewed the layout and consider access and parking to be acceptable, both in terms of road safety and to accord with the National Roads Development Guide.
- 72 The TS indicates that the overall total daily movements to the facility will be less than 7 peak time vehicles, but states that as the proposal involves the relocation of the existing driving range it would also divert the existing driving range related traffic away from the U85. It also states that given the level of traffic generation there are no formal passing places required on Murrayshall Road, with some existing informal passing spaces considered adequate.
- 73 Transport Planning have assessed the TS and consider the level of additional traffic to be generated by the proposal to be acceptable and capable of being accommodated on the existing road network and therefore accept the conclusions.
- 74 Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

Trees and Landscape

- 75 Policy 40B of LDP2 relates to trees and woodland and states that a tree survey should accompany any proposal where there are existing trees on the site.

- 76 Furthermore, the placemaking policies of LDP2 (Policies 1A and B) require that development must contribute positively to the surrounding natural and built environment.
- 77 Policy 40B notes the Council will follow the Scottish Government Policy on Control of Woodland Removal (PCWR) which states that there is a presumption in favour of protecting woodland resources.
- 78 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which is capable of absorbing the development proposed. In this respect it is considered that the site has a suitable landscape framework in the form of the existing hedging, trees and topography.
- 79 The application site is generally contained by woodland and this is proposed to be retained. The proposed diverted core path and car parking area are located close to existing trees and therefore a Tree Survey accompanies the application which confirms that one tree requires to be felled but this is not to accommodate the development but is due to ash die back. Three other trees are proposed to be felled due to health and safety concerns. The level of felling proposed is considered to be acceptable. Compensatory planting is to be secured by Condition 2.
- 80 It is also stated that there will be some encroachment on root protection areas of trees, where the car park and diverted core path are to be located. In these locations ground protection is proposed to be installed to protect these roots. Appropriate tree protection measures are also to be installed during construction operations. The impact on trees on site is therefore considered to be acceptable.
- 81 A condition is recommended to ensure the findings and mitigation contained within the tree report are implemented (Condition 6) and that tree protection measures are implemented (Condition 5). A condition requiring the submission and implementation of a landscaping plan is also recommended, to compensate for the tree loss (Condition 2).
- 82 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

Biodiversity

- 83 Policy 41 of the LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 84 The submission includes an Ecological Survey which has been reviewed and accepted by the Council's Biodiversity Officer. This includes a survey of all potential species on the site and concludes that the development will result in the loss of low value semi natural habitat to accommodate the development. There is

considered to be a negligible impact on biodiversity as a result of the development and that there will be no impact on protected species. The Biodiversity Officer has accepted the conclusions of the survey and recommends conditions to ensure that the mitigation contained within the report is undertaken (Condition 7) and that measures to prevent animals being trapped in open excavations are implemented (Condition 8). An informative is also recommended to remind the applicant of their obligations under the Wildlife and Countryside Act 1981.

- 85 Subject to these conditions it is considered that the proposal will meet the requirements of Policy 41 of LDP2.

Flood Risk

- 86 Policy 52 of the LDP2 states that there is a presumption against proposals for built development or land raising on flood plains. The proposal involves the diversion of an existing drainage ditch and a new culvert. The modelling submitted and the diversion proposed for the ditch has been accepted by Structures and Flooding. The drainage ditch diversion is therefore considered to be acceptable and in accordance with Policy 52 of the LDP2 in terms of flood risk.

Drainage

- 87 The submission indicates that waste water will be treated using a small pump chamber to allow foul water to be pumped into the Scottish Water foul sewer, which accords with the requirements of Policy 53B of the LDP2.
- 88 Policy 53C requires surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS) and a SUDS pond proposed to the west of the driving range. Details of the SUDS solution are included within the submitted Drainage Strategy and the SUDS pond is proposed to be of a natural design to limit its impact on the visual amenity and landscape of the area. This has been reviewed by PKC Structures and Flooding who consider it be acceptable. The proposal therefore accords with Policy 53C of LDP2. As mentioned above a condition is recommended to ensure the SUDS pond is appropriately planted.

Residential Amenity

- 89 Policy 56 of the LDP2 relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels of noise in the locality of existing noise sensitive land uses.
- 90 Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.
- 91 As with all proposals, it is expected and anticipated that existing residential amenity enjoyed by existing dwellinghouses will be protected, as well as the amenity associated with any proposed dwellings. There are residential dwellings located to the south-west, at the opposite end of the site from the driving range

building, the main source of noise, and some 350m away with intervening tree cover. The proposed use as a driving range is not considered to generate unacceptable levels of noise and involves the relocation of an existing nearby driving range. Furthermore, the proposal involves the relocation of the existing driving range which is located closer to residential properties than the proposal. Subject to conditional controls it is therefore not considered that there would be any unacceptable detriment to the amenity of the nearby dwellings. Environmental Health have been consulted and also accept that noise levels from the driving range will be low. A condition is recommended to ensure that any noise from plant and equipment on the building is controlled to appropriate levels (Condition 9). A further condition is recommended to ensure any justified complaints regarding noise from the development are suitably addressed. (Condition 10).

- 92 The proposed development is not considered to result in any overlooking towards neighbouring properties and is not considered to result in any loss of daylight or overshadowing given the significant distance between the site and other properties.
- 93 The proposal is therefore considered to accord with the requirements of Policy 56 of the LDP2 in relation to noise.

Lighting

- 94 Policy 55 of LDP2 states that permission will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The submission includes details of the proposed lighting, which includes the roadway, car parking and access routes and security lighting to the building perimeters. There is also floodlighting for the driving range itself, which is to be designed to minimise light spill and utilises controlled LEDs which allow light distribution to be managed. The topography and tree cover in the area will also help to avoid light spill as the driving range slopes upwards from north to south which will limit longer views of the site from Scone and the south. Furthermore, the existing driving range flood lighting will cease operation/be removed.
- 95 The submission also includes a report demonstrating the illuminance resulting from the lighting and demonstrates that it will not significantly impact on nearby residences. The extent of lighting proposed is thus considered acceptable and will help to limit light pollution as much as possible, whilst ensuring the safety of employees and lighting of the driving range. The proposed lighting will also be seen in the context of the existing lighting at the adjacent hotel.
- 96 The driving range flood lights are proposed to be operated generally no later than 2200hrs in most cases. Although the use of the flood lights may be required after 2200hrs or early morning to allow work to take place when the range is closed, but this would likely be on an infrequent and ad-hoc basis, e.g., in winter to cut grass before golf play starts and to collect range balls when range business is finished for the day. The current driving range is managed in the same way. It is considered that due to the topography of the new range the impact from lighting would be less than the existing range which is more prominent/visible and has

less sophisticated lighting arrangements. A condition is recommended to ensure the hours of operation of the external floodlighting is limited to between 0800 and 2300hrs daily. (Condition 13).

- 97 The proposal is therefore not considered to generate any significant light pollution in comparison with the existing situation. A condition is recommended to ensure that there is no light spill onto neighbouring land in the interests of visual and residential amenity (Condition 12). Furthermore, for the avoidance of any doubt a further condition is recommended to ensure that exact details of all lighting are submitted for approval. (Condition 11).
- 98 Subject to these conditions, the proposal is considered to accord with Policy 55 of the LDP2.

Construction and Construction Access

- 99 There is potential for construction operations and construction traffic to impact the amenity of local residents. It is therefore necessary to consider appropriate mitigation measures during construction to limit this as much as possible. A Construction Traffic Management Plan will therefore be requested by condition. (Condition 14).

Prime Agricultural Land

- 100 The application site has been identified as Class 3.1 agricultural land which is capable of producing a consistently high yield of a narrow range of crops and/or moderate yields of a wider range.
- 101 Policies 50 and 51 of the LDP2 seek to ensure that developments on good quality soils are restricted to avoid the loss of these soils for crop production. The policies indicates that small scale development directly associated with and linked to a rural business may also be acceptable provided it is compatible with the other policies of the LDP2, which is the case here. Furthermore, the existing driving range is proposed to be returned to managed grassland and therefore the overall impact on prime land is considered to be negligible and acceptable and therefore complies with policies 50 and 51 of LDP2.

Cultural Heritage

- 102 There are listed buildings located to the south-west of the site at 'Dovecot' and 'Bonhard House' but these are considered to be sufficiently distant to ensure that their setting will not be impacted. Otherwise, the site is not within a Conservation Area. As such it is considered that the development will not have any adverse impact on cultural heritage assets and therefore complies with Policies 27A and 31 of the LDP2.

Economic Impact

- 103 The objective of Scotland's National Strategy for Economic Transformation is to build a more dynamic and faster growing economy that will increase prosperity,

help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.

- 104 It is considered that it is undoubtable that there will be some economic benefit associated with the operation of the driving range, but this must be seen in the context of the spatial strategy and general policies of the Local Development Plan.
- 105 When looking at Economic Development Policy 8: Rural Business and Diversification, the submission is considered sufficient to demonstrate that the proposal is an appropriate rural business development in accordance with Policy 8 of LDP2, as is referenced elsewhere in this report.

Local/Major Application

- 106 The application site extends to 9.73 hectares (ha). The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and Circular 5:2009 Hierarchy of Developments state that it is the "developable area" of a site which dictates whether the application should be classed as a "major application" or not. The submission sets out that the area subject to physical development extends to 1.69ha, so below the 2ha threshold to be considered as a "major" development. This area includes the SUDS pond, engineering operations to form the outfield, the car parking, the building and all other associated works. Therefore, there is no requirement for a formal public consultation exercise in this instance and the application is classed as a "local" application under the above regulations.

Neighbour Notification

- 107 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Furthermore, as explained above, there is no requirement for a statutory public consultation exercise as is required for a "major" planning application.

Scheduled Monuments and Archaeology

- 108 There are no scheduled monuments on the site and the proposal is not considered to impact on any archaeological sites.

Developer Contributions

- 109 As the proposal involves the relocation of an existing driving range and associated uses to elsewhere within the hotel grounds/estate, there are not considered to be any developer contributions required.

Existing Driving Range

- 110 The existing driving range will cease to operate once the new driving range has opened. The existing range buildings are proposed to be re-purposed for ancillary storage following the closure and will be adapted and made secure. The existing driving range outfield is proposed to be returned to managed grassland. The submission indicates that as part of a wider masterplan for the estate a proposal for development on the existing driving range site may be submitted but this would be subject to a separate application which would be considered on its own merits. The applicant has also indicated their intention to consult with the local community before progressing with any further masterplan application. A condition is recommended to ensure details of the intentions for the existing driving range building and land are submitted for the approval of the Planning Authority given its location with the green belt. (Condition 18).

Private Water Supplies

- 111 Letters of representation have raised concern regarding the impact which the proposed development may have on existing private water supplies in the area.
- 112 For the avoidance of any doubt, a condition is recommended to ensure that existing private water supplies are identified and protective measures put in place for these supplies, if required following consultation with the Council's Private Water Team (Condition 17). Informative notes are also recommended to ensure the applicant is aware of the legislation associated with the protection of private water supplies.

Stopping Up Order and Core Path Diversion

- 113 Policy 15 of the LDP2 states that development proposals which have an adverse impact upon the integrity of a core path or right of way will not be permitted. The new driving range is proposed to extend across the SCON/7 Core Path and the 39/7 Right of Way which travels east-west across the proposed outfield area and therefore the use of the driving range would clearly conflict with users of the core path. The proposal therefore seeks to relocate and divert the core path and right of way to the north, to avoid it crossing the outfield area. Community Greenspace have been involved in discussions regarding this diversion and have offered no objections to the principle of the proposed diversion, which would add approximately 100 metres to the route subject to the revised route being appropriate. There is a requirement for the new route to be physically defined, in part, by post and wire fencing and hedging to ensure it is clearly defined and to avoid users going onto the new outfield area. Signage is also required at key points to ensure users are aware of any new route. A plan has been submitted to demonstrate how this would be achieved and where a total of seven signs would be located. A condition is recommended to agree details of the proposed signage (Condition 16). The diverted route is to be partly a whin dust finish and partly as existing, with a small tarmac area where it passes to the north of the proposed car park.

- 114 Whilst the proposed diversion is considered to be acceptable in planning terms, there are formal processes relating to the stopping up and diversion of core paths and rights of way. These processes are separate from the planning considerations material to this application and should be progressed and sought by the applicant if and when planning permission is granted (Informative 7). There have been some initial discussions between the applicant and PKC Community Greenspace regarding the formal procedure associated with this. It should be noted that the granting of any planning permission does not mean that the core path and right of way can be formally diverted without the correct process being completed. The recommendation in this report solely relates to the land use planning terms of the diversion being acceptable and gives no guarantee that the separate process(es) to stop up and divert the path will be approved.
- 115 Separate to the above there is also a requirement to ensure this public access route remains available during construction operations given that the cut and fill operation would impact on the route and therefore a temporary route may be required as construction is undertaken and before the diverted route opens. This can be secured by an appropriately worded planning condition. (Condition 15)

VARIATION OF APPLICATION UNDER SECTION 32A

- 116 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, a set of revised drawings, submission of a Transport Statement, Core Path Diversion Plan, Amended Supporting Statement, a Drainage Report and Flood Risk Assessment, an Ecology Report, a Tree Survey, a Lighting Strategy and a revised Design Statement. The variations to the application were re-advertised and neighbours re-notified.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 117 None required.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 118 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 119 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

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

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

Reason - 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, 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.

5. 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 - To ensure implementation of the tree protection measures outlined in the submitted Tree Survey.

6. The tree protection measures outlined in the approved Tree Survey (doc ref:36), Tree Protection Plan (doc ref: 37) and Tree Protection Specification shall be fully implemented on site for the duration of construction operations.

Reason - To ensure implementation of the tree protection measures outlined in the submitted Tree Survey.

7. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (doc ref: 33) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

10. In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for implementation will be submitted to the Planning Authority within 28 days of the assessment.

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

11. Prior to the commencement of the development hereby approved, full details of the specification and design of all of the lighting on site shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented as part of the site development.

Reason – In the interests of visual and residential amenity.

12. 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

13. The hours of operation of external floodlighting shall be restricted to between 0800 and 2300 hours only.

Reason - In the interests of visual and residential amenity.

14. Prior to the commencement of the development hereby approved, the developer 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 the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - e) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - f) 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;
 - g) details of information signs to inform other road users of construction traffic;
 - h) arrangements to ensure that access for emergency service vehicles are not impeded;
 - i) co-ordination with other significant developments known to use roads affected by construction traffic;
 - j) traffic arrangements in the immediate vicinity of temporary construction compounds;

- k) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- l) monitoring, reporting and implementation arrangements;
- m) arrangements for dealing with non-compliance; and
- n) details of HGV movements to and from the site

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

Reason - In the interests of pedestrian and traffic safety and in the interests of residential amenity.

15. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and associated fencing (including on the east side of the area where the core path is proposed to be diverted from)/signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. This plan should demonstrate the temporary measures which are to be put in place until any formal diversion of the core path and right of way is approved. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

16. Prior to the commencement of the development hereby approved, full details of the proposed fencing/signage associated to the final diverted core path route shall be submitted to and approved in writing by the Planning Authority. The signage, as approved in writing, shall be installed as part of the works to form the diversion and shall be installed in full prior to the path diversion being brought into use.

Reason – To ensure provision of appropriate signage on the diverted route to guide users.

17. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In order to prevent impact on existing private water supplies.

18. Prior to the occupation/bringing into use of the development hereby approved, full details of any alterations/works to and future use if retained for the existing driving range and associated buildings shall be submitted to and subsequently approved in writing by the Planning Authority. The details, as approved in writing shall be implemented within 6 months of the new driving range being brought into use.

Reason – In the interests of visual amenity and to ensure the character of the Perth Green Belt is not detrimentally impacted upon.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work requiring of a building warrant shall be commenced until an application for building warrant has been submitted and approved.
5. The developer should make contact with the Council's Enforcement Officer (Trees), developmentmanagement@pkc.gov.uk or planningenforcement@pkc.gov.uk to ensure the implementation of the tree protection measures on site.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended

(section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. The granting of planning permission does not alter the status of the existing core path SCON/7 and right of way 39/7. An order to stop up and divert the affected path under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the core path under the Land Reform (Scotland) Act 2003, may be required.
8. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
9. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
10. The applicant is advised that a Scottish Water main is located within the site and the developer should take account of the advice contained within Scottish Water's consultation response dated 19 October 2021 in this regard.
11. 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.

Background Papers: 41 letters of representation

Contact Officer: John Williamson

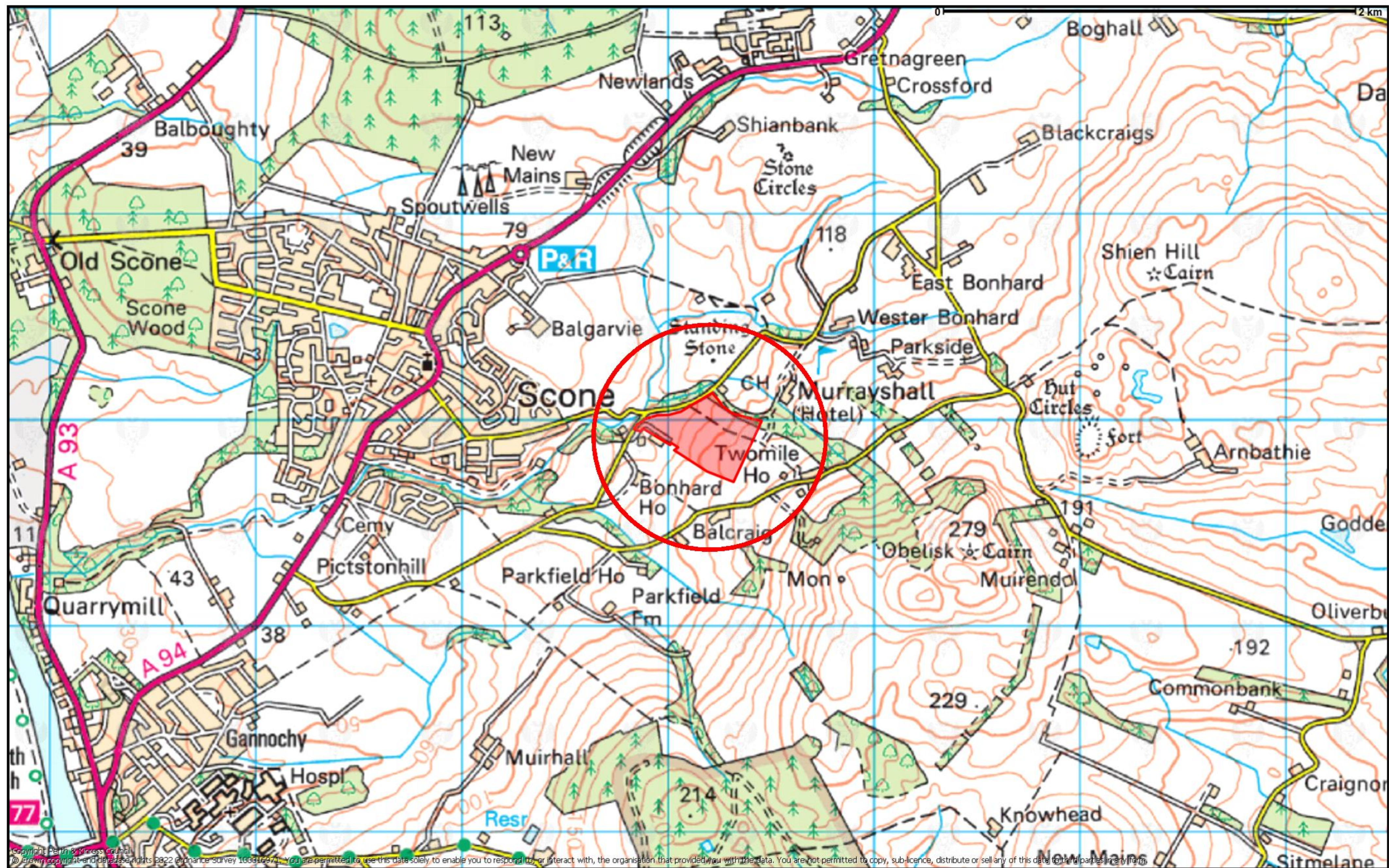
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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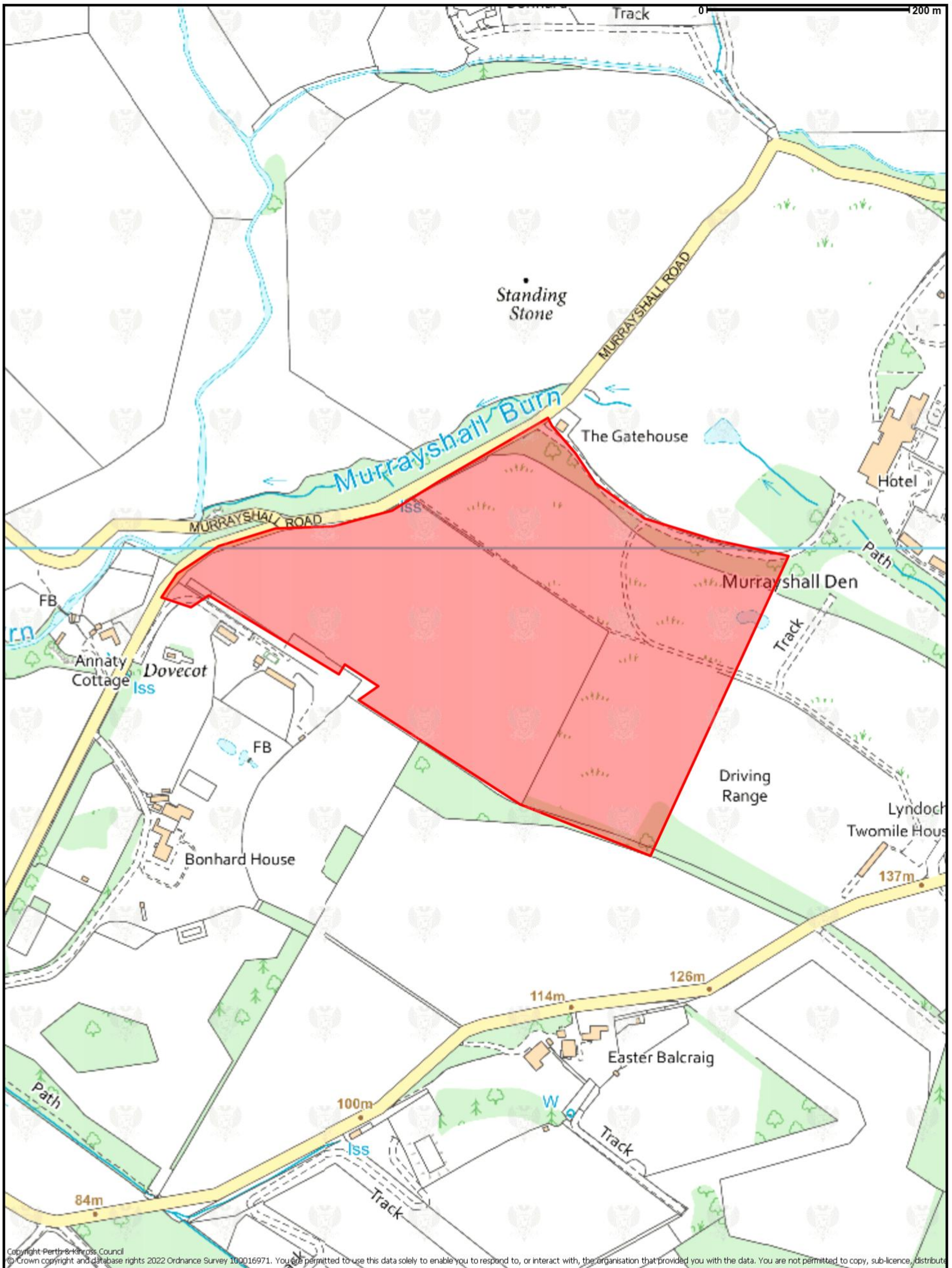
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21/01673/FLL

