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Council Building
2 High Street
Perth
PH1 5PH

06/04/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 19 April 2023** at **09:30**.

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, 19 April 2023

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 22 MARCH 2023 FOR APPROVAL** **5 - 24**
(revised copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 22/02204/FLM - S42 APPLICATION TO AMEND CONDITION 19 AND 20 (CYCLE AND SCOOTER PARKING) OF PERMISSION 21/00096/FLM, NORTH MUIRTON PRIMARY SCHOOL, UIST PLACE, PERTH, PH1 3BY** **25 - 40**
Report of Handling by Head of Planning and Development (copy herewith 22/107)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 22/01981/FLL - ERECTION OF A DWELLINGHOUSE, LAND NORTH OF ESKBANK, 55 GEORGE STREET, BLAIRGOWRIE, PH10 6HP** **41 - 58**
Report of Handling by Head of Planning and Development (copy herewith 23/108)

- 5(2)(ii) 22/02005/FLL - ERECTION OF A DWELLINGHOUSE (IN PART RETROSPECT), LAND 40 METRES NORTH OF EASTER ACHTAR, FEARNAN, ABERFELDY** **59 - 74**
Report of Handling by Head of Planning and Development (copy herewith 23/109)
- 5(2)(iii) 23/00115/FLL - FORMATION OF FORESTRY TRACK, AUCHINGARRICH FOREST, COMRIE** **75 - 90**
Report of Handling by Head of Planning and Development (copy herewith 23/110)

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PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 22 March 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, D Illingworth, I James, B Leishman, I MacPherson (Substituting for Councillor E Drysdale), S McCole (Substituting for Councillor R Watters) and C Reid.

In Attendance: L MacLean, S Panton, L Reid, K Smith, and P Williamson (all Communities); A Brown, C Elliott, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors E Drysdale and R Watters.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

Councillor B Brawn declared a non-financial interest in Items 5(2)(iii) 22/01242/FLL and 5(2)(iv) 22/0124/CON.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 22 February 2023, be approved.

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.
22/00060/AMM	5(1)(i)
22/01307/FLL	5(2)(i)
22/01242/FLL	5(2)(iii)
22/01243/CON	5(2)(iv)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **22/00060/AMM – Erection of 71 dwellinghouses and 32 flats (approval of matters specified in conditions 17/00939/IPL) (Phases 1B and 2A – MU5), land 200 metres west of**

**Blairgowrie and Rattray Cottage Hospital, Perth Road,
Blairgowrie**

Following the non-attendance of two deputations, the Committee proceeded to determine the application.

Motion (Councillors D Cuthbert and B Brawn)

Refuse, as the proposal is contrary to Perth and Kinross Local Development Plan 2 (2019) Policy 20: Affordable Housing, on the basis that the affordable housing within the proposal does not integrate with and is distinguishable from, the market housing.

Amendment (Councillor I James and Bailie M Williamson)

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

Conditions

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

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

Surface Water

3. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

Archaeology

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

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

Roads and Access

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, details and specifications for a new signalised controlled pedestrian crossing to be provided on Essendy Road. Said signalised controlled pedestrian crossing shall be installed and operational prior to occupation of the first dwellinghouse within Phase 2A.

Reason: In the interests of road safety

6. 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, details and specifications for a new shared use active travel route to provide a link to Westpark Road. Said active travel route shall be constructed prior to occupation of the first dwellinghouse within Phase 2A.

Reason: in the interests of sustainable transport.

7. 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, details and specifications for junction improvements between the A93 and Essendy Road. Said junction improvements works shall be constructed prior to occupation of the first dwellinghouse within Phase 1B.

Reason: In the interests of road safety

8. 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, details and

specifications for provision of a 0.5 metre hard verge and kerbing along Essendy Road. Said hard verge and kerbing shall be provided between the development and the A93 and constructed prior to occupation of the first dwellinghouse within Phase 1.

Reason: In the interests of road safety

9. 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 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 road safety

Environmental Impact and Biodiversity

10. 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.

11. Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

12. 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.

13. 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.

Residential Amenity

14. Prior to the commencement of development a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed.

Reason: In the interests of residential amenity.

15. 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.

Core Path

16. 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.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. 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.
4. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. 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.
7. 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.
8. No work shall be commenced until an application for building warrant has been submitted and approved.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. This 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 dwellinghouses and junction layouts.

11. 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.
12. 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/ldp2floodrisk>
13. 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.
14. 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.
15. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
16. 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 of being built. Planning permission for a development does not provide a defence against prosecution under this Act.
17. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.

18. The stopping up or diversion of the Core Path BLAI/29 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up and diversion taking place.

In terms of Standing Order 21.5, a roll call vote was taken.

2 members voted in accordance with the Motion as follows:
Councillors B Brawn and D Cuthbert.

11 members voted in accordance with the Amendment as follows:

Councillors H Anderson, D Illingworth, I James, B Leishman, I MacPherson, I Massie, S McCole, Bailie C McLaren, Councillors C Reid, G Stewart and Bailie M Williamson.

Resolved:

In accordance with the Amendment.

(2) Local Applications

(i) 22/01307/FLL – Erection of 28 dwellinghouses and a garage (revised design), site north of Hall Road, Guildtown

Councillor Jack Welch, objector to the application, Mr Graeme Penny, objector and supporter of the application, followed by Mr John Stephen, on behalf of the applicant, addressed the Committee and answered Members' questions.

Motion (Councillors B Brawn and D Illingworth)

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

Conditions

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments

for the site shall be submitted to and approved in writing by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented as the development progresses.

Reason: In the interest of protecting residential and visual amenity.

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme (particularly the eastern boundary) 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 (which should be native), 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 and to ensure implementation of the proposed planting scheme.

5. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs.

Reason: In the interest of promoting bio-diversity.

6. At least 25% of the two storey dwellings shall include bat and swift boxes/bricks, which shall be installed and sited in line with guidance offered by the Scottish Wildlife Trust. Thereafter, they should be maintained in a usable condition. Reason: In the interest of promoting bio-diversity.

Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

Procedural Notes

The decision notice shall not be issued until such time as the required Developer Contributions, and agreement on use of Affordable Housing Credits have been settled/secured.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 23(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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 changes to plots changes to Plots 6, 7, 8, 9, 11, 12, 14 and 91.

Amendment (Councillor H Anderson)

Refuse, on the basis that the number of dwellings sought is excessive and that too many two storey dwellings are proposed.

In line with Standing Order 18.3, as no seconder to the amendment was forthcoming, the amendment subsequently fell.

Resolved:

In accordance with the Motion.

THE COMMITTEE ADJOURNED FOR A 10 MINUTE RECESS AT THIS POINT

- (ii) **22/01905/FLL – Change of use from residential flat to short term let accommodation unit, Flat 1, Merlin House, Perth Road, Birnam, Dunkeld PH8 0AA**

Motion (Councillor I James and Bailie C McLaren)

Refuse, as the proposal is contrary to Perth and Kinross Local Development Plan 2 (2019) Policy 17: Residential Areas, on the basis that operation as a Short Term Let would have an adverse impact on neighbouring properties.

Amendment (Bailie M Williamson and Councillor I Massie)

Grant, subject to the conditions, terms and informatives contained in Report (23/92), and an additional condition that the permission be granted for a temporary period of three years only to allow consideration of Council Policy on Short Term Let Control Zones.

In terms of Standing Order 21.5, a roll call vote was taken.

8 members voted in accordance with the Motion as follows:
Councillors B Brawn, D Cuthbert, I James, B Leishman, I MacPherson, S McCole, Bailie C McLaren and Councillor C Reid.

5 members voted in accordance with the Amendment as follows:
Councillors H Anderson, D Illingworth, I Massie, G Stewart and Bailie M Williamson.

Resolved:

In accordance with the Motion.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEMS, COUNCILLOR B BRAWN LEFT THE CHAMBER AT THIS POINT.

(iii) 22/01242/FLL – Change of use, alterations and extension to shop to form 4 flats, 29 Reform Street, Blairgowrie PH10 6AZ

Ms Susan Wallace and Ms Adele Smith, supported by Ms Adeline Cassey, objectors, followed by Mr David Brash, applicant, supported by Mr Ian MacGregor, agent, addressed the Committee and answered Members' questions.

Motion (Bailie M Williamson and Councillor D Illingworth)

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

Conditions

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.

3. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitably qualified archaeological organisation. The scope of the archaeological standing building survey will be set by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. 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.

4. All original external materials to be removed from the building shall be assessed individually by hand to determine their condition and suitability for re-use. Once assessed, details shall be forwarded to the Planning Authority confirming their condition and potential for future re-use in advance of any demolition work.

Reason: In order to protect the traditional character and appearance of the Conservation Area and in the interests of sustainability.

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 in any new build works or areas subject to repair or reinstatement, 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.

6. Prior to the commencement of the development hereby approved, full details of the existing and proposed, form proportion, construction, opening method and finishes of all new or replacement window units shall be submitted to and agreed in writing by the Council as Planning Authority. The fenestration; as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

protect the character of the surrounding Conservation Area.

7. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) bat survey report 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.

8. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, four swift boxes and a triple sparrow terrace nest box shall be provided on the completed building. 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.

9. Prior to commencement of any development on site, a detailed design for the proposed secure cycle parking facility for a minimum of 8 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the occupation of the first flat.

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

10. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. 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: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

11. 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 one way street on Union Street, 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 and free traffic flow.

Informatives

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

8. 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.
9. The applicants can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. Please remember that the granting of planning permission, listed building consent or other associated consent by the Planning Authority does not affect the responsibility of the developer to ensure all other necessary permissions, consents and approvals are in place prior to commencement of works. Developers should also ensure appropriate accommodations are made in respect of services and third party infrastructure and may wish to check proposals against the information held at <https://www.linesearchbeforeudig.co.uk/>.

Amendment (Councillor I James and Bailie C McLaren)

Refuse, as the proposal is contrary Perth and Kinross Local Development Plan 2 (2019) Policy 60B(c): Transport Standards and Accessibility Requirements; New Development Proposals, due to a lack of allocated parking being incorporated within the proposal.

In terms of Standing Order 21.5, a roll call vote was taken.