Relocation of driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works





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21/01673/FLL

Relocation of driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works



Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/163)

PROPOSAL:	Renewal of permission 18/01855/IPL (Residential development)
LOCATION:	Land 100 Metres North West Of Schiehallion Crook Of Devon

Ref. No: [21/02187/IPL](#)
 Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to an overgrown paddock (0.9 hectares) laid to grass located on the northern edge of Crook of Devon, within the settlement boundary. It is bound to the northeast by an access road which also forms the Millennium footpath; to the southeast by a number of residential properties; to the southwest lies the River Devon lade and to the northwest is the Nine Acres Scout Camp.
- 2 Permission in principle was originally granted for the site in 2015 ref 15/01110/IPL. That permission was renewed in 2018 and a further renewal is sought prior to the expiry of planning permission at the end of September 2022, which was extended in light of covid legislation.
- 3 The application seeks approval for residential development in principle and although indicative plans have been submitted the plot layout or house numbers will not be agreed.
- 4 There is also an associated application for the matters specified by condition on the 2018 in principle which is also under consideration at this committee.

National Policy and Guidance

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

National Planning Framework 2014

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

The Scottish Planning Policy 2014 (SPP)

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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

National Roads Development Guide 2014

- 10 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

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

TAYplan Strategic Development Plan 2016-2036

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

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

Perth and Kinross Local Development Plan 2

- 13 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 25: Housing Mix
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 52: New Development and Flooding
 - Policy 53A: Water Environment and Drainage: Water Environment
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 15 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction

upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Site History

- 16 [15/01110/IPL](#) was approved on 15 October 2015 for Residential development (in principle)
- 17 [18/01855/IPL](#) was approved on 14 December 2018 for Renewal of permission 15/01110/IPL (residential development (in principle)
- 18 [19/00700/AML](#) application was withdrawn on 10 September 2019 for Erection of 10 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)
- 19 [19/01673/AML](#) was refused on 23 June 2020 for Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL). That application was subsequently appealed, and subsequently dismissed by the DPEA.

CONSULTATIONS

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

External

- 21 **Scottish Water** – No objection. Note that capacity is available for foul and water, subject to an application to secure connections.
- 22 **Fossway And District Community Council** – Object to proposal on flood risk, capacity of wastewater treatment works, no onsite affordable housing, road safety, increase in traffic, overdevelopment.

Internal

- 23 **Transport Planning** - No objection. Conditions recommended for construction traffic management, road improvements and submission of travel plan.
- 24 **Development Contributions Officer** – Conditions required to secure necessary contributions.
- 25 **Structures And Flooding** – No objection in relation to flood risk, condition required to secure drainage details.

Representations

- 26 A total of 8 representations have been received in respect of the current application. The main issues raised within the representations are:
- Traffic congestion
 - Road safety concerns

- Inappropriate access
- Overdevelopment/ Inappropriate housing density
- Loss of open space
- Adverse effect on visual amenity
- Flooding risk
- Light pollution
- Noise pollution
- Out of character with the area
- No affordable housing
- Loss of trees

27 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

28

Screening Opinion	EIA not required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

Principle

30 The site is located within the settlement boundary of Crook of Devon and the principle of development is considered under Policy 17 Residential Areas.

31 The principle of residential development has already been established under the previous approval. The site is still contained within the settlement boundary of Crook of Devon and is still under a zoning which supports infill residential development.

- 32 As such, it is considered that the principle of residential development is in accordance with the Local Development Plan.

Design and Layout

- 33 The application has been accompanied by an indicative site layout which shows 9 detached dwellinghouses set out in a U-shape with access taken from the public road via the Millennium core footpath. That layout is the same as that previously submitted at the time of the previous permissions on site.
- 34 This plan however is only indicative, and the specific number of units and detailed design and layout will be determined during the assessment of a subsequent detailed planning application.

Residential Amenity

- 35 In terms of the impact on the existing residential amenity of the area the development cannot be reasonably assessed at this (in principle) stage.
- 36 It is however considered due to the scale of the site that residential development could be adequately accommodated in the site without significant detrimental impact on existing or proposed residential amenity.

Roads and Access

- 37 It is considered that the level of traffic generated by any residential development on this site would be relatively small and the existing local road network can accommodate the proposals without impacting on road safety. To ensure the proposal complies with Policy 60 B conditions will be required secure the submission of the details of any road improvements under a detailed application. (Condition 4)

Drainage and Flooding

- 38 The Flood Team are satisfied that there is no need to review the previous Flood Risk Assessment related to the adjacent watercourse/mill lade. This is due to the significant level difference and that the opposite bank is much lower so overtopping would be away from the site.
- 39 In terms of the site drainage there is known to be a high-water table in the Crook of Devon/Drum area, and this will have a bearing on suitable drainage measures. The Flood Team note that proposals to drain the site via soakaways would require further information, this will be covered by condition. (Condition 1)
- 40 It is proposed to connect to the public drainage system, although representations indicate that there is presently limited capacity at the Wastewater Treatment Works. In this regard Scottish Water have been consulted and raise no objection but cannot confirm capacity therefore a connection will require to be secured. Should a connection not be available then the applicant would need to discuss options with Scottish Water or reapply

for planning permission to install a private waste water drainage system to serve the development.

- 41 With the addition of conditions, the development of the site is considered to satisfy the objectives of LDP2 Policy 52 New Development and Flooding and Policy 53 Water Environment and Drainage.

Natural Heritage and Biodiversity

- 42 There are no trees within the site but there is a tree belt located along the south /east boundary. The detailed site layout will need to consider the presence of trees along the boundaries. (Condition 1)
- 43 The site due to the proximity to the River Devon will require an Otter survey to be submitted with the detailed application. (Condition 1)
- 44 It is considered that the appropriate information and mitigation residential development could be accommodated within the site with no detrimental impact on trees or biodiversity.

Developer Contributions

- 45 This application is only seeking to establish the principle of residential use on the site it is not possible to apply the developer contribution guidance at this stage. Conditions will be applied to any consent requiring compliance with this guidance note in relation to affordable housing and education. (Conditions 2 & 3)
- 46 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 47 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 48 None required.

DIRECTION BY SCOTTISH MINISTERS

- 49 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

- 50 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 51 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) 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, relative to existing ground levels and a fixed datum point;
 - b) The siting, design, height and external materials of all buildings or structures;
 - c) A detailed Otter Survey undertaken by a qualified ecologist.
 - d) Details of vehicular access to the site, the provision car parking spaces and turning facilities;
 - e) A detailed specification for the improvements to the surface of the existing shared access from the public road to the entrance of Nine Acres;
 - f) Details of the proposed surface water drainage scheme (SUDs);
 - g) Details of all proposed landscaping, planting, screening and boundary treatment;
 - h) Details of suitable storage for waste disposal/collection;
 - i) A detailed tree survey of all existing trees within and immediately adjacent to the development site.
2. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

3. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. 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 and to the satisfaction of the Planning Authority.

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.

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 required

D INFORMATIVES

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. Applicants are advised that should their application for Approval of Matters specified 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 Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

4. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
5. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

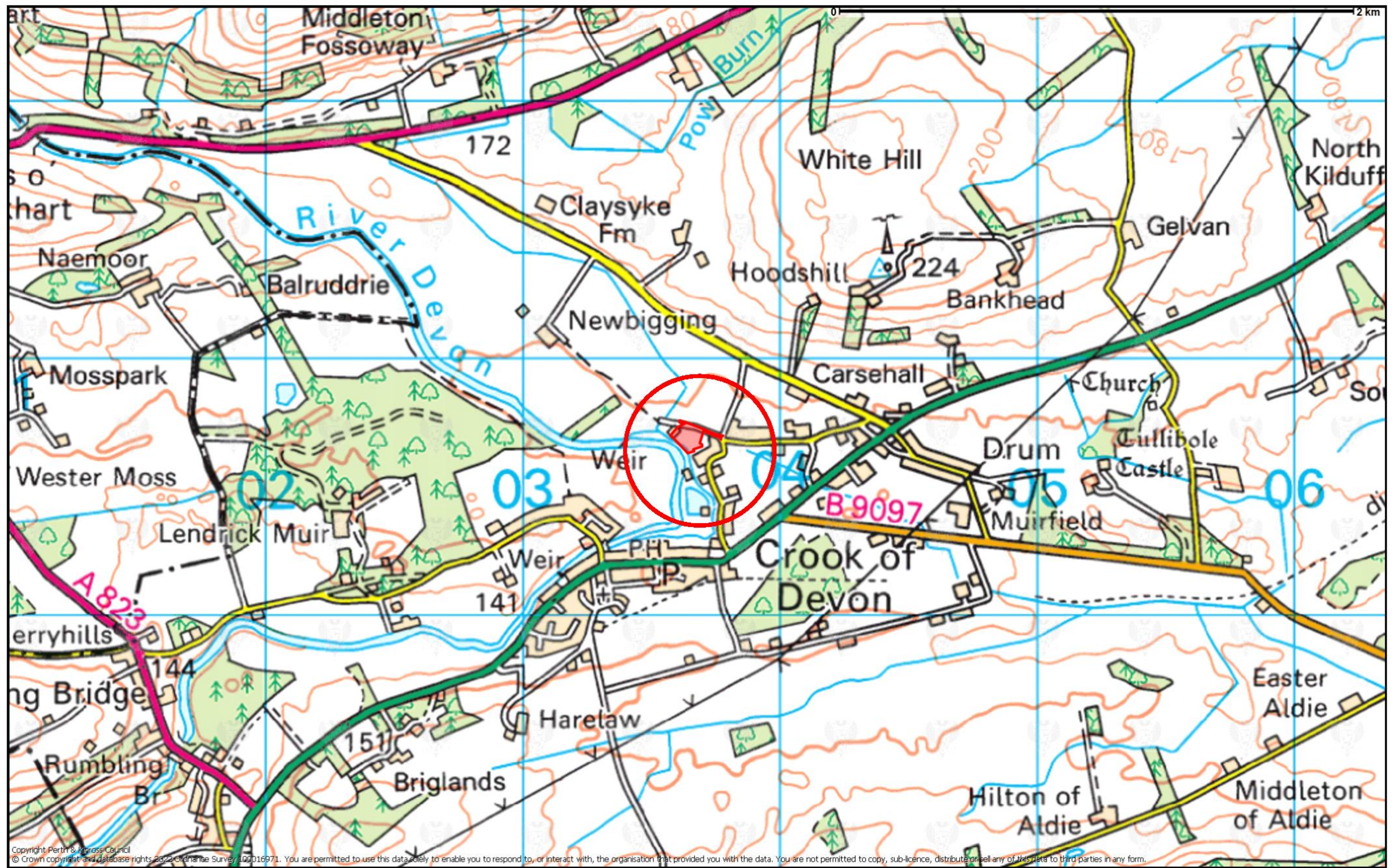
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Date: 23 June 2022



**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

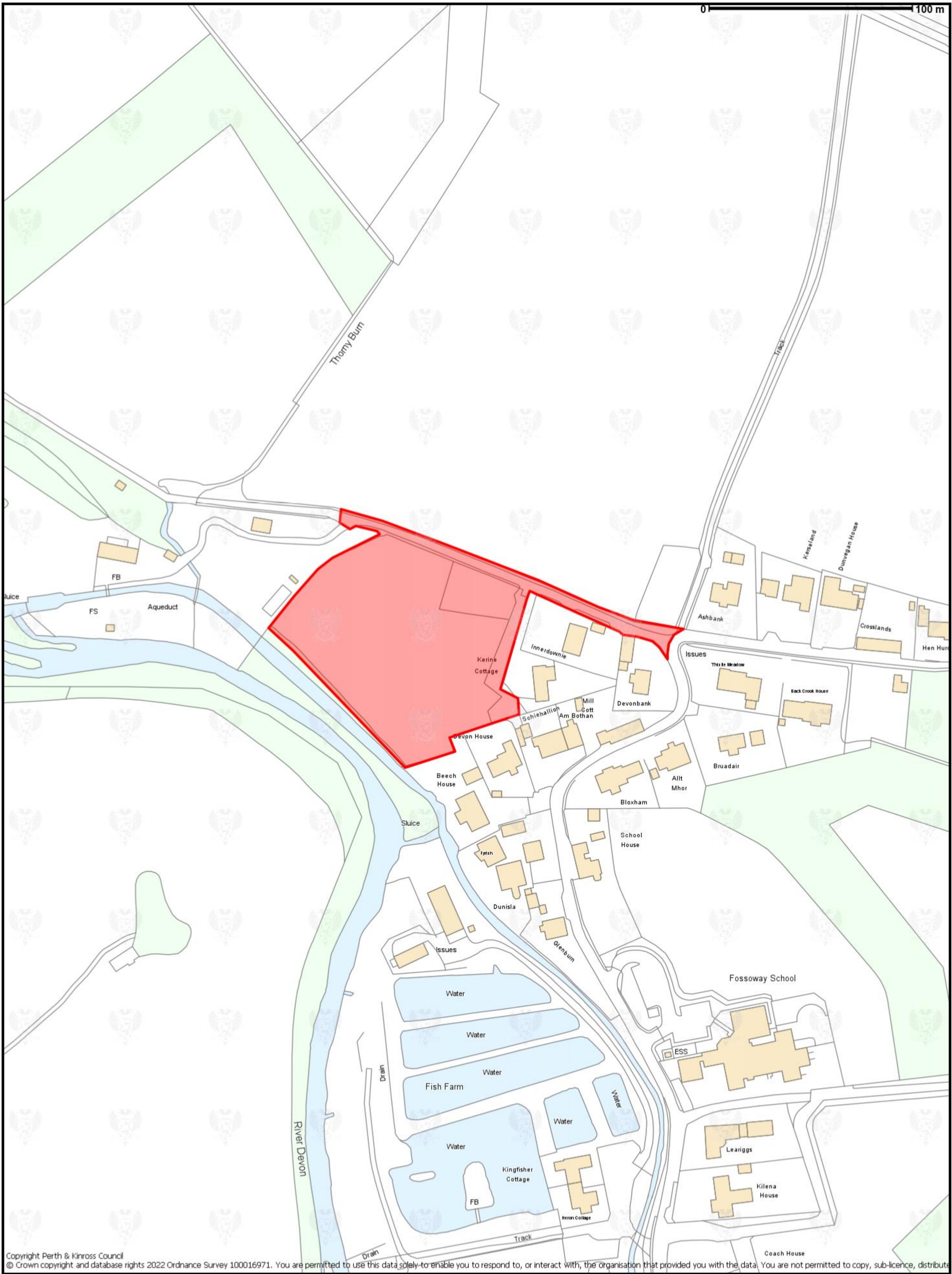
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21/02187/IPL

Renewal of permission 18/01855/IPL
(Residential development)



Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/164)

PROPOSAL:	Erection of 10 dwellinghouses, 6 garages and associated works (approval of matters specified in conditions of 18/01855/IPL)
LOCATION:	Land to the west of Innerdownie, Crook of Devon

Ref. No: [21/02133/AML](#)

Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to an overgrown paddock (0.9 hectares) located on the northern edge of Crook of Devon, within the settlement boundary. It is bound to the northeast by an access road which also forms the Millennium core path; to the southeast by a number of residential properties; to the southwest lies the River Devon lade and to the northwest is the Nine Acres Scout Camp.
- 2 The renewal of the in principle permission associated with the application is also being considered at this committee.
- 3 A previous application for a detailed scheme to develop the site for 10 dwellinghouses was refused at committee in 2019. An appeal to the Department of Planning and Environmental Appeals was subsequently dismissed. The reporter's decision noted that they did not consider the proposal to be an overdevelopment but considered that a previously included street frontage, the overall uniformity in the scale and design of the dwellinghouses and the size and position of the driveways would not respect the character of the village or the surrounding countryside. The applicant in this new submission is seeking to address the reasons for dismissal within the reporter's decision.
- 4 This application is for the erection of 10 dwellinghouses, 6 with detached garages comprising of 7 house types. The vehicular access will be taken from a single point to the north forming a contained grouping screened by enhanced boundaries on the edge of the village.

National Policy and Guidance

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

National Planning Framework 2014

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

The Scottish Planning Policy 2014 (SSP)

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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

Creating Places 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant

communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 11 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

Perth and Kinross Local Development Plan 2

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

- Policy 20: Affordable Housing
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 17 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance March 2020

- 18 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Site History

- 19 [15/01110/IPL](#) was Approved On 15 October 2015 for Residential development (in principle)
- 20 [18/01855/IPL](#) was Approved On 14 December 2018 for Renewal of permission 15/01110/IPL (residential development (in principle))
- 21 [19/00700/AML](#) application was Withdrawn On 10 September 2019 for Erection of 10 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)
- 22 [19/01673/AML](#) was Refused On 23 June 2020 for Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)

CONSULTATIONS

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

External

- 24 **Scottish Water** - No objection. Connections for public water and foul would need to be secured by application.
- 25 **Fossway And District Community Council** – object to proposal raising concerns regarding drainage connections, no affordable housing, traffic increase, road safety, overdevelopment, no Flood Risk Assessment.

Internal

- 26 **Transport Planning** – No objection. Conditions required for road widening, turning, track upgrade and construction traffic management plan.
- 27 **Structures And Flooding** – No objection, further drainage information required by condition.
- 28 **Biodiversity/Tree Officer** – No objection, survey findings to be conditioned.
- 29 **Development Contributions Officer**- Developer contributions outlined.
- 30 **Community Waste Advisor** – No response within time.

Representations

- 31 A total of 9 representations have been received in respect of the current application. The main issues raised within the representations are:
- Adverse effect on visual amenity
 - Flooding risk
 - Inappropriate housing density
 - Light pollution
 - Noise pollution
 - Out of character with the area
 - Over intensive development
 - Inappropriate housing density
 - Road safety concerns
 - Traffic congestion
 - Loss of open space
 - Flooding
 - Impact on squirrels
 - No low carbon technologies
- 32 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

33

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Supporting information submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted – Tree Survey, Otter Survey

APPRAISAL

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

Principle

- 35 The site is located within the settlement boundary of Crook of Devon where Policy 17 Residential Areas applies. This policy supports infill development at a density which represents the most efficient use of the site whilst respecting its environs.
- 36 The site benefits from an in principle approval (18/01855/IPL) for residential development. The proposal now seeks detailed permission for 10 dwellinghouses. The principle of residential development on the site is therefore established and the detailed proposal is considered in the following sections of the report.

Design and Layout

- 37 The site is accessed from a single point at the northeast corner. The layout comprises of 10 detached dwellings set within generous plots. The plans detail 7 different house types comprising of 1 1/2 and 2 storeys with a mix of integral and detached garages.
- 38 The dwelling types vary but follow the same design detailing and material finishes. The site, in response to the reporters' comments, no longer provides a frontage to the access lane so the development will be to an extent contained/screened from view. All properties have slate clad roofs, with

differing mixes of stone/ off white render/ larch cladding to walls. This reflects and complements the wide range of existing finishes in the area.

- 39 The 2015 in principle application included an indicative layout plan showing 9 detached dwellinghouses and a large surface water drainage attenuation pond/feature. That layout was not approved. Neither of the previous decisions restricted the number of dwellings and LDP2 does not set a capacity range. It should also be noted that the reporter's decision on the previous detailed application considered that the density of development reflected the character of this part of the village. A supporting plot analysis shows the plots range from 485 – 1030sq metres, with garden areas of 285 – 756sq metres. The sizes proposed in this instance are considered acceptable as they exceed the standards of the Placemaking Supplementary Guidance, and are not out of context with existing house plots in the area. Overall the site layout proposed is considered low density.
- 40 It is considered that the layout is not overdevelopment and reflects the general character and layout of the surrounding built form. The design and scale of development proposed is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

Residential Amenity

- 41 The site is bound to the south and east by residential areas and dwelling positions along these boundaries have maintained a minimum of 9m set back from the site boundary, where upper floor facing windows are proposed.
- 42 Plot 4 has ground floor windows on the southeast elevation which serve a sitting room. These windows are within 6 metres of a neighbouring boundary and neighbouring dwelling sits a further 22m away. It is considered that the boundary planting proposed, and the intervening distance would mitigate any potential impact. In addition, Plot 3 has no windows on the south elevation and all windows on the east facing elevation are in excess of 11 metres from the boundary which is adequate to mitigate the impact in line with the placemaking supplementary guidance.
- 43 In relation to loss of daylight and overshadowing of existing dwellings these lie to the particularly to the south and east, which will mean any shadow cast by the development contained within the application site and not impact on existing dwellings.
- 44 The site layout has been configured so that all dwellings have adequate garden sizes in excess of the Placemaking Guidance which sets out minimum garden sizes of 80sq metres for 3+ bedroom properties).
- 45 Taking the aforementioned into account, the proposed development is considered compliant with the Council's Placemaking Guide and LDP2 Policy 1A,1B and 17 in relation to residential amenity.

Roads and Access

- 46 Access to the site will be taken from the existing track to the north, which also forms part of the core path network. Road improvements are required and the track is to be resurfaced. The new road layout will fork within the site providing a turning head along with a landscaped seating area. Swept path analysis submitted shows how a refuse vehicle can turn at the new road junction. The dwellings all have ample parking and turning areas.
- 47 Transport Planning note that this proposal has removed a previously agreed passing place between the proposed site and the existing adopted public road (within application (19/01673/AML), however this proposal relocates the site access closer to the public road at the expense of the previously agreed passing place. As such Transport Planning recommend a condition for limited road widening between the site access and the adopted public road to ensure suitable free flowing traffic and to improve pedestrian facilities and safety.
- 48 Representations all raise concerns regarding traffic problems in the area. The proposals are likely to generate vehicle movements in the range of 6-8 two way movements during the peak AM/PM hours. This is considered a low level of traffic generation and is not considered likely to cause significant traffic issues or detrimental impact to the road network. The Road Safety team have been consulted and offered no objection or comment, and no reported accidents have been recorded in the vicinity of the proposals
- 49 A Construction Traffic Management Statement will be required by condition, to ensure that construction traffic movement impacts are managed. Conditions are also recommended in relation to passing places, vehicle turning and the road finish (Conditions 2, 3, 4 and 5).

Core Path

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

Drainage and Flooding

- 51 The River Devon mill lade is located to the southwest of the site . The Flood Team confirm that there is no need to review the Flood Risk Assessment previously submitted as there is a significant level difference, and the opposite bank is much lower so overtopping will occur away from the site.
- 52 In relation to drainage there is known to be a high-water table in the Crook of Devon/Drum area. The Flood Team confirm that they will require further information which clearly sets out the drainage design for the site and demonstrates its suitability. The site is adjacent to the River Devon, so an alternative drainage solution is available should soakaways not be demonstrated as effective.

- 53 The Flood Team are content that this information can be provided by way of a pre-commencement condition. (Condition 12)
- 54 It is proposed to connect to the public drainage system, although representations indicate that there is presently limited capacity at the Wastewater Treatment Works. In this regard Scottish Water have been consulted and raise no objection but cannot confirm capacity therefore a connection will require to be secured. Should a connection not be available then the applicant would need to discuss options with Scottish Water or reapply for planning permission to install a private waste water drainage system to serve the development.
- 55 The proposals are considered to satisfy the objectives of LDP2 Policy 52 New Development and Flooding and Policy 53 Water Environment and Drainage.

Waste Collection

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

Natural Heritage and Biodiversity

- 57 The River Devon is located to the southwest and an updated survey has been completed to assess the site's suitability as a habitat for otters.
- 58 Field evidence of otter was identified within the River Devon and adjacent habitat during the survey. A suitable otter lay-up feature and spraints were identified along the canal banks adjacent to the southwest site boundary. A potential otter holt was also identified c. 240m south of site. The report outlines recommendations which should be undertaken ahead of development works commencing to establish use and appropriate mitigation and licensing requirements. The survey recommendations shall be conditioned (Condition 10). Biodiversity enhancements will also be secured through a landscaping plan condition (Condition 9).
- 59
- 60 In one letter of representation the impact on red squirrels was raised related to the potential for dreys within trees which lie out with the application site. It is not general practice to require ecological surveys on trees out with an application site however an informative can be added to advise the developer of the legal responsibilities in relation to protected species.
- 61 The proposed works are assessed as not being detrimental to biodiversity interests and therefore not conflicting with Policy 41 Biodiversity.

Trees

- 62 A tree survey was undertaken on the site in 2018. As the site has little tree cover and is relatively flat the findings of that survey can still inform this submission in relation to the root protection areas which may encroach the site.

It should be noted that the trees lie outside the site boundary so are not under the applicant's ownership or control. A tree constraint plan sets out required tree protection measures on the two affected boundaries and the tree protection measures can still be implemented. (Conditions 7 & 8)

- 63 The proposal is therefore considered to comply with Policy 40 Forestry Woodland and Trees.

Developer Contributions

Affordable Housing

- 64 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, be in the form of affordable housing. The affordable housing requirement is 2.5 units (10×0.25). The previous application was refused as no information had been submitted to justify why onsite affordable was not included. The reporter considered this point in detail along with the submission of information from a Registered Social Landlord which confirmed that due to the small scale of the development onsite affordable wouldn't be viable. In this case a commuted sum payment will be accepted in lieu of onsite provision. The location within the Kinross Housing Market Area sees a commuted sum applicable of £19,000 per unit. The contribution therefore totals £47,500 ($2.5 \times £19,000$).

Primary Education

- 65 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. The relevant catchment is Fossoway Primary School, where there is no capacity constraint.

Sustainability

- 66 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 67 The properties will need to meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing, and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 6).

Economic Impact

- 68 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 69 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 The affordable housing contribution is required which can be secured through an upfront payment or via a Section 75 Legal Agreement.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 72 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

- 73 Accordingly the proposal is recommended for approval subject to the following

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the occupation of the development hereby approved, the formation of a scheme of road widening will be provided between the site access and the U 238 to a design & specification to the satisfaction of the Planning Authority and in consultation with the Roads Authority.

Reason - In the interests of pedestrian and traffic safety.

3. Prior to the development hereby approved being brought into use the turning facilities shown on the approved drawings shall be implemented to a design & specification to the satisfaction of the Planning Authority and in consultation

with the Roads Authority and thereafter maintained.

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

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

Reason - In the interests of pedestrian and traffic safety.

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

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

Reason - In the interests of pedestrian and traffic safety.

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
 - a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

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

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

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

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

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

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

9. Prior to the commencement of the development hereby approved, a detailed landscaping, biodiversity enhancement and planting scheme for the site shall be submitted to and approved in writing by the 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, integrated bat or bird boxes and hedgehog highways. The scheme as subsequently approved shall be carried out and completed within

the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

10. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved Otter Survey by Envirocentre dated 1 June 2022 (plan ref 29) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

13. 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 ensure the provision of effective drainage for 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

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers

D INFORMATIVES

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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

2. 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..
3. 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.
4. 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.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within or outwith the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

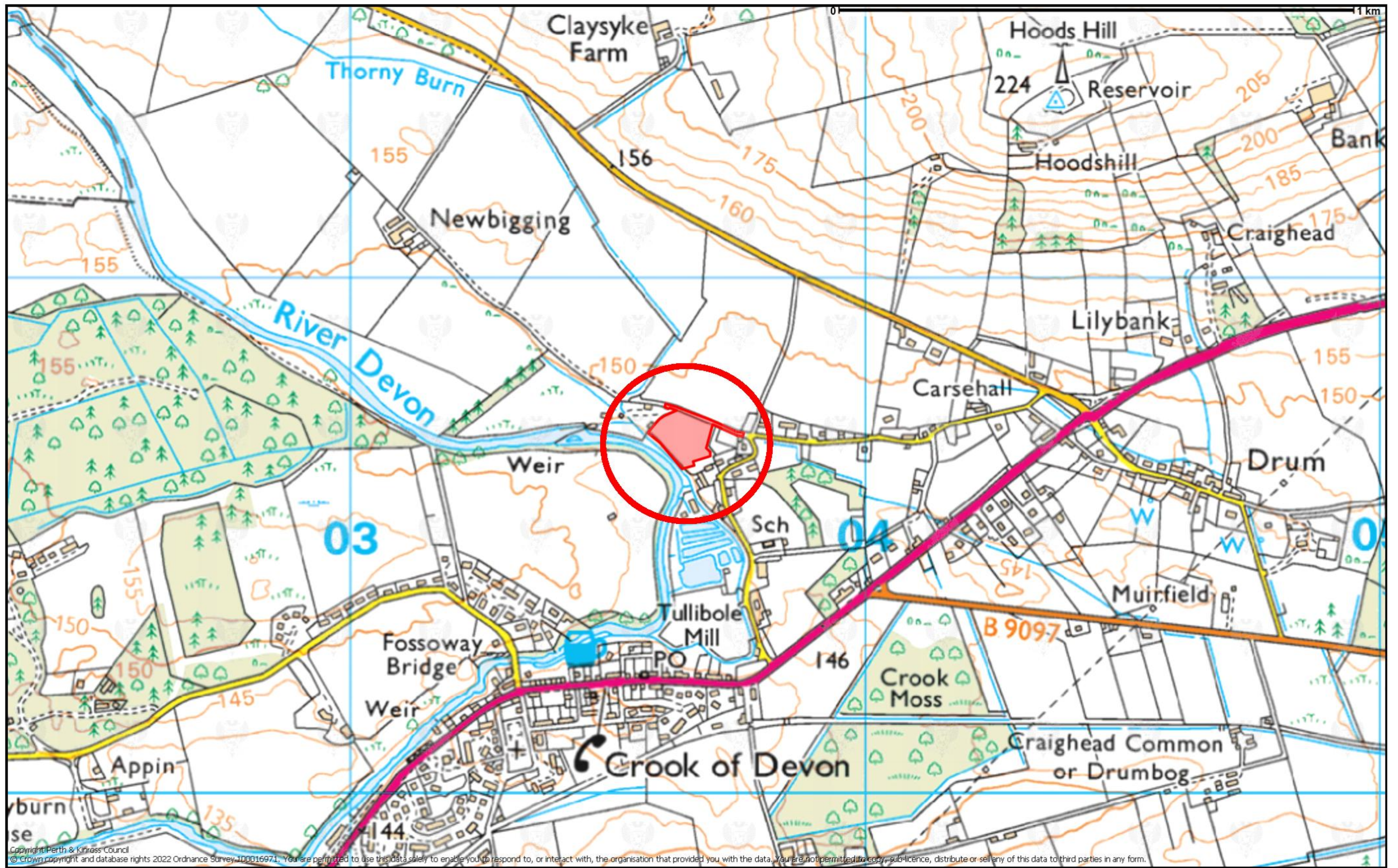
Background Papers: 9 representations
Contact Officer: Joanne Ferguson
Date: 23 June 2022



DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

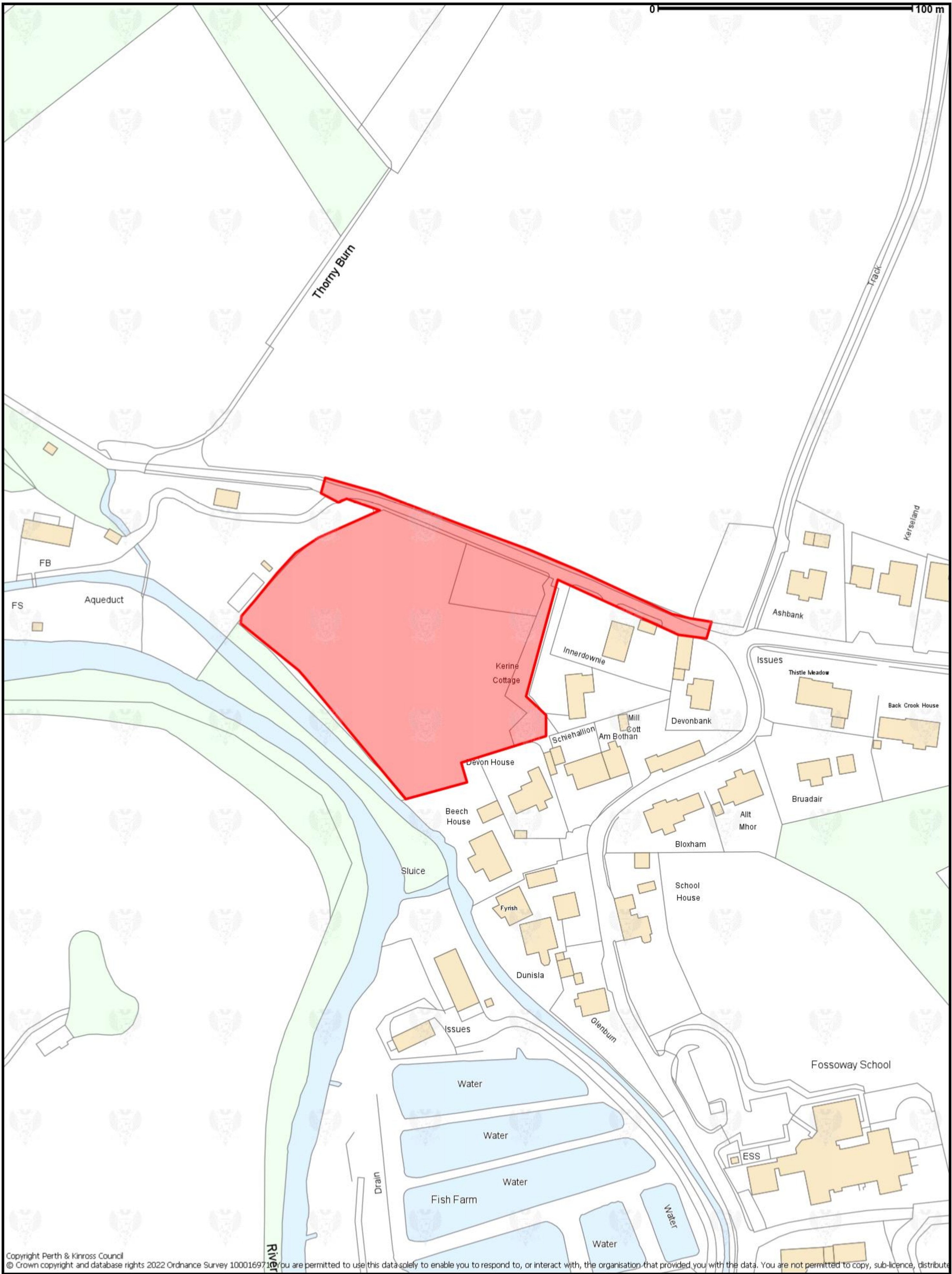
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21/02133/AML

Erection of 10 dwellinghouses, 6 garages and associated works (approval of matters specified in conditions of 18/01855/IPL)



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/165)

PROPOSAL:	Change of use, alterations and extension to agricultural steading to form 6 dwellinghouses, erection of 2 dwellinghouses and associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, parking area and associated works
LOCATION:	Kinvaid Farm Moneydie Perth PH1 3HZ

Ref. No: [21/02279/FLL](#)

Ward No: P5- Strathtay

Summary

This report recommends approval of the application, subject to conditions, 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. Any positive Decision Notice shall be withheld such time as a Section 75 Legal Agreement or other suitable mechanism has been concluded to secure the required developer obligations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is a disused agricultural steading and farmhouse located within Moneydie approximately 2 miles west of Luncarty. The site extends to approximately 2 hectares and undeveloped parts comprise rough grassland with trees and hedging around the boundaries. In a central position are four ranges of agricultural buildings and a farmhouse, all arranged around a central courtyard. The buildings sit on a flat area, whilst the site generally slopes sharply downwards from north-east to south-west.
- 2 The steading buildings date from the early 19th century and are mainly of stone walls, with some brickwork, and slate roofs. The north range and attached 'horse mill' are listed at Category C, and a separate application for listed building consent (21/02280/LBC) has been submitted for the physical works connected with the development proposed in this application. That application is also contained on this Committee Agenda.
- 3 In total the proposed development would see eight dwellings created, via: converting the listed building to two dwellings; and taking down and reconstructing the remaining steading buildings and farmhouse, on the same footprint but with extensions, to form a further four dwellings. In addition, two new build dwellings would be constructed in the northern part of the site, both single storey with natural stone walls and aluminium clad timber windows. 'House one' would have a

sedum roof, whilst 'house two' would see the roof clad in green zinc. In addition, two garage buildings and a communal storage building are proposed, all of which would be single storey stone-built buildings with green zinc roofs.

- 4 The site is served by a private access which extends to the north and links with the C408 public road from Moneydie to Bankfoot. It is proposed to upgrade and widen the existing track within the site and to form visibility splays at the junction with the public road.
- 5 A 'drainage strategy' has been submitted and it is proposed to dispose of foul water via a private drainage system to a shared private treatment plant, before discharging into a foul water soakaway. Surface water would be dispersed within the site to a SUDS pond to be located in the south-east part of the site.
- 6 There are four trees within the site, and these would be retained. Boundary treatments would see post and wire fences. The submission indicates that the courtyard space would be shared between the dwellings, with a large communal vegetable patch and open landscaped areas. In addition, each dwelling would be provided with an area of private garden ground. A ground mounted solar array is proposed on a strip of land projecting at the north-western corner of the site. Bat and barn owl boxes would be provided.
- 7 The north range contains one and a half storeys and retains its internal stairs and timber floor at first floor level. The attached horse engine is a particularly rare surviving example of its type. It is proposed to convert this building to form two dwellings with an extension on the north elevation where a single storey timber extension was previously removed.
- 8 The south range comprises the two-storey farmhouse and attached single storey agricultural building. Externally the farmhouse has been much altered over time, with the addition of a single storey porch and enlarged windows. This facade of the steading is the most prominent within the wider landscape due to its elevated position at the edge of the range of buildings.
- 9 The east range consists of one and a half storey buildings of stone, brick and slate construction, with chimneys. There is a lean-to extension with timber supports and a corrugated metal roof running along the north-east elevation, this would be removed. Single storey extensions to the east of this range are proposed to provide additional storage and garage space.
- 10 The west range is single storey and repeats the stone, brick and slate materials. There is a considerable level change to the south-west and a large lean-to extension with timber supports and a corrugated metal roof occupies this adjacent area. It is proposed to utilise this change in level to provide an additional level of accommodation within one dwelling, whilst retaining the single storey courtyard elevation.