9 members voted in accordance with the Motion as follows:
Councillors H Anderson, D Cuthbert, D Illingworth, B Leishman, I MacPherson, I Massie, S McCole, G Stewart and Bailie M Williamson.

3 members voted in accordance with the Amendment as follows:
Councillor I James, Bailie C McLaren and Councillor C Reid.

Resolved:

In accordance with the Motion.

(iv) 22/01243/CON – Part demolition of building, 29 Reform Street, Blairgowrie PH10 6AZ

Ms Susan Wallace and Ms Adele Smith, supported by Ms Adeline Cassey, objectors, followed by Mr David Brash, applicant, supported by Mr Ian MacGregor, agent, addressed the Committee 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. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitably qualified archaeological organisation. The scope of the archaeological standing building survey will be set by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. 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. All original external materials to be removed from the building shall be assessed individually by hand to determine their condition and suitability for re-use. Once assessed, details shall be forwarded to the Planning Authority confirming their condition and potential for future re-use in advance of any demolition work.

Reason: In order to protect the traditional character and appearance of the Conservation Area and in the interests of sustainability.

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 in any new build works or areas subject to repair or reinstatement, 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 work at the site, a Demolition Management Plan (DMP) shall be submitted to and approved in writing by the Council as Planning Authority. The DMP shall include details and phases of the demolition works, anticipated dates and timings, method for disposal, re-use and transfer of waste any associated road closures required. The DMP, as approved in writing, shall be strictly adhered to for the duration of the construction phase of the development.

Reason: In the interests of residential amenity and free traffic flow; to ensure the demolition phase is carefully managed.

Informatives

1. This Conservation Area Consent will last only for three 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. 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 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.

5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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.

6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **22/00023/PAN – Residential development, extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of greenkeeping buildings, formation of central delivery hub, photovoltaic sites and associated access, drainage and landscaping works (in principle), Murrayshall House Hotel, Murrayshall, Perth PH2 7PH**

Bailie McLaren requested that due consideration be given to the local community and their current use of the area for leisure activities, ensuring that this is not constrained in future, and that they are consulted throughout the process.

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

- (ii) **22/00024/PAN – Extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of greenkeeping buildings, formation of central delivery hub, photovoltaic sites and associated access, drainage and landscaping works (in principle), Murrayshall House Hotel, Murrayshall, Perth PH2 7PH**

Bailie McLaren requested that due consideration be given to the local community and their current use of the area for leisure activities,

ensuring that this is not constrained in future, and that they are consulted throughout the process.

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

DRAFT

Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/107)

PROPOSAL: S42 application to amend conditions 19 and 20 (cycle and scooter parking) of permission 21/00096/FLM.

LOCATION: North Muirton Primary School, Uist Place, Perth, PH1 3BY

Ref. No: [22/02204/FLM](#)

Ward No: P12 – Perth City Centre

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application was previously presented to the Planning and Development Management Committee on 5 May 2021. The application approved was for the replacement of North Muirton Primary School with a larger building to serve an expanded school catchment. The application was subject to a number of conditions and this application seeks to alter the wording of two conditions, 19 and 21, covering cycle and scooter parking.
- 2 The school is being developed in phases and the storage area, as approved, will not be completed until after the school is operational which would be in breach of the noted conditions. This application seeks to amend the wording of the conditions to allow additional time for it to be provided. The applicant had sought a one year extension, however it is considered that a temporary area should be provided in the interim with the agreed permanent area provided on completion.
- 3 The conditions to be varied are as following;
- 4 Condition 19 – Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

- 5 Condition 20 – Prior to the occupation or use of the approved development a secure scooter parking facility for a minimum of 30 scooter spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

Pre-Application Consultation

- 6 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 21/00096/FLM and there is no further PAC needed procedurally in relation to this S42 application.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- 11 Policy 13: Sustainable Transport.

Perth and Kinross Local Development Plan 2

- 12 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.
- 13 The principal relevant policies are, in summary:
- 14 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

National Roads Development Guide 2014

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

OTHER POLICIES

- 16 No other policies.

Site History

- 17 **20/00002/PAN** Erection of a primary school and associated works.
- 18 **20/00588/SCRN** Demolition of existing school, erection of a primary school and associated works.
- 19 [21/00096/FLM](#) Full Planning Permission Major was Approved On 5 May 2021 for Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works.

CONSULTATIONS

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

External

- 21 No external consultations required.

Internal

Transportation And Development

- 22 No objection to proposal, temporary facility requested and agreed with applicant.

Representations

- 23 No representations were received.

ADDITIONAL STATEMENTS

24

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

APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 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

- 26 The detail of the development subject of this application has been previously established through the approval of the extant planning permission (21/00096/FLM) and is therefore not reviewed as part of this S42 application.
- 27 The proposal does not change the provision of the cycle and scooter storage areas, only the timing. Therefore, the proposal raises no issues in policy terms.

Design and Layout

- 28 The cycle and scooter storage is proposed to be sited permanently to the north of the school adjacent to the playground, however it will not be completed before the new school is occupied. The agent has submitted a plan to show that a temporary storage area can be provided to the south of the school, thereafter to be removed and landscaped once the permanent shelter is in situ.