Pre-Application Consultation

- 11 Pre-Application advice was sought in 2019 (Refs:19/00303/PREAPP and 19/00461/PREAPP) and comment was given on the proposals presented:

redevelopment of the steading buildings and conversion of the listed building. Demolition of the listed building was initially proposed but was revised to conversion.

- 12 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

National Policy and Guidance

- 13 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 2014

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

Scottish Planning Policy 2014 (SPP)

- 15 The Scottish Planning Policy (SPP) 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.
- 16 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
 - Listed buildings: Paragraph 141

Planning Advice Notes

- 17 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 60 Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 72 Housing in the Countryside
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 2/2011 Planning and Archaeology

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 2019.

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 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice For Investment
- Policy 4: Homes
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 23 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 24 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 19: Housing in the Countryside
 - Policy 27A: Listed Buildings
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 53B: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

Housing in the Countryside Supplementary Guidance March 2020

- 25 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 26 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Historic Environment Scotland (HES) Policy Statement 2019

- 27 This document replaces the 2016 Scottish Historic Environment Policy and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings. In addition, other HES documents are also relevant.

Site History

- 28 [99/01874/FUL](#) Detailed planning permission was approved on 16 March 2000 for the conversion of the farm steading to 4 residential units.
- 29 [04/00967/FUL](#) Detailed planning permission was approved on 5 August 2004 for the refurbishment of the existing farmhouse and conversion of the steading buildings into 5 new residential units.
- 30 [07/00658/FLL](#) Detailed planning permission was refused on 21 August 2014 for a revised proposal for the refurbishment of existing farmhouse, conversion of existing steading buildings into 5 new dwellings and construction of 4 new dwellings attached to existing steading buildings.
- 31 [11/00658/FLL](#) Detailed planning permission was approved on 20 June 2011 for the erection of an anemometer mast for a period of one year.
- 32 [17/00281/FLL](#) An application for detailed planning permission was withdrawn on 31 May 2017. This proposed the formation of campsite containing 60 tent pitches, 33 accommodation units, 2 toilet blocks and 1 toilet/catering block, reception building, community hub, maintenance store, car parking, landscaping and associated works.
- 33 **17/00653/PN** In April 2017 a Prior Notification for the erection of an agricultural storage building was returned, as the development required planning permission.
- 34 [17/00776/FLL](#) Detailed planning permission was approved on 3 July 2017 for the erection of an agricultural shed.
- 35 [17/01694/FLL](#) Detailed planning permission was refused on 6 February 2018 for the formation of holiday park and siting of 20 accommodation units, erection of a reception/maintenance building, formation of car parking, landscaping and associated works.
- 36 [18/01715/FLL](#) Detailed planning permission was refused on 1 November 2018 for the erection of a 'hut'.
- 37 [18/02184/PAA](#) A prior approval was refused on 7 January 2019 for the erection of an agricultural building.
- 38 [21/00138/LBC](#) A Listed Building Consent application was withdrawn on 22 December 2021, this had proposed demolition of the listed steading buildings.

- 39 [21/00139/FLL](#) A detailed planning permission application was withdrawn on 22 December 2021, this had proposed the demolition of the steading buildings/farmhouse, erection of 8 dwellinghouses, associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, car parking, drainage and associated works.
- 40 [21/02280/LBC](#) A related application for Listed Building Consent proposing alterations and extension to the steading buildings to form 6 dwellinghouses is pending consideration and is subject to a report elsewhere on this Committee Agenda.

CONSULTATIONS

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

External

Perth And Kinross Heritage Trust

- 42 No objection, request condition requiring archaeological standing building survey to be carried out prior to commencement of development.

Luncarty, Redgorton And Moneydie Community Council

- 43 Objection due to overdevelopment of site, road safety concerns, light reflection from solar array and negative impact on listed buildings.

Internal

Environmental Health (Private Water)

- 44 No objection, note that intention is to connect to private supply.

Environmental Health (Contaminated Land)

- 45 No objection, request condition requiring evaluation for potential of site to affected by contamination from previous use.

Development Contributions Officer

- 46 Advise that contributions are required by the relevant Policy/Supplementary Guidance totalling £106,176 are required (Affordable Housing £56,000, Education £30,984, Transport Infrastructure £16,452)

Conservation Team

- 47 Case officer is the 'conservation officer', so no consultation required.

Community Waste Advisor - Environment Service

- 48 No objection, subject to conditions.

Transport Planning

- 49 No objection, subject to conditions.

Biodiversity/Tree Officer

- 50 No objection, subject to conditions. Advise the updated bat survey is acceptable.

Planning And Housing Strategy

- 51 No objection. Comment that whilst the two new build units do not strictly meet the requirements of Category 5 of the Housing in the Countryside Supplementary Guidance, in this particular case this issue can be outweighed by the retention of the listed buildings, sensitive redevelopment of the steading buildings and evidence that these units are necessary to secure the financial viability of the overall scheme.

Representations

- 52 A total of 22 letters of representation have been received, 14 objecting and 8 in support.

- 53 The issues raised in the letters of objection are summarised as follows:

- Overdevelopment of site
- Out of character with rural environment
- Impact on road safety
- Glare from solar array
- Alternative buyer available for site
- Excessive car parking provision
- Traffic generation
- Noise and light pollution
- Overlooking
- Inadequate road system
- Insufficient electricity supply
- Landscape impact
- Construction noise
- Inadequate drainage

- 54 The issues raised in the letters of support may be summarised as follows:

- Employment provision
- Environmental improvements
- High quality design
- Sustainable living
- Avoids loss of listed building
- Regeneration of redundant steading
- Increased council tax revenues and developer contributions

55 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

56

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none">• Tree Survey/Report• Bat Survey• Transport Statement• Structural Report• Drainage Strategy• Planning and Listed Building Statement• Ecological Constraints Report• Geoenvironmental Risk Assessment• Development Viability Statement (sensitive)

APPRAISAL

57 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

58 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

Change of Use, Alterations and extension

59 Through Policy 19 - Housing in the Countryside and the associated Supplementary Guidance (SG) it is acknowledged that opportunities do exist for

housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within one of the six identified categories below will be supported.

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the SG
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

60 Category 4 is applicable which allows for the renovation or replacement of houses. The SG states that where a house under this section is proposed for substantial rebuilding or complete replacement, the applicant may be required to submit a Development Viability Statement, prepared by an independent expert, demonstrating that the house either:

- Cannot readily be extended or improved to allow it to be brought up to modern standards, or
- Is not capable of renovation at an economic cost.

61 It is proposed to replicate closely the overall layout, scale and design of the existing farmhouse. In addition, the materials of the existing building would be re-used as far as possible and replicated where reuse is not possible. The scale, massing and design of the proposed extensions and alterations are sympathetic to the original building and its surroundings whilst incorporating contemporary elements. A development viability statement has been submitted which demonstrates that some of the unlisted buildings require to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.

62 Category 5 is also applicable which allows for the conversion or replacement of redundant non-traditional buildings to form houses providing the buildings are of traditional form and construction. The SG states that replacement of traditional buildings will only be permitted in cases where there is objective evidence that the existing building(s) require to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost. Evidence should be in the form of a Development Viability Statement, prepared by an independent expert, which sets out the detailed costs of converting the building(s). The SG also allows for some limited new build accommodation associated with the conversion of traditional building complexes. In this instance, the applicant has submitted a Development Viability Statement which explicitly outlines the costs associated with both the wider development and the specifics of the listed building conversion. It is considered that the submitted information adequately justifies the need for the additional two dwellings in order to bridge the financial gap of viability, and also to allow for the payment of the identified developer contributions.

63 In this instance, for ease of reference, the proposal can be divided into three elements. The first element is the section of the steading which is proposed for

conversion, the second is the replacement of the remaining steading buildings with housing and the third is the two proposed new build dwellings.

- Conversion – This element of the proposal would be a conversion of a traditional building which is considered to contribute positively to the landscape character of the area. The proposed alterations and extensions would be in harmony with the existing building and materials and the proposed new build elements within the site are considered to be of a scale and appearance in keeping with these buildings.
- New build replacement sections – It is proposed to replicate closely the overall layout, scale and design of the existing traditional steading buildings. In addition, the materials of the existing buildings would be re-used as far as possible and replicated where reuse is not possible. The scale, massing and design of the proposed extensions are sympathetic to the original and remaining buildings whilst incorporating contemporary elements. A development viability statement has been submitted which demonstrates that the buildings require to be reconstructed because of structural deficiencies which cannot be remedied at an economic cost.
- New build dwellings – The development viability statement demonstrates that the proposed new build dwellings are required in order to achieve a viable scheme for redevelopment of the steading buildings and the conversion of the listed building. The proposed location, design scale, and massing of the dwellings is considered to be in keeping with the character and appearance of the existing steading and farmhouse buildings.

- 64 On this basis the proposed development is considered to satisfy the relevant criteria and would therefore comply with Policy 19.

Design and Layout

- 65 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 66 The overall layout, scale and massing of the existing steading buildings would be largely replicated, and the proposals are generally respectful of the agricultural character of the site and its surroundings. The proposed palette of materials is also considered appropriate and sensitive to the traditional character and appearance of the buildings and their rural setting. It is considered that the two new dwellings have been sited and designed in keeping with the existing group of buildings and would sit comfortably alongside the listed building without compromising its setting.
- 67 As such the proposal considered of an appropriate scale and design and conducive to the rural character and visual amenity of the area, as required by Policies 1A and 1B of LDP2.

Landscape and Visual Amenity

- 68 Policy 39 requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's

landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

- 69 The criteria contained within this policy seeks to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Policy 39 also mentions the requirement to consider the Tayside Landscape Character Assessment prepared by Scottish Natural Heritage.
- 70 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the Lowland Hills – Tayside area and states that modern settlement limited to scattered farmsteads and hamlets, with some main roads and pylons.
- 71 The immediate landscape surroundings of the site are characterised by undulating topography with large areas of mature woodland and small groups of buildings. The steading itself sits on an elevated site however extensive areas of woodland around the site mean that only the southern elevation comprising the former farmhouse and adjoining barn have any prominence in views of the site.
- 72 There is some potential for the proposed solar array to be visible in limited views of the site however it is considered that this could be satisfactorily mitigated through the precise location of the array and planting to screen the site and condition has been included to secure this.
- 73 The development would therefore have no unacceptable adverse impact on surrounding local landmarks, views or skylines. The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

Residential Amenity

- 74 While representations consider the development would cause light and noise pollution issues the proposed residential use, layout of the site and its proximity to neighbouring dwellings are not considered to give rise to any concerns regarding its impact on the amenity of neighbouring dwellings.
- 75 Due to the potential for contamination arising from the previous agricultural use of the site the Contaminated Land Officer was consulted on the application. Their response confirms that their service has received and reviewed the reports submitted with the application. Due to further works being necessary and verification of the works required they recommend that conditional control is reapplied to ensure that any ground contamination is dealt with accordingly. This is covered by Condition 16.

Roads and Access

- 76 The vehicle access to the site would be from the C408. The applicant has demonstrated that the vehicle access could be afforded the full visibility splay of 215 metres for national speed limits, however, vegetation management would be required for the splay to the north. The applicant has undertaken a speed survey

which shows that 85th%ile vehicle speeds are below 40mph on the C408 to both the north and south of the vehicle access, this would allow a relaxation to 120 metres. Vegetation management would be required to provide and maintain the visibility splay and a condition is included for the provision of the visibility splay. The vehicle access onto the public road network would be upgraded as part of the works. The level of car parking within the site meets the standards within the National Roads Development Guide. The internal layout for the site has been amended and a number of turning areas have been provided, adjacent to Plot 5 and opposite Plot 1 and 6. This will reduce the distances delivery vans and visitors will need to reverse. On the updated site layout plan, information has been provided to show the collection location for the foul sewage waste and a suitable location for the desludging lorry to operate from. The Public Transport Unit have requested rural bus boarders on either side of the C408 for any school ages children to have a place to board and alight the school transport provision. Condition 13 has been included to secure their installation prior to occupation of any dwellinghouse. The current Farmhouse is served by a private vehicle access, it is proposed that this development will continue to be served by the private vehicle access. It is therefore considered that the development raises no concerns in terms of roads or access.

Drainage and Private Water Supply

- 77 Policy 53B relates to foul drainage and states that in settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area.
- 78 As there are no foul sewers in the vicinity of the development it is proposed to dispose of foul water via a private drainage system. Foul water would be collected and conveyed via drains to a shared private packaged treatment plant before discharging into a foul water soakaway within the site boundary.
- 79 Policy 53C relates to surface water drainage and requires all new development to employ SUDS measures.
- 80 It is proposed to collect and convey surface water runoff from building roofs and hardstanding areas to a SUDS pond located in the south-eastern part of the site.
- 81 Policy 53E requires that all new development must be served either by a satisfactory mains or private water supply complying with the Water (Scotland) Act 1980 and associated Private Water Regulations, without prejudicing existing users.
- 82 It is proposed to connect to a private water supply and the Private Water team have confirmed that the proposed development raises no concerns subject to an informative regarding the requirement to submit detailed information regarding the private water supply to Perth and Kinross Council Environmental Health.
- 83 As such the proposed drainage and water strategy is considered to comply with the relevant policies subject to the detailed design of the water treatment plant and SUDS pond being agreed. Conditions 6 and 7 require submission of the detailed

location and design of the treatment plant and SUDS pond have therefore been included.

Flooding

- 84 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no known issues or concerns in respect to flooding at the site.

Waste Collection

- 85 It is proposed to provide storage for bins within the site to be collected from a collection point within the site. The Waste Services team have stated that this approach is acceptable subject to the provision of suitable access and collection points and condition 17 has been included to secure this.

Conservation Considerations

- 86 The north range of the steading is listed at Category 'C' as a relatively rare and early example of this type of agricultural building, which includes an attached horse mill. As the building is not suitable for modern agricultural use and has been marketed for a reasonable period for alternative uses the principle of conversion to residential use is considered acceptable. It is accepted that the condition of the building means that extensive repair and reconstruction will be required to convert/bring the building back to a usable condition. Whilst the overall approach to the proposed works and design of the conversion scheme, including the proposed extension, would be in keeping with the character and appearance of the listed building, a more detailed assessment of the extent of taking down and rebuilding can only be carried out once works commence and condition 3 has been included requiring this information to be submitted and agreed. This would include details of the methods and materials of works to individual window and door openings as well as internal features.
- 87 The remaining buildings, which sit within the curtilage of the listed building, make a significant contribution to its context and setting. As such the design approach of locating the proposed extensions on the outer facades of the buildings and retaining most of the courtyard as communal space would preserve the important physical and visual relationship between the buildings.
- 88 The introduction of two new dwellings within the site would impact on the relationship between the listed building and its wider rural landscape setting which is important in understanding its original purpose and function. However, given the location and scale of those dwellings' views to and from the listed building and its wider landscape setting would be preserved to an acceptable level. Review of the Development Viability Statement (DVS), which has not been made publicly available due to the sensitive nature of the content, sees it accepted that the additional two new dwellings are required to generate funds to bridge the viability deficit and secure the proposed redevelopment of the remaining steading buildings. Notwithstanding the viability issues, developer contributions are still to be secured. The alternative being that it would not be financially viable to undertake the project and the outcome instead being that the listed building remains without a long-term

ongoing use and deteriorates in condition. As such and on balance the proposed development is considered to comply with Policy 27A.

Natural Heritage and Biodiversity

- 89 Policy 41 of LDP2 relates to biodiversity and seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated.
- 90 Ecology surveys originally submitted with the previous application required updating during the course of the determination period. The updated surveys and report were carried out and prepared in accordance with best practice and it is considered that, subject to implementation of the mitigation measures contained in the reports, the development would have no detrimental impact on biodiversity. Conditions 10, 11 and 12 have been included to secure implementation of the mitigation measures.
- 91 A tree report was submitted as part of the application and confirms that all trees within the development site would be retained and protected. Condition 8 which requires the submission of a detailed landscaping plan is recommended to be included to ensure an appropriate planting scheme is implemented as part of the development.

Developer Contributions

- 92 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. The proposal is for the creation of 8no. units. The Affordable Housing requirement would therefore be 2no. units. Alternatively, the site is located in the Perth Housing Market Area where a Commuted Sum of £28,000 per unit applies. The calculated contribution would be £56,000.
- 93 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, including for extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Luncarty Primary School where there is such as constraint. The rate is £5,164 per open market unit (thus a multiple of 6, with the Affordable Housing contributions not seeing a further requirement for 2x units), giving a calculated contribution of £30,984 (6x £5,164).
- 94 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is located within the Reduced area of Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance), where the rate is £2,742 per open market unit and £1,370 per Affordable Housing unit (which would be applied to 2x units given the

Affordable Housing contribution). The calculated contribution would be £19,192 ((6x £2,742) + (2x £1,370)).

- 95 The total developer contributions payable would therefore be £106,176 (£56,000 + £30,984 + £19,192), and this would be required to be secured via legal agreement or other suitable mechanism before any positive Decision Notice was issued.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 97 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the proposed layout of the access road within the site.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 98 A Section 75 legal agreement or other suitable mechanism will be required to secure the developer contributions relating to Affordable Housing, Education and Transport Infrastructure.

DIRECTION BY SCOTTISH MINISTERS

- 99 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

- 100 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 101 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

3. Prior to the commencement of the development hereby approved, full details of the method and extent of duntaking and reinstatement of stonework and brickwork required in connection with the works to the listed building hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented as part of the development.

Reason - In the interests of protecting the special character of the Listed Building.

4. Prior to the commencement of the development hereby approved, elevation and section details of the proposed new windows/doors at 1:20 scale shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors 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 protecting the special character of the Listed Building.

5. 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 protecting the special character of the Listed Building.

6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The

scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

7. Prior to the commencement of the development hereby approved, details of the foul water drainage system, including packaged treatment plant and foul water soakaway shall be submitted to and agreed in writing by the Council as Planning Authority. The details as agreed shall be implemented as part of the development.

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

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

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

9. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

10. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 55 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

11. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the

Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

12. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, a replacement nest site for barn owl shall be provided in accordance with published guidance. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

13. Prior to occupation of the first unit, bus boarders will be constructed on both sides of the C408 public road network as shown in drawing "16132A_SK_001_D", for the proposed development in accordance with Perth & Kinross Council's Road Development Guide, Rural Bus Boarder. Dropped kerbs will be provided on both sides of the road. The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority.

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

14. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level as shown in drawing "16132A_00_002_D". The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

15. No development in connection with the permission hereby granted shall commence unless the vehicular access has been provided and surfaced in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance of the development for a minimum distance of 5 metres.

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

16. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the

preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

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

17. Prior to the commencement of works on site, detailed drawings in accordance with the requirements of the Waste Services Memo dated 25 May 2022 showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation, shall be submitted for the 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 order to ensure adequate servicing facilities are provided.

18. That no development shall be undertaken unless a detailed phasing programme outlining the delivery of buildings (including for the conversion of the retained listed building in early phases), and associated infrastructure across the entire application site has been submitted to and approved in writing by the Planning Authority. No development shall subsequently occur other than in full accordance with any phasing programme thereby approved.

Reason - In order to ensure that development is progressively accompanied by the conversion of the listed building at the earliest opportunity to ensure its preservation, to provide appropriate associated infrastructure, and in the interests of the visual 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

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated

developer contributions policy and may be ultimately recommended for refusal under delegated powers

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. This is approval of your application Ref no 21/02279/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 21/02280/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
5. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
6. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the

expiry date of your permission will be able to be dealt with before your permission lapses.

7. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. There is a Section 75 legal obligation associated with this planning permission, which relates to the provision of developer contributions, and the timeous delivery of the conversion of the retained listed building.

A copy is available to view on the Council's Public Access portal.

Background Papers: 22 letters of representation

Contact Officer: Marianna Porter

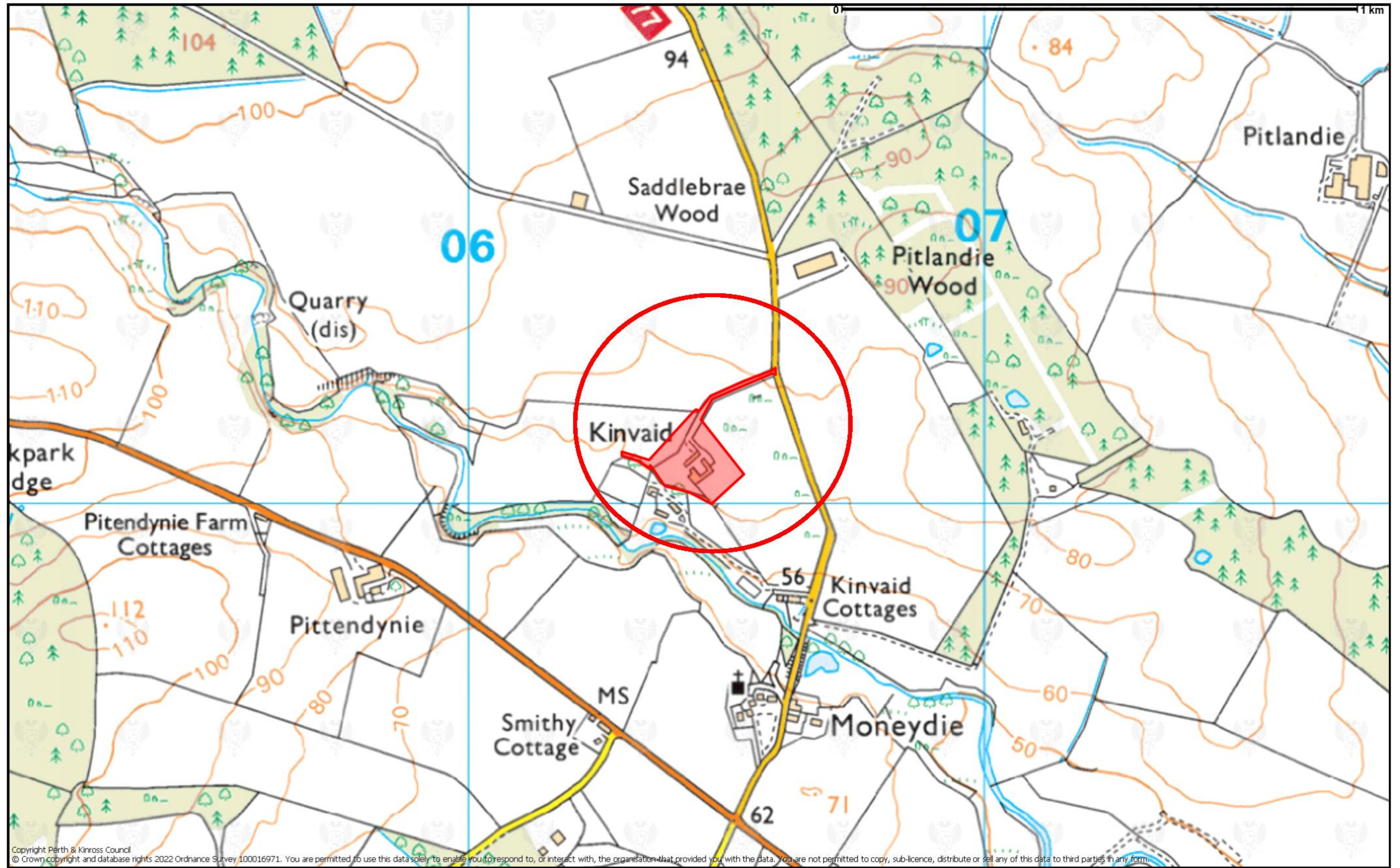
Date: 23 June 2022



DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

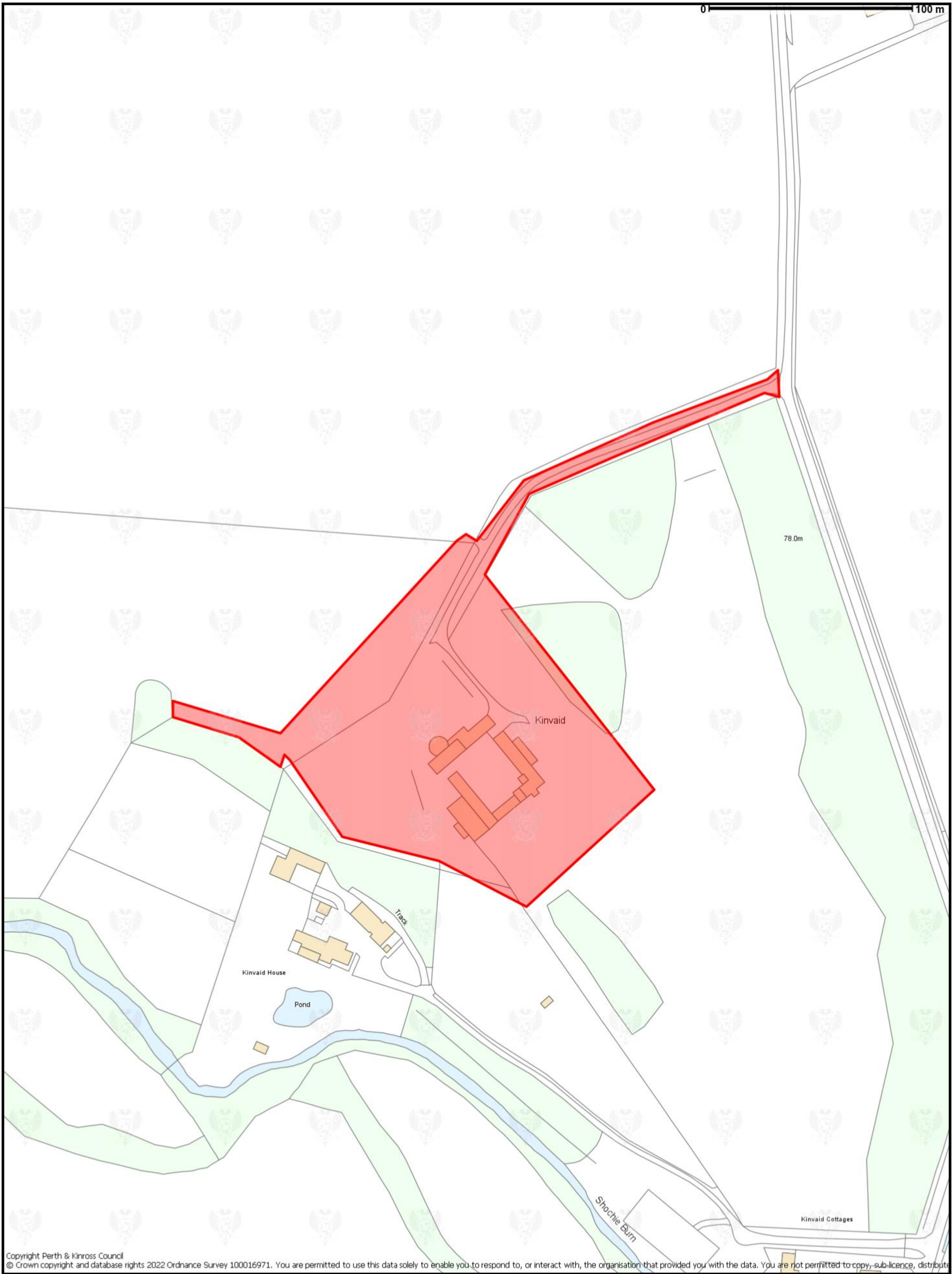
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21/02279/FLL

Change of use, alterations and extension to agricultural steading to form 6 dwellinghouses, erection of 2 dwellinghouses and associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, parking area and associated works



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/166)

PROPOSAL: Alterations and extension to buildings to form 6 dwellinghouses
LOCATION: Kinvaid Farm Moneydie Perth PH1 3HZ

Ref. No: [21/02280/LBC](#)
 Ward No: P5- Strathtay

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Listed Building Consent is required for physical works to the listed steading buildings. The steading buildings date from the early 19th century and are mainly of stone with some brickwork and slate roofs. The north range and attached horse mill are listed at Category C and the remaining steading buildings sit within the curtilage.
- 2 An associated application for full planning permission (Ref: 21/02279/FLL) for the change of use, alterations and extension to agricultural steading to form 6 dwellinghouses, erection of 2 dwellinghouses and associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, parking area and associated works is also being considered at this Committee.
- 3 The north range is the principal listed building and is one and a half storeys retaining its internal stairs and timber floor at first floor level. The attached horse engine is a particularly rare survival of this type of structure. It is proposed to convert this building to form two dwellings with an extension on the north elevation in the location of a single storey timber extension which was previously removed.
- 4 The south range comprises the two storey farmhouse and attached single storey agricultural building. Externally the farmhouse has been much altered over time with the addition of a single storey porch extension and enlarged windows. This facade of the steading is the most prominent within the wider landscape due to its elevated position at the edge of the range of buildings. It is proposed to take down and reconstruct the existing buildings.
- 5 The east range consists of one and a half storey buildings of stone, brick and slate with chimneys. There is a lean-to extension with timber supports and a corrugated

metal roof running along the north east elevation which would be removed. Single storey extensions to the east of this range are proposed to provide additional storage and garage space.

- 6 The west range is single storey and repeats the stone, brick and slate materials of the rest of the steading buildings. There is a considerable level change to the southwest and a large lean-to extension with timber supports and a corrugated metal roof occupies this part of the site. It is proposed to utilise this change in level to provide an additional level of accommodation within one dwelling whilst retaining the single storey courtyard elevation.

Pre-Application Consultation

- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

National Policy and Guidance

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

National Planning Framework 2014

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 10 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 11 The following section of the SPP will be of particular importance in the assessment of this proposal:
 - Listed buildings: paragraph 141

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 2019.

TAYplan Strategic Development Plan 2016-2036

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

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

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- 15 Policy 9 – Managing Tayplan’s Assets

Perth and Kinross Local Development Plan 2

- 16 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 17 The principal relevant policy is, in summary;
- 18 Policy 27A: Listed Buildings

Other Policies

Historic Environment Scotland Policy Statement 2019

- 19 This document replaces the 2016 Scottish Historic Environment Policy and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

Site History

- 20 [99/01874/FUL](#) Full Planning Permission was Approved On 16 March 2000 for Conversion of farm steading to 4 residential units at
- 21 **03/01216/PN** was Refused On 20 August 2003 for Erection of a storage barn

- 22 [03/02131/FUL](#) Full Planning Permission was Approved On 28 September 2004 for Erection of an agricultural shed.
- 23 [04/00967/FUL](#) Full Planning Permission was Approved On 5 August 2004 for Proposed refurbishment of existing farmhouse and conversion of steading buildings into 5 new residential units.
- 24 [07/00658/FLL](#) Full Planning Permission was Refused On 21 August 2014 for Refurbishment of existing farmhouse, conversion of existing steading buildings into 5 no. new dwellings and construction of 4 no. new dwellings attached to existing steading buildings.
- 25 [11/00658/FLL](#) Full Planning Permission was Approved On 20 June 2011 for Erection of an anemometer mast for a period of one year.
- 26 [17/00281/FLL](#) Full Planning Permission application was Withdrawn On 31 May 2017 for Formation of campsite to site 60no. tent pitches, 33no. accommodation units, 2no. toilet blocks and 1no. toilet/catering block, reception building, community hub, maintenance store, car parking, landscaping and associated works.
- 27 **17/00653/PN** an application for the erection of an agricultural storage building was submitted in April 2017, however it exceeded the size limitation to be considered as permitted development, and therefore necessitated an application for planning permission.
- 28 [17/00776/FLL](#) Full Planning Permission was Approved On 3 July 2017 for Erection of agricultural shed
- 29 [17/01694/FLL](#) Full Planning Permission was Refused On 6 February 2018 for Formation of holiday park and siting of 20no. accommodation units, erection of a reception/maintenance building, formation of car parking, landscaping and associated works
- 30 [18/01715/FLL](#) Full Planning Permission was Refused On 1 November 2018 for Erection of a hut
- 31 [18/02184/PAA](#) was Refused On 7 January 2019 for Erection of an agricultural building
- 32 [21/00138/LBC](#) Listed Building Consent application was Withdrawn On 22 December 2021 for Demolition of steading buildings
- 33 [21/00139/FLL](#) Full Planning Permission application was Withdrawn On 22 December 2021 for Demolition of steading buildings/farmhouse, erection of 8 dwellinghouses, associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, car parking, drainage and associated works
- 34 [21/02279/FLL](#) Full Planning Permission pending consideration for Change of use, alterations and extension to agricultural steading to form 6 dwellinghouses,

erection of 2 dwellinghouses and associated communal and ancillary outbuildings, installation of solar arrays, formation of access road, parking area and associated works

CONSULTATIONS

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

External

Perth And Kinross Heritage Trust

- 36 No objection, request condition requiring archaeological standing building survey to be carried out prior to commencement of development.

Internal

Conservation Team

- 37 Case officer is conservation officer so no formal response issued

Representations

- 38 A total of 15 letters of representation have been received in respect of the current application. 6 of the representations have objected to the application and 9 have supported the application.

- 39 The main relevant issues raised in the letters of objection may be summarised as follows:

- Overdevelopment of site
- Contrary to Development Plan

- 40 It should be noted that this application seeks only Listed Building Consent, which relates to the physical works to the listed building. The following matters raised within the objections are therefore not relevant to this application but are covered in the report on the associated planning application:

- Out of character with area
- Impact on road safety
- Traffic congestion
- Inappropriate housing density
- Inappropriate land use
- Light pollution
- Overlooking
- Adverse impact on visual amenity

- 41 The issues raised in the letters of support may be summarised as follows:

- Employment provision
- Environmental improvements

- Supports economic development
- Proposed PV panels would be well screened and have no adverse visual impact
- Enhances character of area
- High quality design
- Sustainable living
- Avoids loss of listed building
- Regeneration of redundant steading
- Increased council tax revenues and developer contributions

ADDITIONAL STATEMENTS

42

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

APPRAISAL

- 43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020.
- 44 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

- 45 The listed building policy states that 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.

- 46 It is considered that the alterations proposed comply with the above policy as they would provide the buildings with a viable use and protect the historic interest of the listed building and its setting.

Conservation Considerations

- 47 The north range of the steading is listed at Category C as a relatively rare and early example of this type of agricultural building including the attached horse mill. As the building is not suitable for modern agricultural use and has been marketed for a reasonable period for alternative uses the principle of conversion to residential use is considered acceptable. It is accepted that the condition of the building means that extensive repair and reconstruction will be required to bring the building back to a usable condition. Whilst the overall approach to the proposed works and design of the conversion scheme, including the proposed extension, would be in keeping with the character and appearance of the listed building, a more detailed assessment of the extent of taking down and rebuilding can only be carried out once works commence and condition 3 has been included requiring this information to be submitted and agreed. This would include details of the methods and materials of works to individual window and door openings as well as internal features.
- 48 The remaining buildings, which sit within the curtilage of the listed building, make a significant contribution to its context and setting. As such the design approach of locating the proposed extensions on the outer facades of the buildings and retaining most of the courtyard as communal space would preserve the important physical and visual relationship between the buildings.
- 49 It is accepted that the proposed redevelopment of the remaining steading buildings is financially necessary to enable the retention and conversion of the listed building and on balance the proposed development is considered to comply with Policy 27A.

Developer Contributions

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

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 The application must be determined having regard to Section 14 (2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

3. Prior to the commencement of the development hereby approved, full details of the method and extent of downtaking and reinstatement of stonework and brickwork required in connection with the works to the listed building hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented as part of the development.

Reason - In the interests of protecting the special character of the Listed Building.

4. Prior to the commencement of the development hereby approved, elevation and section details of the proposed new windows/doors at 1:20 scale shall be

submitted to and agreed in writing by the Council as Planning Authority. The windows/doors 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 protecting the special character of the Listed Building.

5. 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 protecting the special character of the Listed Building.

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 listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
2. This is approval of your application Ref no 21/02280/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 21/02279/FLL. No work should commence until planning permission is granted.
3. This listed building consent is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your consent expires. We cannot guarantee that submissions made within two months of the expiry date of your consent will be able to be dealt with before your consent lapses.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

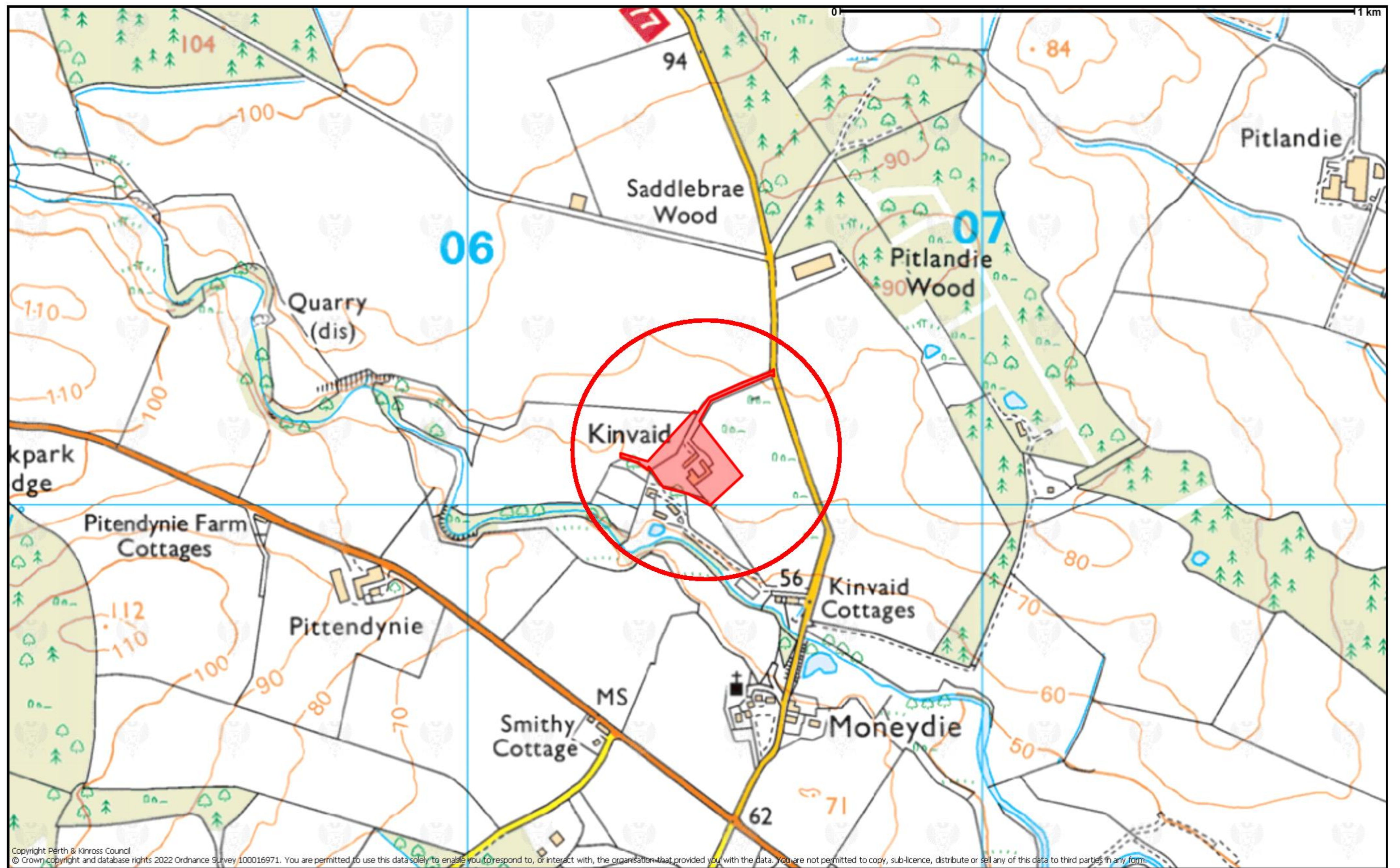
Background Papers: 15 letters of representation
Contact Officer: Marianna Porter
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