Roads and Access

- 29 The temporary storage area ensures provision for cycles and scooters is provided in the interim until the completion of the works to the north which will allow the permanent shelters to be provided. The conditions can therefore be reworded so that the temporary area shown on the plans is in place until the permanent area is provided.

Conditions

- 30 As this approval of this application will form a new permission, the previous conditions have been repeated. It should also be noted that from the previous application submitted, there is a requirement to add a time condition. This has increased the number of conditions by one and therefore the new reworded conditions are condition 20 and 21.

VARIATION OF APPLICATION UNDER SECTION 32A

- 31 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 32 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 33 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

- 34 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 35 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within

any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

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

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

5. The development shall be completed in accordance with the Construction Method Statement (CMS) and a Dust Management Plan (DMP) agreed under permission 21/00096/FLM plan ref 99 and 100.

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

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

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

7. The development shall be completed in accordance with the sustainable urban drainage system (SUDS) scheme agreed under permission 21/00096/FLM plan ref 101.

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. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

10. The development shall be occupied in accordance with the Flood Action Plan agreed under permission 21/00096/FLM plan ref 76.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

11. The Finished Floor Level of the replacement North Muirton Primary School shall be a minimum of 7.55m Above Ordnance Datum, as stated in Section 3.0 of the Flood Risk Assessment dated 11 January 2021 plan ref (prepared by Goodson Associates P13704 - Rev A).

Reason - The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

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

Reason - The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

13. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 2 November 2020 as approved under 21/00096/FLM plan ref 30 submitted and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development (Particular attention is drawn to Section 8: Impact Assessment).

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

14. The development shall be completed in accordance with the details of the location and specification of the swift nest boxes or bricks agreed under permission 21/00096/FLM plan ref 67 -70.

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

15. The development shall be completed in accordance with the details of the location and specification of the swift nest boxes or bricks agreed under permission 21/00096/FLM plan ref 67 -70

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

16. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

17. 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 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.

18. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

19. No part of the development shall be occupied until a School Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The STP 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 - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

20. Prior to the occupation or use of the approved development the temporary agreed cycle storage area (plan ref 126) shall be provided. Thereafter, the secure waterproof cycle parking facility (agreed under reference 21/00096/FLM) for a minimum of 94 cycles, shall be provided prior to the completion of the development.

Reason - To encourage active travel and meet advice within NPF4.

21. Prior to the occupation or use of the approved development, the temporary agreed scooter storage area (plan ref 126) shall be provided. Thereafter, the secure scooter parking facility (agreed under reference 21/00096/FLM) for a minimum of 30 scooter spaces shall be provided prior to the completion of the development.

Reason - To encourage active travel and meet advice within NPF4.

22. Prior to the occupation or use of the approved development a minimum of four electric charge bays shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason - To encourage the shift to alternative fuelled vehicles.

23. 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. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

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

24. The development shall be completed in accordance with the Construction Traffic Management Scheme (TMS) agreed under permission 21/00096/FLM plan ref 95, 96, 84, 85, 86, 87, 88, 89, 94, 98.

Reason - In the interests of pedestrian and traffic safety.

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

4. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
5. 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.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
9. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
10. 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:
11. 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.

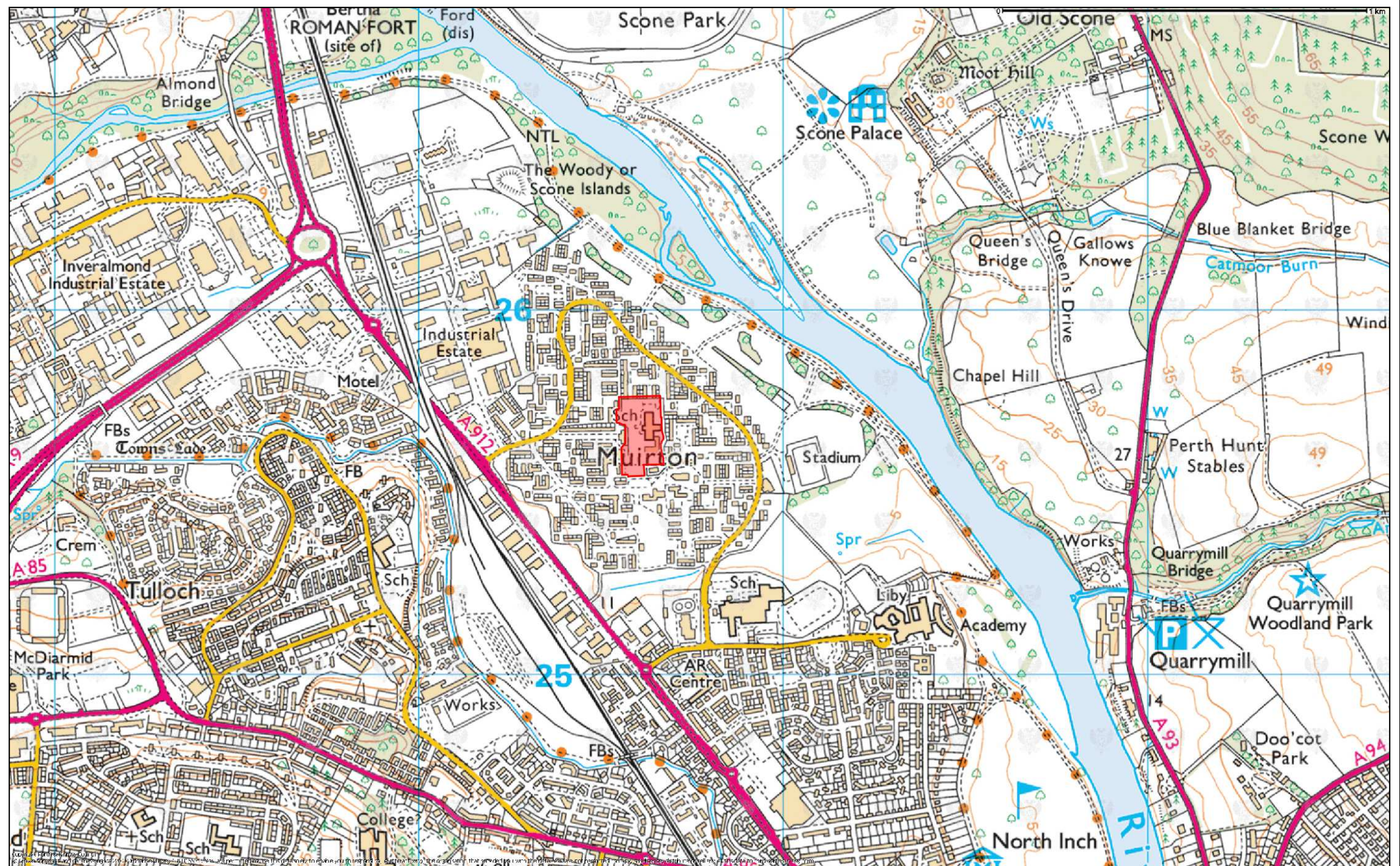
Background Papers: No letters of representation
Contact Officer: Joanne Ferguson
Date: 6 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee - 19 April 2023