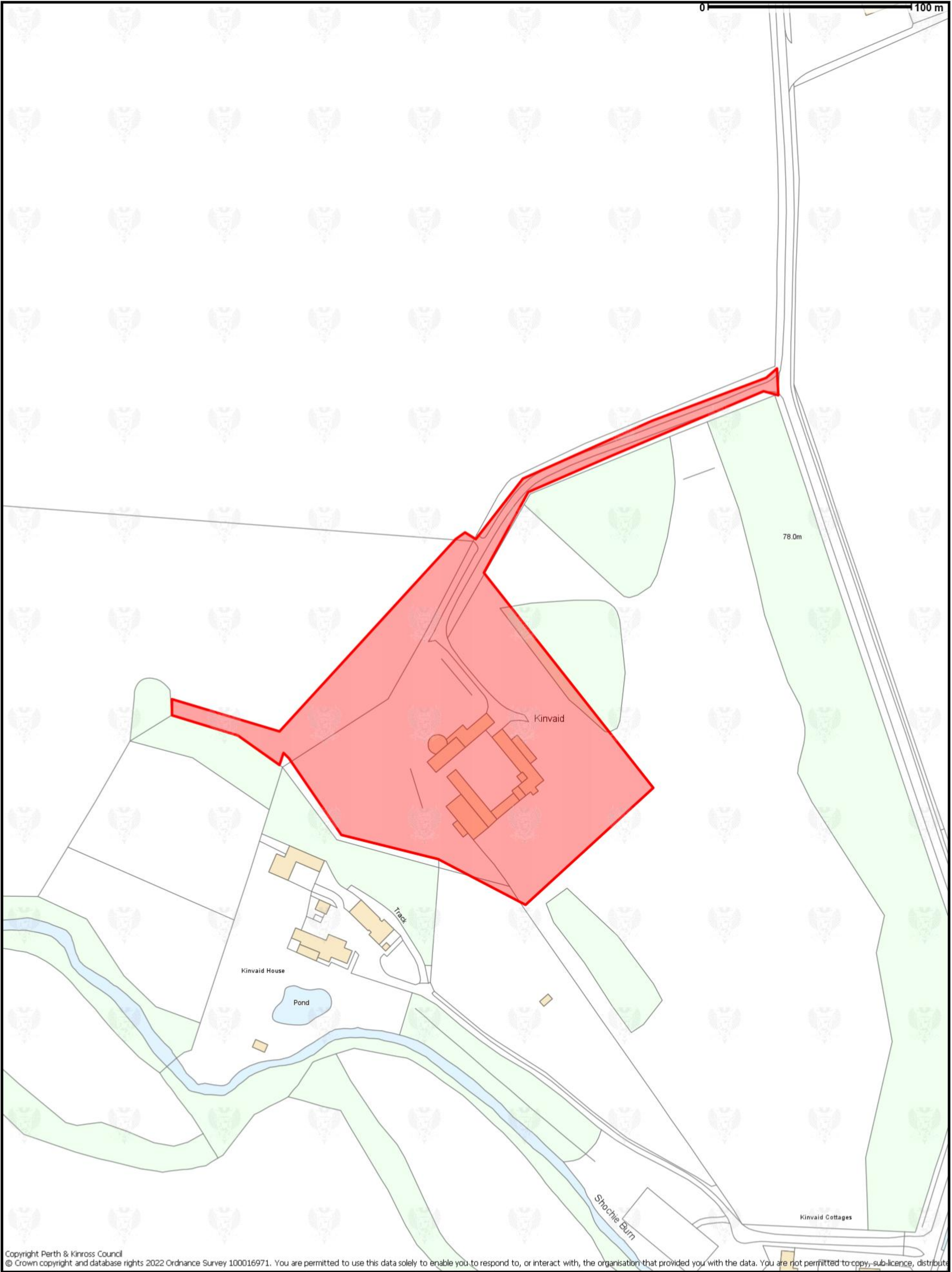
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21/02280/LBC

Alterations and extension to buildings to form 6 dwellinghouses



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/167)

PROPOSAL:	Erection of a dwellinghouse (approval of matters specified in conditions of 19/01540/IPL)
LOCATION:	Land 20 Metres North East Of Cairn Cottage, Kinnochtry, Coupar Angus

Ref. No: [22/00140/AML](#)
 Ward No: P2 - Strathmore

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to a paddock of land adjacent to a small group of dwellinghouses located in a relatively isolated area surrounded by farmland at Kinnochtry, south east of Burrelton. The cluster of buildings comprises of three dwellinghouses which are all access via a long private access track that enters onto the public road to the south east of the site. The site in question is bound to the west by the Cairn Cottage, a stone dyke to the south and a hedge delineates the eastern boundary. The northern boundary is open to the field beyond.
- 2 In 2019 Planning Permission in Principle was granted for the erection of a single dwellinghouse within the site (Ref: 19/01540/IPL).
- 3 This application seeks approval of the matters specified in the conditions of the above Planning Permission in Principle (PPP) for the erection of a dwellinghouse within the site. The proposed house is a relatively large single storey building of simple design with a large rear extension. Internally the house will provide four bedrooms. The external finishing materials are detailed as: off-white render to the walls; mock stonework to basecourse, porch and cills; grey concrete slate effect roof tiles; and grey uPVC windows and doors.
- 4 As per the indicative plans submitted with the PPP, the site will be access via a new driveway that links into the existing private access that presently serves the neighbouring plots. The site also provides a driveway area in front of the house with space for two cars.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

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

Scottish Planning Policy 2014

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

Planning Advice Notes

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

Creating Places 2013

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

National Roads Development Guide 2014

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

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 2019.

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice for Investment
- Policy 4: Homes

Perth and Kinross Local Development Plan 2

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

- 16 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Developer Contributions
- Policy 15: Public Access
- Policy 19: Housing in the Countryside
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 60B: Transport Standards and Accessibility Requirements

OTHER POLICIES

Housing in the Countryside Supplementary Guidance 2020

- 17 The objective of the policy and guidance is to strike a balance between the need to protect the landscape whilst still encouraging appropriate rural housing developments. This means guiding new houses to places which support existing communities and services and minimise the need to travel, encouraging the reuse of traditional rural buildings, and ensuring that the siting and design of all new houses will not adversely impact on the landscape or on the character of the countryside.

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 18 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 19 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

RELEVANT SITE HISTORY

- 20 [19/01540/IPL](#) Erection of a dwellinghouse (in principle) Approved

CONSULTATIONS

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

External

- 22 **Scottish Water** – No objection
23 **Dundee Airport** – No objection

Internal

- 24 **Transport Planning** – No objection
25 **Contributions Officer** – Transport Infrastructure contribution required.

REPRESENTATIONS

- 26 9 valid letters of representations have been received. The objections can be summarised as follows:

- Over development
- Layout fails to respect established building line
- Impact on residential amenity – overlooking/overshadowing
- Fails to comply with the Housing in the Countryside Policy of LDP2
- Impact on visual amenity
- Scale/design
- Road safety/impact on condition of existing private access
- Lack of detail regarding water supply
- Potential lack of electricity capacity
- Lack of detail in respect to surface water drainage
- Proposed septic tank arrangement unacceptable
- Impact on existing right of way
- Impact on access track and amenity during construction

27 The valid points of objection are addressed in the Appraisal section of the report.

28 In addition to the above, concerns have also been raised in respect to the loss of view, but this is not a material consideration in the assessment of the application.

29 It is also noted that concerns have been expressed regarding the validity of the 2019 PPP. This has been investigated and it is the Council's view that the PPP remains valid.

ADDITIONAL STATEMENTS

30

Screening Opinion	EIA not required.
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Not applicable
Design Statement or Design and Access Statement	Supporting Statement provided
Report on Impact or Potential Impact	None required

APPRAISAL

31 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

32 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

- 33 As previously highlighted, the site benefits from PPP (19/01540/IPL) for the erection of a house. This application now seeks detailed approval for the erection of a single house, consistent with the terms of the PPP. As such, the principle of residential development on the site already been established and it therefore stands that the only matters to be considered in the assessment if this application relates to the detailed design, layout, assess and the amenity of the neighbouring residents.
- 34 For reasons discussed throughout this report, the proposed development is considered to be compliant with the terms of the PPP and the relevant provisions of the aforementioned Local Development Plan, subject to conditional control.

Design and Layout

- 35 The general design and finish of the proposed house is quite basic, but it has a relatively traditional proportions that will be generally in keeping with the existing houses in the immediate vicinity. Its single storey height is also reflective of the typical scale of development associated with traditional farm cottages that are prevalent in the surround area. In response to the concerns raised by local residents, the applicant has also reduced the scale of the house, removing 1 metre from the width and length of the building in order to allow the house to sit more comfortably within the plot and provide more circulation space to the front and sides of the building.
- 36 In respect to the layout of the proposed house, whilst it will be positioned forward of the neighbouring plot, it will mirror the position of the house at the opposite end of the building group and in effect will create a bookend to the existing grouping.
- 37 Overall, the scale, design and layout of the proposed house is considered to be acceptable and in accordance with the requirements of the PPP and Placemaking Policies 1A and 1B of LDP2.

Residential Amenity

- 38 The proposed layout of the house within the plot is considered to be acceptable and makes the best use of the plot. The positioning of the house creates a large area of private amenity space that extends to approximately 290 sqm whilst also providing space for two cars and a private bin storage area.
- 39 As such, it is considered that the proposed layout provides a good level of amenity for the future occupants of the house.
- 40 In terms of neighbouring amenity, the southwestern elevation of the proposed house will be positioned relatively close to the existing property at Cairn Cottage and will feature a small window and door arrangement on this elevation. It is also noted that Cairn Cottage features a small window on the gable elevation facing toward the proposed plot. Whilst this arrangement will result in window-to-window distances of less than 6 metres, the window on Cairn Cottage serves a bathroom and the window arrangement on the proposed house will serve a utility room; both

of which are not habitable rooms and therefore do not raise any concerns in respect to privacy. There is also a well-established hedge that will provide a good level of screening between the two plots. As such, it is considered that the proposals will not result in any unacceptable levels of overlooking of the neighbouring property.

- 41 It is also noted that concerns have been raised in respect to overshadowing of the neighbouring plot. The position of the proposed house within the site, being located to the east of the building group, will result in no significant impact on the levels of daylight presently received at Cairn Cottage. As such, it is considered that the proposals will not result in any unacceptable levels of overshadowing of neighbouring properties.
- 42 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwellinghouse. The proposals are therefore in accordance with the placemaking policies 1A and 1B and Policy 19 of LDP2.

Roads and Access

- 43 Transport Planning have reviewed the proposal and have no objection to the proposed development. Whilst it is noted that concerns have been expressed regarding road safety, it is considered that the existing access is acceptable. It is also considered that the level of traffic generated by the proposed use will not impact on the local transport network. Furthermore, as previously stated, the site already benefits from PPP so the principle of erecting a house has already been established. As part of the assessment of the PPP it was assessed that the use of the existing private access road to service the proposed plot was acceptable. There is therefore no reasonable justification to re-assess whether the use of the access is acceptable.
- 44 It is also noted that concerns have been raised in respect to the impact of the development on the condition of the access, particularly during the construction phase. As the access is private owned and maintained, the maintenance and any issues in relation to damage to the access would be a private legal matter and not a material planning consideration.
- 45 The existing access to the site from the public road forms is an established right of way and also part of the identified core path that links Kinnochtry with Burrellton to the north. Whilst the proposed development, like the neighbouring houses, will utilise the route as a vehicular access, the proposals will not result in any diversion or prevent access along the core path. There may be some limited disruption during the construction phase, but this should be quite easily managed by the developer given the small scale of the development.
- 46 As such, it is considered that the proposed development will not have any adverse impact on road safety or public access.

Drainage and Flooding

- 47 There are no known issues in relation to the flooding or drainage. The site is also

not located within any areas at risk to a 1 in 200 year flood event, as per SEPAs indicative flood maps.

- 48 In regard to drainage arrangements, it is proposed that the house will be served by a septic tank and soakaway arrangement located within the rear garden area. This arrangement is considered to be acceptable and meets the requirements of Policy 53B and 53C of LDP2.

Water Supply and Electricity Connection

- 49 It is noted that concerns have been raised in respect to the ability for the developer to connect the proposed house to an adequate water supply. It is also claimed that there may potential be an issue with the capacity of the existing local electricity capacity.
- 50 The applicant has indicated in the application forms that they are proposing to connect to the public water supply available locally. Scottish Water has also confirmed that there is capacity in the water network, although further investigations may be required to be carried out once a formal connection application has been submitted to Scottish Water.
- 51 In respect to the electricity supply, it is noted that there a number of existing properties at this location that have an electricity supply. As such, there is evidently an existing connection into the grid that this development could connect into. Any issues regarding the capacity of the existing network would be a matter from the developer to investigate and not a material planning consideration.

Developer Contributions

- 52 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 53 This site is located in the 'Reduced' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) where the contribution is set at £2,742 per house. This contribution will need to be either paid in full or secured through a legal agreement prior to any consent being issue.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 55 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate minor changes to reduce the dimensions of the house and make minor alterations to the fenestration.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 56 None required.

DIRECTION BY SCOTTISH MINISTERS

- 57 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

- 58 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 59 Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 60 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

A RECOMMENDATION

Approve

Conditions and Reasons for Recommendation

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

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

2. The existing hedge that runs the length of the eastern boundary shall be retained as part of the development of the site 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.

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 required.

D INFORMATIVES

1. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is 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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
6. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
7. 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.

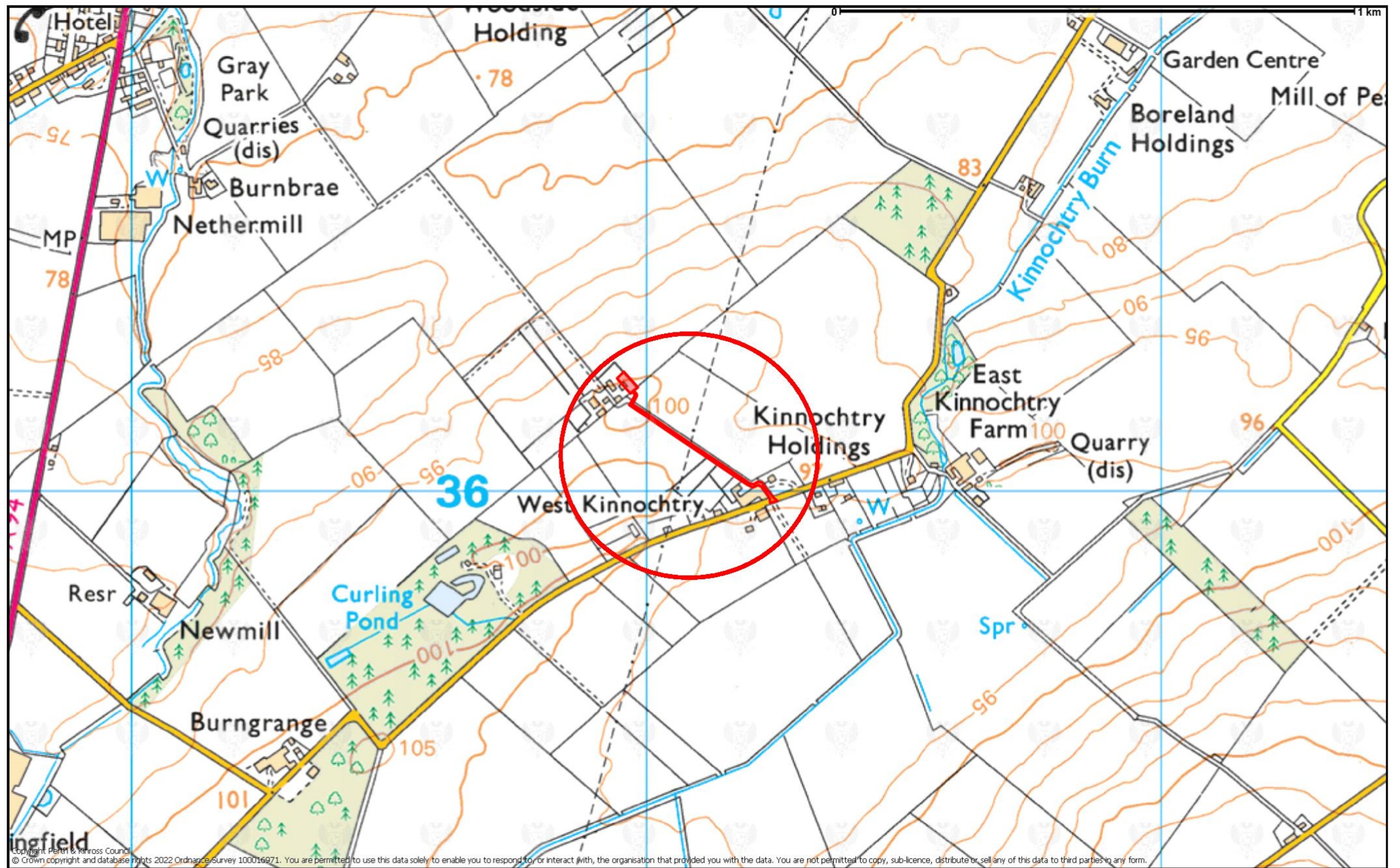
Background Papers: 9 letters of objection
Contact Officer: David Niven
Date: 23 June 2022



DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

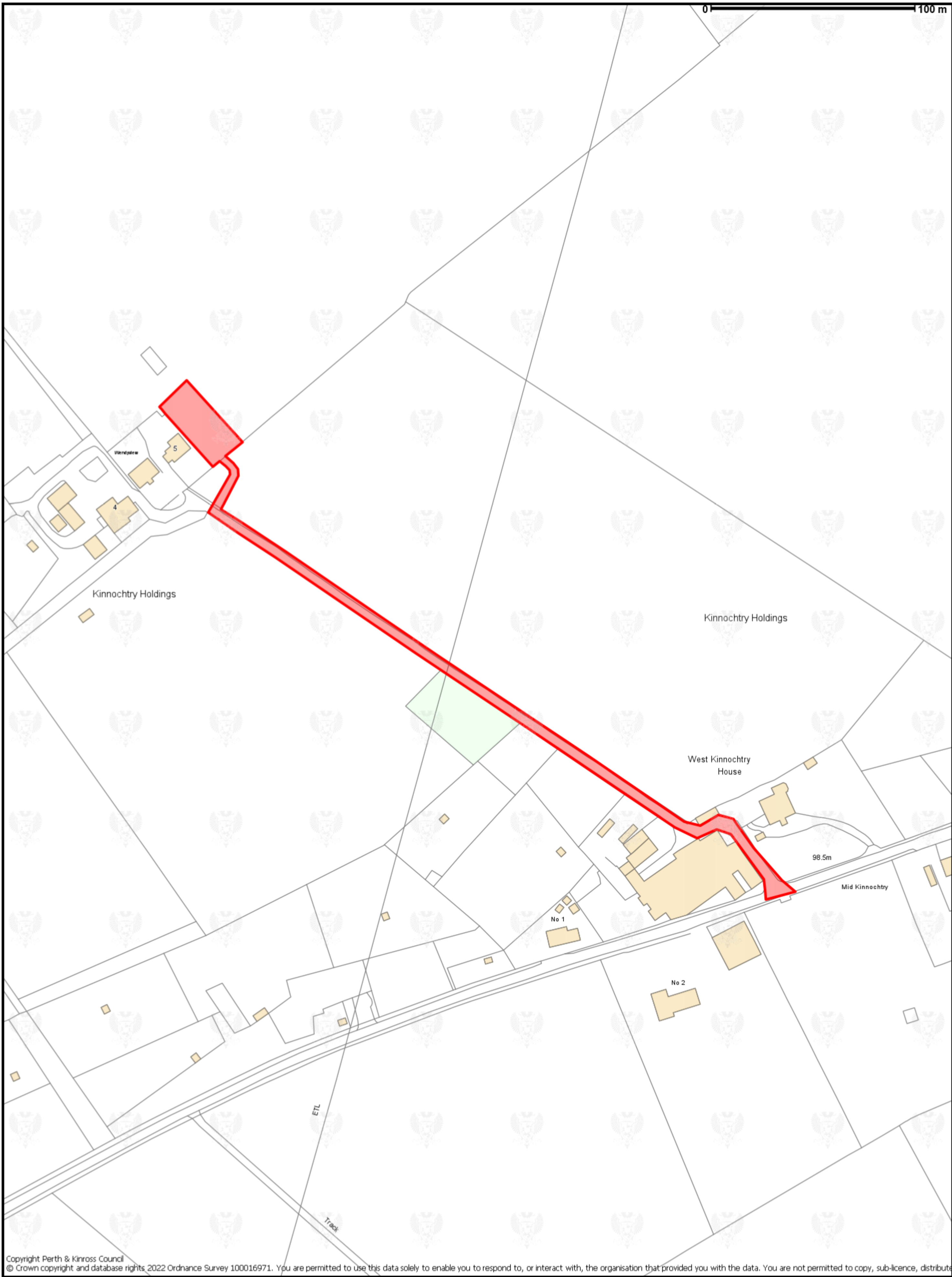
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22/00140/AML

Erection of a dwellinghouse (approval of matters specified in conditions of 19/01540/IPL)



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/168)

PROPOSAL:	Change of use and alterations to former bank (class 2) to form hot food takeaway and installation of replacement flue
LOCATION:	The Royal Bank of Scotland, Drummond Street, Comrie, Crieff, PH6 2DW

Ref. No: [22/00429/FLL](#)

Ward No: P6- Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is the Royal Bank of Scotland Building sited on the corner of the A85 (Drummond Street) and B827 (Bridge Street) in Comrie. The bank is now closed and planning permission was approved in 2020 (20/00958/FLL) to convert the whole building which is over three floors to residential flats: a separate flat on each floor. That permission has not yet been implemented.
- 2 This proposal as part of this current application is for the ground floor of the building only and proposes a change of use to hot food takeaway and the installation of a replacement flue. This is as an alternative to having a residential unit at ground floor as per the planning permission above.
- 3 The flue is to be sited externally in place of an existing flue that is located to the rear of the building. It will be finished in stainless steel and will terminate 2.9 m above the eaves of the building.
- 4 The building is listed Category C and is located within the Comrie Conservation Area. An associated Listed Building Consent application has been submitted (22/00716/LBC). This was made valid on 23rd May 2022 and is pending in light of alterations to accommodate the proposed use and fire separation measures.