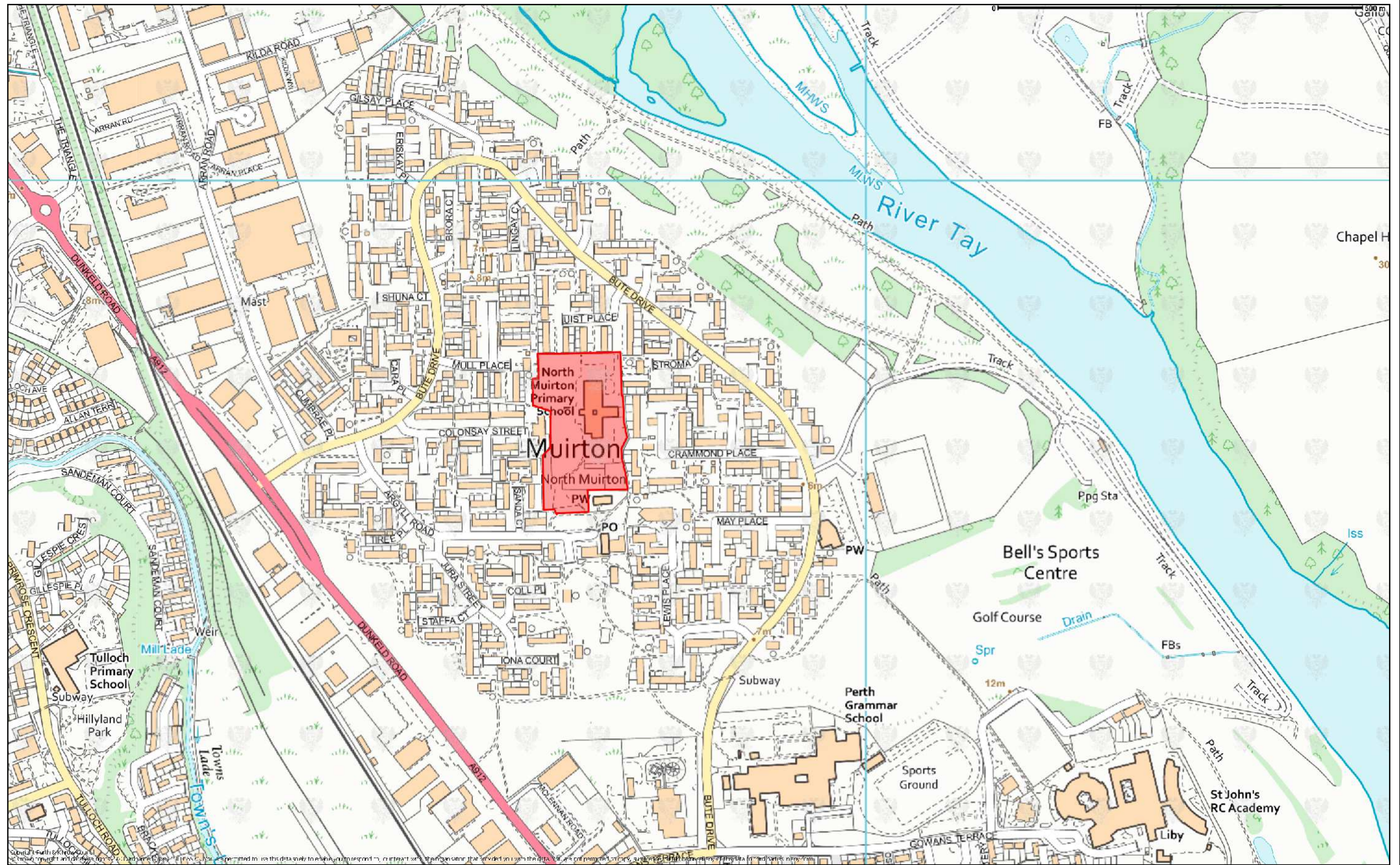
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22/02204/FLM