Pre-Application Consultation

- 5 No formal pre-application consultation was undertaken.

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 2014

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

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 8 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Historic Environment paragraphs 135 - 151

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 68 Design Statements

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.

National Roads Development Guide 2014

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

Development Plan

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

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 2: Shaping Better Quality Places
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

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

- 17 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1A: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Placemaking Supplementary Guidance 2020

- 18 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Site History

- 19 There is extensive history on this site mostly related to changes to the building and signage when it operated as a bank. Of relevance to this application are the following more recent planning applications which came about when the premises ceased to be used as a bank:
- 20 [17/02164/LBC](#) Listed Building Consent was Approved On 13 February 2018 for Alterations to building
- 21 [17/02165/FLL](#) Full Planning Permission was Approved On 13 February 2018 for Alterations to building
- 22 [19/00450/FLL](#) Full Planning Permission was Refused On 30 April 2019 for Installation of ATM and secure door
- 23 **19/00451/ADV** Advertisement Consent submitted on 22 March 2019 for Display of signage (ATM) - Application returned.
- 24 [19/00453/LBC](#) Listed Building Consent was Refused On 30 April 2019 for Alterations to building
- 25 [19/00809/LBC](#) Listed Building Consent was Approved On 25 June 2019 for Alterations
- 26 [19/00810/FLL](#) Full Planning Permission was Approved On 25 June 2019 for Installation of an ATM
- 27 [19/00984/LBC](#) Listed Building Consent was Approved On 20 August 2019 for Alterations
- 28 [19/00985/FLL](#) Full Planning Permission was Approved On 20 August 2019 for Installation of a door
- 29 [20/00957/LBC](#) Listed Building Consent was Approved On 20 October 2020 for Alterations to form 3 flats
- 30 [20/00958/FLL](#) Full Planning Permission was Approved On 20 October 2020 for Change of use and alterations from bank (class 2) to form 3 flats
- 31 **21/01549/LBC** Listed Building Consent submitted on 18 November 2021 for Alterations to form 3 flats – Application returned.

32 **21/01550/FLL** Full Planning Permission submitted on 18 November 2021 for Change of use and alterations from bank (class 2) to form 3 flats (revised design) - Application returned.

33 [22/00716/LBC](#) Listed Building Consent is pending consideration for Alterations

CONSULTATIONS

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

External

Transport Scotland

35 No objection to the proposed development.

Scottish Water

36 No objection to the proposed development.

Perth And Kinross Heritage Trust

37 No objection. No archaeological mitigation required.

Internal

Transport Planning

38 No objection to the proposed development.

Environmental Health (Noise Odour)

39 No objection to the proposed development, subject to conditional control regarding plant equipment noise, control of delivery times and the requirement for an effective ventilation system.

Community Waste Advisor - Environment Service

40 No objection. The existing bin store is sufficient for this site.

Conservation

41 No objection. No concerns in relation to the proposed alterations.

Representations

42 A total of 9 letters of representation were received, all of which objected to the proposal. The main issues raised within the representations are:

- Out of character
- Loss of amenity

- Impact on parking
- Road safety
- Impact on listed building
- Impact on conservation area
- Refuse disposal
- Noise
- Contrary to Development Plan

43 These issues are addressed in the Appraisal section of the report.

44 **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Supporting statement submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Schedule of works submitted

APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2021.
- 46 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 47 The principle of development will be assessed against Policy 17 'Residential Areas' of the aforementioned Local Development Plan. This policy identifies areas of residential and compatible uses where existing residential amenity will be protected and where possible improved. Changes away from ancillary uses such as employment land, local shops and community facilities including pubs and

restaurants will be resisted unless it is proven that this use is no longer viable. Proposals should fit into one or more of 5 categories. In this case categories d) and e) are relevant. The proposal is for a business use (d). The principle of a hot food takeaway is considered to be acceptable and would comply with policy 17. In particular a commercial use would lead to additional footfall in the area than the previous flats approved and as such could have a positive impact on other local businesses through maintaining additional vitality and vibrancy.

- 48 An objection has been received that suggests that the proposal is contrary to Policy 18 'Pubs and Clubs in Residential Areas' which includes a presumption against the siting of such uses that support the night time economy beneath residential properties. However this policy is not intended to include hot food takeaway outlets as the impacts, such as on residential amenity, can be controlled. This aspect will be considered further in the residential amenity section of the report.

Design and Layout

- 49 The Royal Bank of Scotland Building is Category C listed and within the Comrie Conservation Area. The re-use of the ground floor will bring some commercial activity to an area where there are other commercial premises. The main external alteration is the addition of the flue to the rear. This is sited to minimise the impact and to respect the character of the building and the area and as such is in accordance with placemaking policies.

Residential Amenity

- 50 A number of concerns have been raised with regard to the impact on residential amenity from this proposal due to the proximity to residential properties. The floors immediately above the premises are currently vacant although planning permission is in place to convert to residential flats. There are other residential uses in the vicinity along with a range of commercial uses. Environmental Health has been consulted and it is acknowledged that there may be the potential for noise/odour from the business to affect neighbouring properties. However it is considered that this can be controlled. In particular it is noted that odour particles dispersed and diluted at height is generally the most effective method of minimising odours, and in this case the plans indicate that the termination point for the flue is at roof level approximately 2 metres above the gutter line of the roof.
- 51 Conditions are recommended with regard to timing of servicing and deliveries, plant noise and to ensure an appropriate ventilation system is in place (Conditions 2, 3 and 4).

Visual Amenity

- 52 The changes to the building are considered to be modest and the replacement flue is positioned appropriately and as such avoids an adverse visual impact on the listed building and the conservation area setting.

Roads and Access

- 53 It is noted that concerns have been expressed regarding the potential impact on traffic and road safety from increased traffic and a lack of parking in the area. Concern has also been expressed about inconsiderate parking. However, the latter point about the behaviour of road users is not a matter than can be addressed by this application. It is noted that there is on street parking available within the vicinity of the building and there are good public transport links nearby. It is also worth noting that the former bank use generated traffic and that the site could potentially change to Class 1 or Class 2 in the future as permitted development should any Hot Food Takeaway approved via this application cease. Transport Scotland has been consulted due to Drummond Street being part of the A85 Trunk Road. They do not object. PKC Transport Planning has also been consulted and raise no objection.

Drainage and Flooding

- 54 There are no concerns with drainage or flooding matters as the change of use does not alter the footprint of the building or any drainage arrangements. The proposed business will utilise the existing public drainage and water supply infrastructure that serves the building. The site is also not identified as being at risk of flooding during a 1 in 200-year event based on SEPA's indicative flood maps.

Waste Collection

- 55 The proposals will incorporate bin storage within a secure storage area to the rear which provides adequate space for off street waste storage. The Commercial Waste Team has been consulted and notes that bin storage arrangements are acceptable.

Conservation Considerations

- 56 The Royal Bank of Scotland is a category C listed building on a prominent corner site within the Comrie Conservation Area. It is highlighted by the Conservation Officer that as the existing flue is being replaced, existing fixing points should be reused to avoid further damage to the masonry on the building. This requirement will be included as a condition (Condition 5). In addition, it is noted that new signage for the ground floor business would be subject to subject to a separate applications for listed building and advertisement consents. An informative note will be added to highlight this requirement (informative 6). Overall the development is considered to maintain the character of the conservation area and preserves the listed building and its setting and as such is in accordance with policies 27A Listed Buildings and 28A Conservation Areas: New Development.

Natural Heritage and Biodiversity

- 57 The proposal is not considered to have any impact on natural heritage or biodiversity assets.

Developer Contributions

- 58 The proposal does not trigger the requirement for any developer contributions.

Economic Impact

- 59 The proposal is likely to have a positive economic impact by introducing a new business to the area, bringing a vacant unit back in to a practical use. This will also bring the potential for employment opportunities.

VARIATION OF APPLICATION UNDER SECTION 32A

- 60 This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 61 None required.

DIRECTION BY SCOTTISH MINISTERS

- 62 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

- 63 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 64 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. 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 neighbouring residential amenity in the area.

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

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

4. 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.

5. Existing fixing points shall be re-used when installing the replacement flue.

Reason - To avoid further damage to the masonry and to preserve the listed building.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of your application Ref no 22/00429/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 22/00716/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
6. The applicant is advised that any proposed signage will require a further application to be submitted for Listed Building Consent and Advertisement Consent.

Background Papers: 9 letters of representation

Contact Officer: Persephone Beer

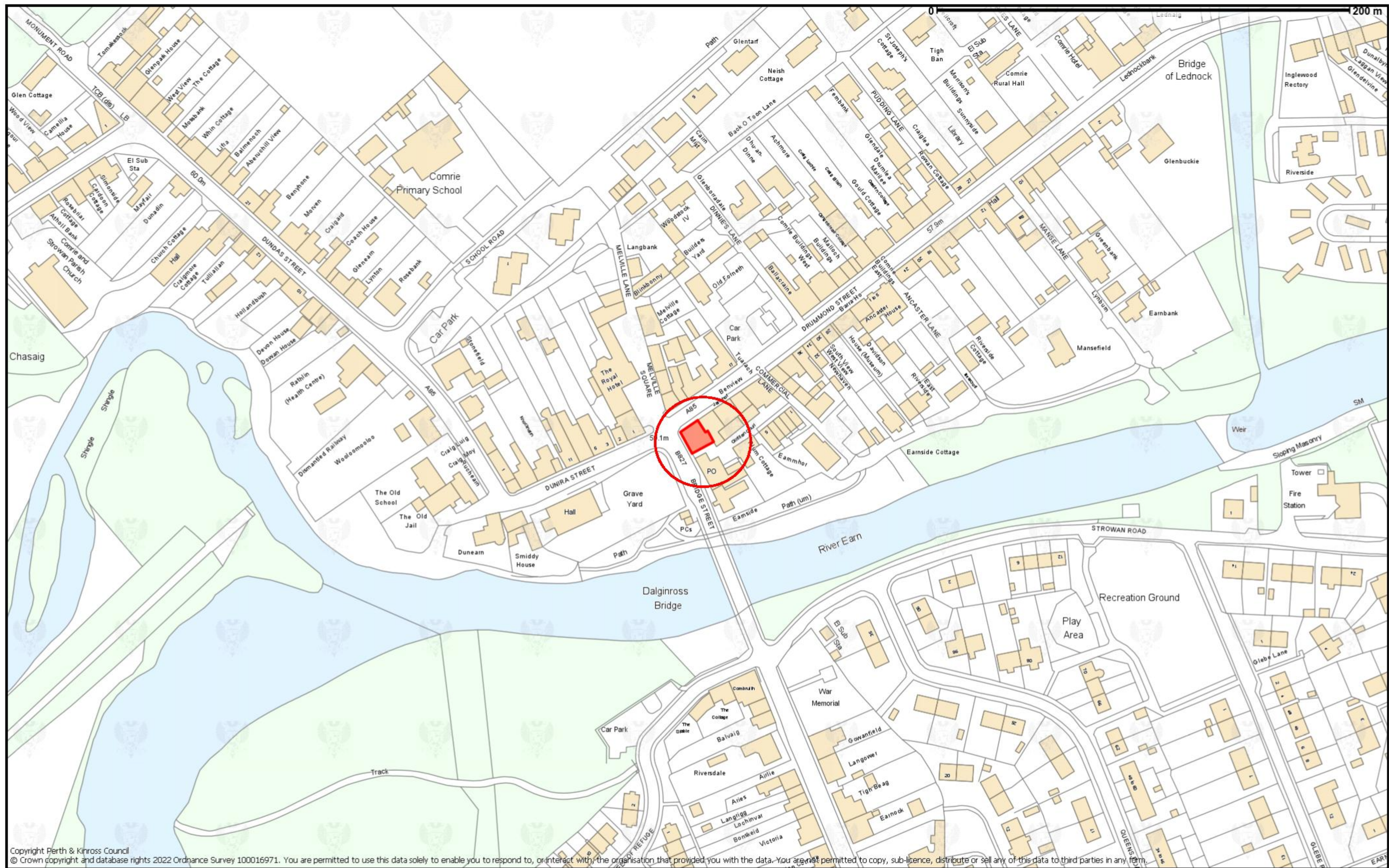
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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22/00429/FLL

Change of use and alterations to former bank (class 2) to form hot food takeaway and installation of replacement flue



Perth and Kinross Council
Planning & Placemaking Committee – 6 July 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/169)

Erection of 2 transformers, control building, associated plant and infrastructure, ancillary facilities, laydown areas, construction compound, siting of welfare/site office units, landscaping and associated works Land 170 Metres North West Of Studio Cottage, Tummel Bridge

Ref. No: [22/00011/PAN](#)
 Ward No: P4- Highland

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the erection of 2 transformers, a control building, associated plant and infrastructure, ancillary facilities, laydown areas, construction compound, siting of welfare/site office units, landscaping and associated works on land 170 metres north west of Studio Cottage, Tummel Bridge. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 4 April 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for the erection of 2 transformers, control building, associated plant and infrastructure, ancillary facilities, laydown areas, construction compound, siting of welfare/site office units, landscaping and associated works. This pre-application report gives the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions and any subsequent planning applications

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

PRE-APPLICATION PROCESS

- 4 The PoAN (reference 22/00011/PAN) confirmed that a public exhibition will be held at Kynachan Hall, Tummel Bridge on Wednesday 6 July 2022 in addition to a public consultation event held on Wednesday 20 April 2022 and a virtual public consultation event held on Thursday 21 April 2022. Whilst the first event was held prior to the validation of the PoAN, it is accepted as 2 public events are not required by legislation until 1 October 2022. The Local Authority, however, has the right to set a 'minimum' required standard. As such, PKC has taken the stance that a minimum of 2 public events are required for all PoAN submissions. The Ward Councillors and Killiecrankie and Fincastle 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 (SPP)

- 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 Historic Environment: paragraphs 135 – 151
 - 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 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 79 Water and Drainage

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 2: Shaping Better Quality Places
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

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

- 12 The LDP2 sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 13 Under the LDP2, the following policies are of particular importance in the assessment of this application:

- 14 The principal policies are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification

- Policy 15: Public Access
- Policy 26: Schedule Monuments and Archaeology
- Policy 32: Embedding Low and Zero Carbon generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 38A: Environment and Conservation: International Nature Conservation
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water, Environment and Drainage
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

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

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)

PLANNING SITE HISTORY

- 16 The site has no relevant planning application history.

CONSULTATIONS

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

18 External

- Scottish Environmental Protection Agency
- NatureScot

- Scottish Water
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Killiecrankie and Fincastle Community Council

19 Internal

- Transport Planning
- Environmental Health
- Development Negotiations Officer
- Structures and Flooding
- Biodiversity
- Planning and Housing Strategy

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

20 The key considerations against which the eventual application will be assessed include:

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to Nearby Land Uses
- d. Natural Heritage and Ecology
- e. Landscape
- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

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

CONCLUSION AND RECOMMENDATION

- 22 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: Gillian Peebles

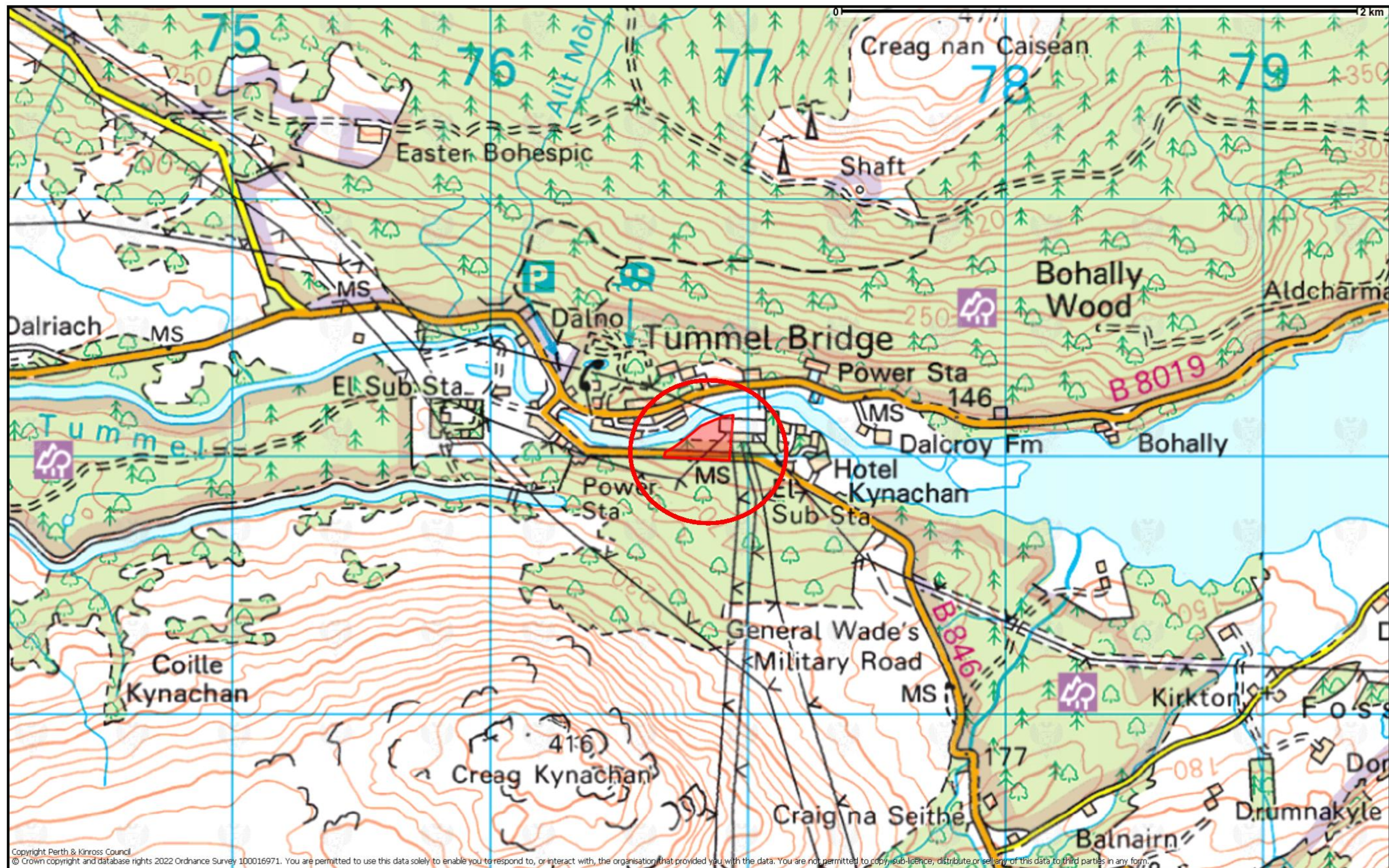
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DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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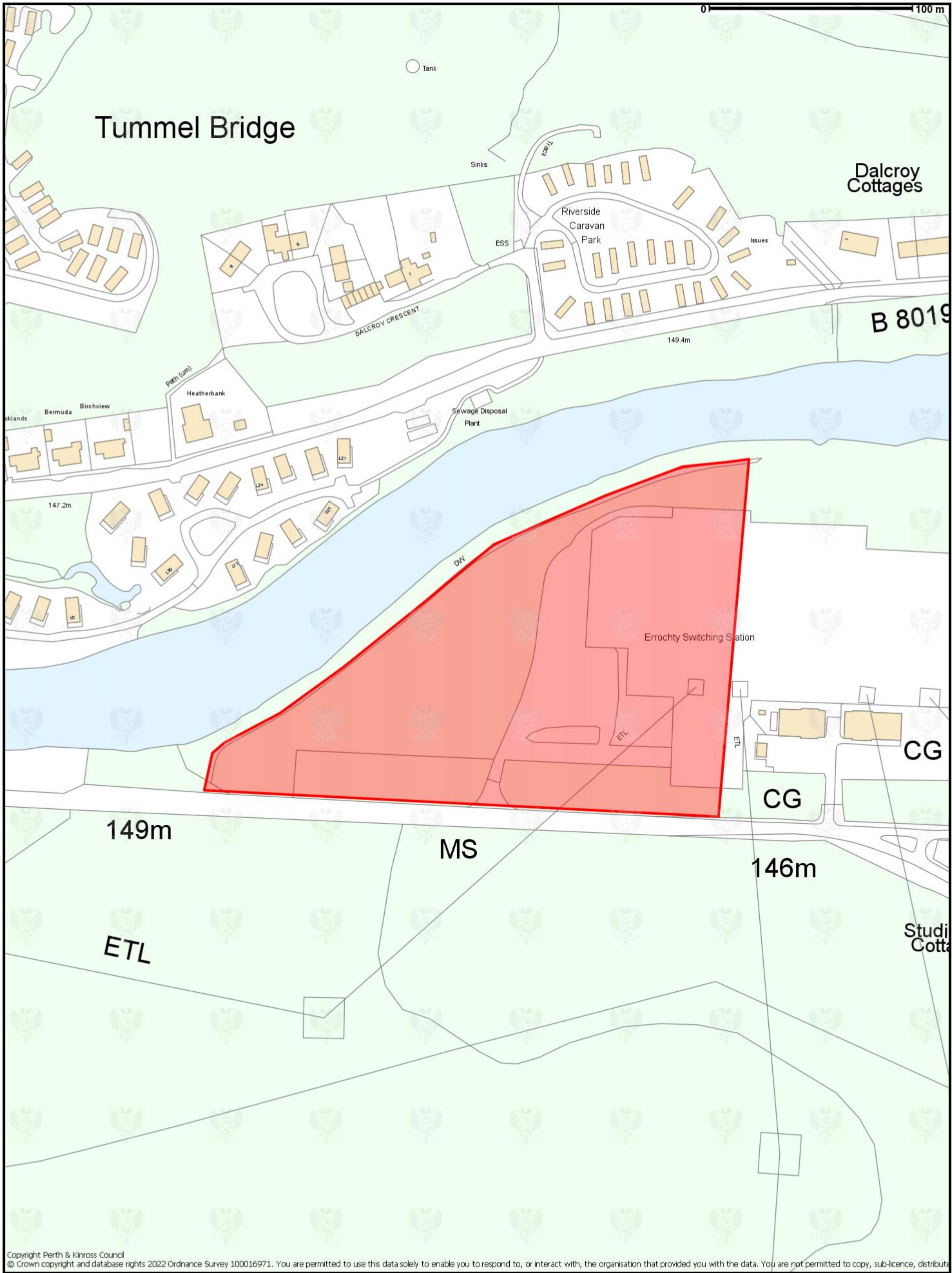
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22/00011/PAN

Erection of 2 transformers, control building, associated plant and infrastructure, ancillary facilities, laydown areas, construction compound, siting of welfare/site office units, landscaping and associated works





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Perth and Kinross Council
Planning and Placemaking Committee - 6 July 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/170)

Residential development with associated landscape framework and infrastructure
 (in part, allocated site H69) Land at Forfar Road, Meigle.

Ref. No: [22/00012/PAN](#)
 Ward No: P2- Strathmore

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential development with associated landscape framework and infrastructure (in part, allocated site H69) at Land at Forfar Road, Meigle. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 9 May 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development at Forfar Road, Meigle. This pre-application report gives the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development comprising a residential development with associated landscape framework and infrastructure. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal, it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request (22/00864/SCRN) was submitted by the applicant in May 2022, and it was confirmed that an EIA would not be required to accompany any planning application.

PRE-APPLICATION PROCESS

- 4 The PoAN (reference 22/00012/PAN) confirmed that two public engagement events would be held at Kinloch Memorial Hall, Dundee Road, Meigle on 24 May 2022 and 21 June 2022. Both events were open to the public between 14:00 and 19:00. The Ward Councillors, local MSP, local MP, Meigle and Ardler Community Council, Meigle and Ardler Community Development Trust, Meigle Community Trust and domestic addresses adjacent to the site boundaries 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 (SPP)

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 2 – Shaping better quality places
- Policy 4 – Homes
- Policy 6 – Developer Contributions

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The LDP2 sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 13 Under the LDP2, the following policies are of particular importance in the assessment of this application:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing

- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

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

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- [Planning Guidance - Planning & Biodiversity](#)

PLANNING SITE HISTORY

- 15 **22/00864/SCRN** On for Proposed housing development with associated landscape framework and infrastructure (LDP H69).

CONSULTATIONS

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

17 External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Perth and Kinross Heritage Trust (PKHT)
- Meikle and Ardler Community Council

18 **Internal**

- Environmental Health
- Planning and Housing Strategy
- Developer Contributions Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

19 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 and Open Space
- f. Air Quality
- g. Transport
- h. Flooding and Drainage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

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

CONCLUSION AND RECOMMENDATION

21 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.

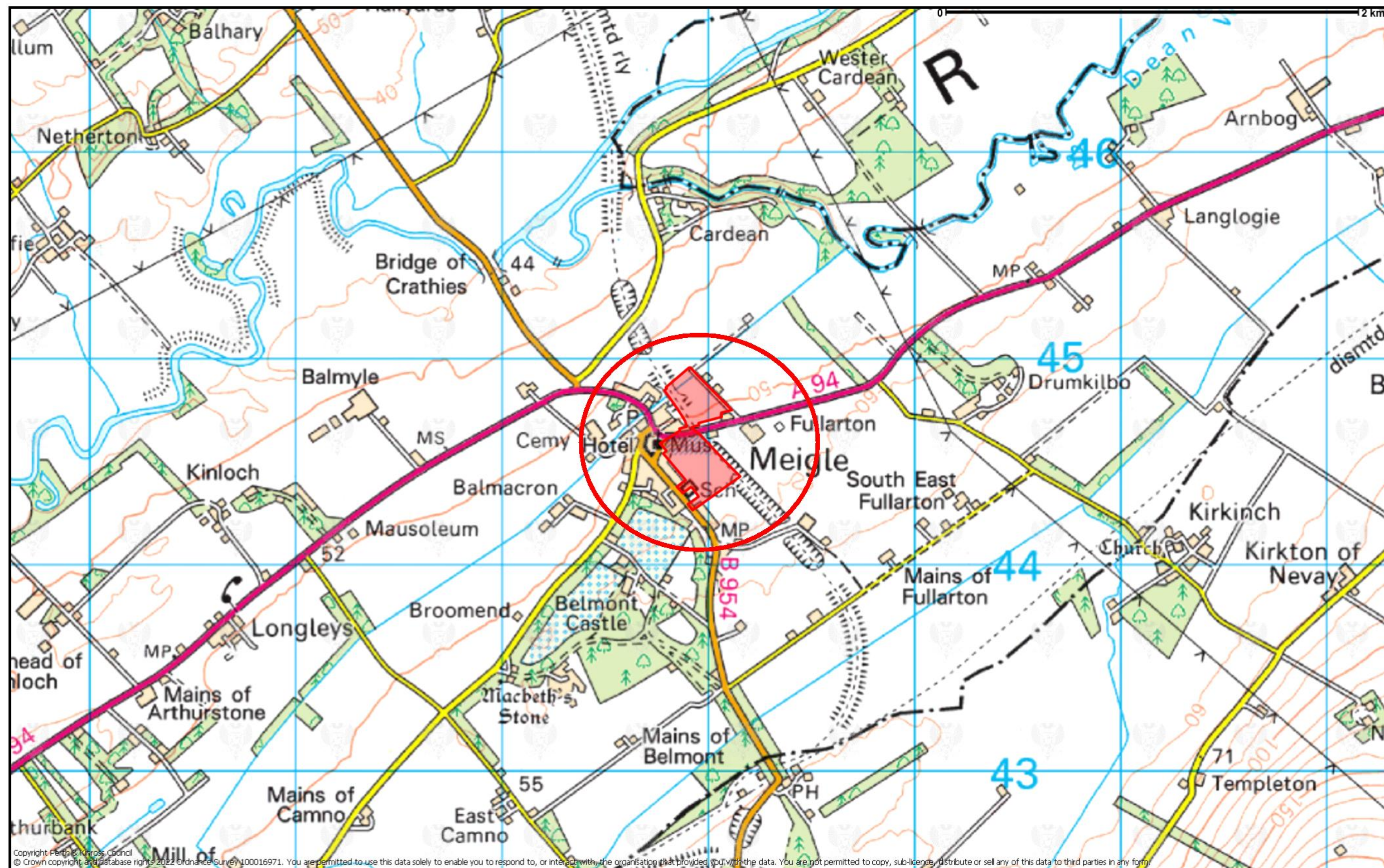
Background Papers: None
Contact Officer: Alex Gudgeon
Date: 23 June 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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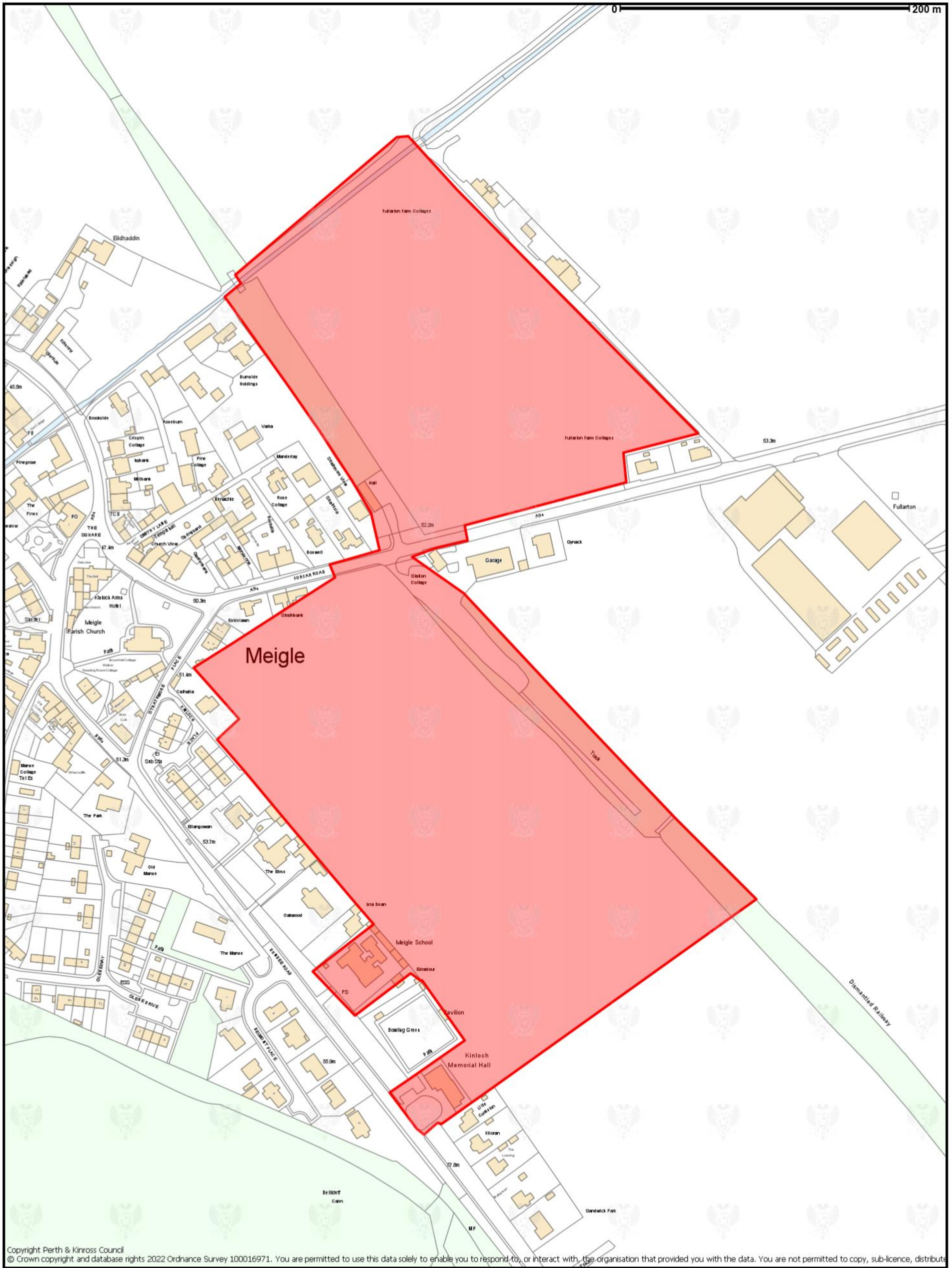
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22/00012/PAN

Residential development with associated landscape framework and infrastructure (in part, allocated site H69)





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22/00012/PAN

Residential development with associated landscape framework and infrastructure (in part, allocated site H69)



Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/171)

Erection of 50 dwellinghouses, formation of SUDS, landscaping, footpaths and associated works (allocated site H24) land 150 metres south-west of Moncur Farm, Moncur Road, Inchtute.

Ref. No: [22/00014/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 the erection of 50 dwellinghouses, the formation of SUDS, landscaping, footpaths and associated works (allocated site H24) on land 150 metres south-west of Moncur Farm, Moncur Road, Inchtute. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 12 May 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for land 150 metres south-west of Moncur Farm, Moncur Road, Inchtute. This pre-application report gives the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development for the erection of 50 dwellinghouses, formation of SUDS, landscaping, footpaths and associated works (allocated site H24). The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

PRE-APPLICATION PROCESS

- 4 The PoAN (reference 22/00014/PAN) confirmed that two public consultation events will be held. The first event was held online for two weeks from Friday 10 June 2022 until Friday 24 June 2022. A comments / questionnaire return box will be made available on the web page at www.gsbrown-construction.co.uk/moncur for responses made within this period. The second event is proposed to be 'interactive' with a Q&A Session to be hosted by the applicant and supported by advisors to the project, online at www.gs-brownconstruction.co.uk/moncur on Wednesday 3rd August 2022, between 1630 and 1930hrs. This 'interactive' Q&A Session will also be repeated with a public meeting of Inchtute Area Community Council at Inchtute Village Hall, Main Street, Inchtute, PH14 9RN. A confirmed date is yet to be announced but will be in July or August. This will potentially be a face-to-face event subject to risks and health conditions assessed at that time.
- 5 The Ward Councillors, Inchtute Area Community Council, the local MP and local MSP 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

- 6 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

- 7 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 (SPP)

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

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

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

- 10 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”

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

- Policy 2 – Shaping better quality places
- Policy 4 – Homes
- Policy 6 – Developer Contributions

Perth and Kinross Local Development Plan 2019

- 12 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The LDP2 sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 14 Under the LDP2, the following policies are of particular importance in the assessment of this application:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14: Open Space Retention and Provision

- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

- 15 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted 2020)
 - [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
 - [Supplementary Guidance - Landscape](#) (adopted in 2020)
 - [Supplementary Guidance - Placemaking](#) (adopted in 2020)
 - [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
 - [Planning Guidance - Planning & Biodiversity](#)

PLANNING SITE HISTORY

- 16 [17/00003/PAN](#) On 22 March 2017 for Residential development at LDP site H24
- 17 [17/00943/FLM](#) Full Planning Permission Major application was Withdrawn On 28 September 2017 for Erection of 74no. dwellinghouses, formation of a SUDS pond, landscaping and associated works (allocated site H24)
- 18 [17/02159/FLM](#) Full Planning Permission Major was Refused On 15 March 2018 for Erection of 66no. dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24)

- 19 [18/00232/SCRN](#) On 5 March 2018 for Erection of 66no. dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24)

CONSULTATIONS

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

21 **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Perth and Kinross Heritage Trust (PKHT)
- Inchtute Area Community Council
- Transport Scotland

22 **Internal**

- Environmental Health
- Planning and Housing Strategy
- Developer Contributions Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 23 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 and Open Space
 - f. Air Quality
 - g. Noise
 - h. Transport
 - i. Flooding and Drainage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

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

CONCLUSION AND RECOMMENDATION

- 25 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.

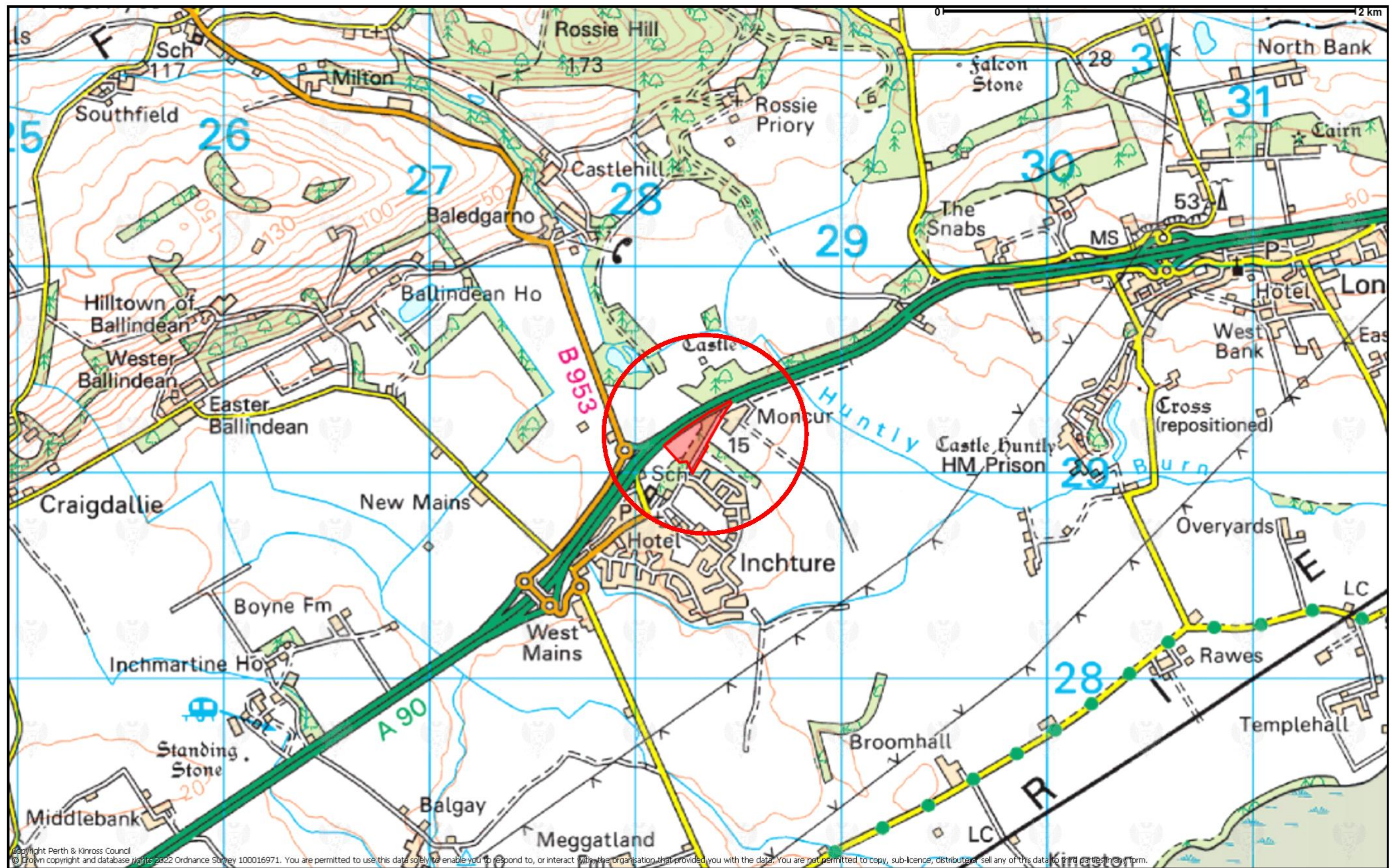
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22/00014/PAN

Erection of 50 dwellinghouses, formation of SUDS, landscaping, footpaths and associated works (allocated site H24)