S42 application to amend conditions 19 and 20 (cycle and scooter parking) of permission 21/00096/FLM North Muirton Primary School, Uist Place Perth, PH1 3BY





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Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/108)

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land North of Eskbank, 55 George Street, Blairgowrie, PH10 6HP

Ref. No: [22/01981/FLL](#)

Ward No: P3 – Blairgowrie and Glens

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. Prior to the release of planning permission, the applicant shall either require to settle the developer obligations in full, or alternatively, enter into a satisfactory agreement with the Planning Authority to secure the necessary provision.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal relates to the construction of a 1.5 storey dwellinghouse with two bedrooms on a plot directly to the north of 'Eskbank', 55 George Street, Blairgowrie.
- 2 The plot is within the Blairgowrie Conservation Area, and opposite two Category C listed buildings which date from the 20th century at 'Wingate' and 'Northneuk'. Two further Category C listed buildings from the mid-19th century are located to the south of 'Eskbank' at 17 and 19 Newton Street. The application site is otherwise bounded by residences at 49 George Street and 'Langholm' on Keay Street to the north, and a commercial premise to the west which is also accessed from Keay Street.
- 3 The proposed house would have a pitched slated roof with two front wall-head dormer windows and a central roof window, in addition to two rear dormers and a roof window. The house would be clad in natural stone to the front, with stone quoins to the corners, and a rendered finish to the side and rear walls. The front wall of the house would be approximately 1.65 metres forward of the existing house at 'Eskbank' to the south and set back approximately 8.5 metres behind the existing house at 49 George Street to the north.
- 4 Initially, an existing dividing wall between the application plot and 'Eskbank' was proposed be removed, and the existing front wall to George Street were to be reduced in width and height to accommodate a widened vehicular access with two off-street parking spaces and a gate.

- 5 A recent planning application 22/00130/FLL was refused at this site for five reasons, including proposed design and appearance, unsuitable parking and access/egress arrangements including a proposal to accommodate off-street parking for both retained and proposed houses within the site, lack of clarity regarding the operation of proposed front gates, inability to demonstrate that sustainable urban drainage could be accommodated on site. This current application has been submitted with a view to address those reasons for refusal.

Pre-Application Consultation

- 6 Pre application Reference: 22/00031/PREAPL.
- 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 not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 3: Biodiversity
 - Policy 7: Historic assets and places
 - Policy 14: Design, quality and place
 - Policy 15: Local living and 20 minute neighbourhoods
 - Policy 16: Quality homes
 - Policy 22: Flood risk and water management

Perth and Kinross Local Development Plan 2019

- 12 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.

13 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 41: Biodiversity
- 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: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- Blairgowrie Conservation Area Appraisal

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Conservation areas](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

14 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

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

- PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

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.

Site History

- 18 [21/01303/FLL](#) Full Planning Permission was refused on 15 September 2021 for the erection of a dwellinghouse.
- 19 [21/01422/FLL](#) Full Planning Permission was approved on 8 October 2021 for alterations to dwellinghouse.
- 20 [22/00130/FLL](#) Full Planning Permission was refused on 5 April 2022 for the erection of a dwellinghouse.

CONSULTATIONS

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

External

Scottish Water

- 22 No objection. No surface water drainage permitted to combined sewer unless in exceptional circumstances. Applicant is required to submit a Pre-Development Enquiry to Scottish Water regarding their proposals.

Internal

Conservation Team

- 23 The proposal improves on a previous application 22/00130/FLL in terms of both the design and materials of the principal elevation and the layout of the

front garden and driveway. No objection subject to a planning condition requiring further details of all proposed windows and doors.

Transportation And Development

- 24 The applicant is proposing to provide two car parking spaces for the property, which meets the requirements of the National Roads Development Guide. The applicant proposes to reduce the height of the boundary wall abutting the public road to a height of 1.0 metre above the public road where it abuts. This will provide an appropriate pedestrian visibility splay. The applicant is also providing storage for bikes, which is welcomed. It is noted that the applicant has marked three bays along the frontage of No. 55, these bays can be used by anyone and are not assigned to the property.
- 25 No objection subject to planning conditions controlling the geometry and construction of the proposed vehicular access, and an informative relating to the need to obtain a Vehicular Access Consent from the Council.

Environmental Health (Noise Odour)

- 26 No objection.

Development Contributions Officer

- 27 This proposal is within the catchment of Newhill Primary School. A Financial Contribution is required from the developer in respect of Primary Education. It is advised that payment of the contribution should be made up front on release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.

Representations

- 28 Eight representations were received. The issues raised within the representations are:
- Inappropriately designed and detailed development next to a prominent house in a conservation area, including unjustified removal of existing front wall and garage structure
 - Overdevelopment of site and loss of openness within the street scene
 - Proposed house would not respect the existing building line on George Street.
 - Overlooking of neighbouring properties
 - Loss of light and airflow to neighbouring properties, leading to damp
 - Noise nuisance from proposed use, and air source heat pump
 - Further strain will be put on electricity grid locally
 - Parking pressure, traffic and road safety would be exacerbated locally
 - Concerns regarding surface water drainage and water supply, as Scottish Water are unable to service the site
 - No need for a new house in this location

- Alleged factual inaccuracies in supporting documents and drawings, including reference to site as brownfield land.
- Building is not sustainably designed.

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

ADDITIONAL STATEMENTS

30

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted on Drawing
Report on Impact or Potential Impact eg Flood Risk Assessment	Not 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, as identified elsewhere in this report.
- 32 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.
- 33 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

- 34 LDP2 Policy 1: Placemaking seeks to ensure that new developments do not have an adverse impact on the surrounding area. This is also promoted by NPF4 Policy 14: Design, quality and place. The proposal site is within the settlement of Blairgowrie, and whilst the need for a new house does not require to be demonstrated in this instance, LDP2 Policy 17: Residential

Areas is directly applicable. This policy seeks to protect existing residential areas from inappropriate uses.

- 35 The principle of a two storey house on this infill plot within an existing settlement is acceptable, subject to detailed consideration of Development Plan policies and matters including but not limited to design, conservation, residential amenity and parking.

Design, Layout and Conservation

- 36 The proposal represents a marked improvement on the previous gable-fronted “coach house” design which was refused in application reference 22/00130/FLL, with much more balanced fenestration than the previous design. In addition, the applicant now proposes natural stone to the front elevation, as opposed to precast stone in the previous application. In the event of approval, a planning condition shall ensure that the exact type and texture of natural stone is appropriate for this particular street scene, as officers consider that an overly smooth finish, whilst intended to complement the façade of ‘Eskbank’, could appear incongruous in the context of the textured and weathered appearance of both that property and surrounding dwellings on George Street (condition 3).
- 37 The proposed scale and massing would complement the surrounding dwellings and is more in keeping with the design of ‘Eskbank’ in particular than the previous application. It is acknowledged that the building would be 1.65 metres forward of ‘Eskbank’, however this is considered to be acceptable, as the building line has historically been rather inconsistent along the western side of George Street, with the existing neighbouring house to the north at 49 George Street protruding 10 metres forward of ‘Eskbank’. Whilst it would be inappropriate to match the building line of 49 George Street, the existing context does allow the proposed new house to project modestly beyond the front of ‘Eskbank’, whilst still being recessed 8.5 metres behind the front wall of 49 George Street. This in turn would not have an adverse impact on the openness of the street.
- 38 Concern has been raised in representations at the part removal of the front boundary wall, and the removal of the dividing wall between the application plot and the existing house at ‘Eskbank’. Following discussions between officers and the applicant, the dividing wall is to be retained, apart from a section of concrete block wall nearest the position of the proposed house. In terms of the front wall, this will be reduced in height but more of its footprint would be retained relative to the refused proposal in application 22/00130/FLL. It is also noted that the tall walls which front this stretch of George Street are predominantly those which enclose side/rear gardens of properties on intersecting streets at junctions, for example at 19 Newton Street (listed) and 26 John Street, rather than front gardens. Whilst the application site could be considered the side garden of ‘Eskbank’, it is to the front of the house’s primary elevation and makes a limited contribution to the street scene. Its concrete aggregate construction is not of a high heritage value, so the intervention to the front wall is considered to be appropriate in

this instance. A planning condition shall allow further scrutiny of the proposed boundary treatment, including the proposed front gate (condition 5).

- 39 The erection of the proposed house and associated demolition of a garage structure would not adversely impact the setting of nearby listed buildings opposite on George Street, or on the adjacent Newton Street. It would preserve the appearance and character of the Blairgowrie Conservation Area through the sensitive layout, siting and design of the proposal.
- 40 As such, the proposal accords with NPF4 Policies 7: Historic assets and places and 14: Design, quality and place, and LDP2 Policies 1A and 1B: Placemaking and 28A: Conservation Areas: New Development.

Residential Amenity

- 41 The proposed position and orientation of the dwellinghouse within the plot would not create any adverse impact on the living conditions of current and future neighbouring residents. The distances between dwellings, including windows and associated orientation, would be acceptable in terms of overlooking.
- 42 Shadow cast diagrams have been submitted which demonstrate that the extent of overshadowing to the north towards 49 George Street in particular, would be acceptable.
- 43 In addition, the ability of nearby houses to dry off after rainfall would not be impacted by this proposal, due to the position of the proposed house and the distance between it and nearby buildings.
- 44 The impact on neighbouring residences in terms of noise would be acceptable, as this is a proposed new residence in a residential area. There is no air source heat pump proposed as part of this application, and further assessment of this may be required if one is proposed in the future.
- 45 The proposed plot also provides sufficient amenity ground for future occupiers, and the occupiers of the retained house at 'Eskbank' to the south.
- 46 As such, this element of the proposal accords with NPF4 Policies 14: Design, quality and place and 16: Quality homes, and LDP2 Policy 17: Residential Areas.

Roads and Access

- 47 Transportation and Development officers have not objected to the proposed two off-street car parking spaces, and are satisfied with the reduced front wall height and resulting visibility for vehicle access/egress.
- 48 The previous application on this site was refused in part due to the dominance of four proposed off-street parking spaces in a conservation area, which were intended to serve both the existing and proposed houses. The current

proposal has reduced this to two which would solely be for the use of the proposed house.

- 49 Officers also consider that the proposed development would not itself exacerbate car parking provision in the area. As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13: Sustainable Transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 50 Whilst concern has been raised in representations that Scottish Water are unable to service the property, this is not necessarily the case as Scottish Water generally do not reserve capacity until a formal connection application is made to them. The Scottish Water response clearly states that sufficient capacity exists at their water works in terms of fresh water and waste water, and they have not objected to the proposal.
- 51 Notwithstanding this, Scottish Water do have a standard requirement for surface water run-off not be directed to the public sewers, other than in exceptional circumstances. Whilst this requirement is not peculiar to this property, a refusal reason to a recent planning application on this site referred to the inability of the applicant to demonstrate that sustainable urban drainage could be accommodated on site.
- 52 The applicant has, during the course of this application, submitted documents to demonstrate how surface water would be managed. Specifically, it is proposed to utilise rainwater harvesting via water butts and attenuate within the porous paving sub-base prior to discharging to the combined sewer. Whilst officers acknowledge that there would be some discharge to the public sewer, the measures proposed considered sufficient to overcome the previous planning refusal reason. The Building Warrant process will further scrutinise the proposals, as will Scottish Water through the applicant's recently submitted Pre-Development Enquiry to Scottish Water.
- 53 As such, officers consider that the proposal accords with the intent of NPF4 Policy 22: Flood risk and water management and LDP2 Water Environment and Drainage Policies 53B: Foul Drainage, 53C: Surface Water Drainage, and 53E: Water Supply.

Waste Collection

- 54 The proposed plans show bin stores at the rear of the house, and officers consider there is sufficient width along the southern side of the plot for these to be wheeled to the street for collection. As such, this element of the proposal would be acceptable.

Natural Heritage and Biodiversity

- 55 The site and its relatively constrained nature currently offers little biodiversity potential. The inclusion of nesting bricks on the proposed building would

therefore enhance biodiversity on this site. A planning condition shall therefore secure the provision of two nesting bricks, one for swifts and one for bats, to ensure compliance with NPF4 Policy 3: Biodiversity and LDP2 Policy 41 – Biodiversity (condition 8).

Developer Contributions

- 56 The Developer Contributions Guidance is applicable to this application. As such, a developer contribution in respect of Primary Education is required to be secured before the formal planning decision notice can be issued. Subject to this, the proposal would accord with NPF4 Policy 18: Infrastructure First and LDP2 Policy 5: Infrastructure Contributions. In addition, the site is located out with the areas where transportation contributions are required.

Additional Matters Raised in Representations

- 57 In respect of other matters raised in representations which have not already been raised elsewhere in this report, there is no evidence to suggest that strain would be put on the local electricity grid within this established residential area.
- 58 Concern has been also raised in the representations regarding the applicant's use of the term "brownfield land". NPF4 defines Brownfield as "Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable." In this instance, the site has been previously developed by virtue of its existing structures and hard surface, and is considered suitable for further intensification by virtue of the wider than usual nature of the existing residential plot at 'Eskbank', subject to consideration of a range of matters outlined in this report. A site does not need to be formally registered as brownfield to be considered brownfield, however there are instances where a register of larger such sites can assist the Council in identifying opportunities for regeneration.

Economic Impact

- 59 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

- 60 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 boundary and drainage arrangements.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 61 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, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

- 62 This proposal is within the catchment of Newhill Primary School, and a contribution has been considered necessary by the Developer Contributions Officer. No legal agreement is expected to be required in this instance, as the contribution is to be paid prior to the release of planning permission, as discussed in Paragraph 27 above

DIRECTION BY SCOTTISH MINISTERS

- 63 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

- 64 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 65 Accordingly the proposal is recommended for approval subject to the settlement of the financial contribution towards education, and the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. 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.

4. Prior to the commencement of the development hereby approved, 1:10 scaled elevations and sections of all proposed windows and doors shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason - In order to protect the character and appearance of the Conservation Area

5. 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 - In order to protect the character and appearance of the Conservation Area

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

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

7. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

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

8. Prior to the completion or bringing into use of the dwellinghouse hereby approved, whichever is the earlier, one swift brick shall be provided on the North elevation gable end of the building and one bat brick shall be provided on the South elevation gable end of the building, to the satisfaction of the Council as Planning Authority. Thereafter, the bricks shall be retained in a reasonable condition for the life of the development.

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

9. Prior to the development hereby approved being completed or brought into use, all works shall be carried out in accordance with the agreed Drainage Options Report by McGregor McMahon Consulting Engineers dated 10 March 2023 (document reference 08).

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

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

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

D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. 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.

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 the proposed boundary and drainage arrangements.
8. 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.

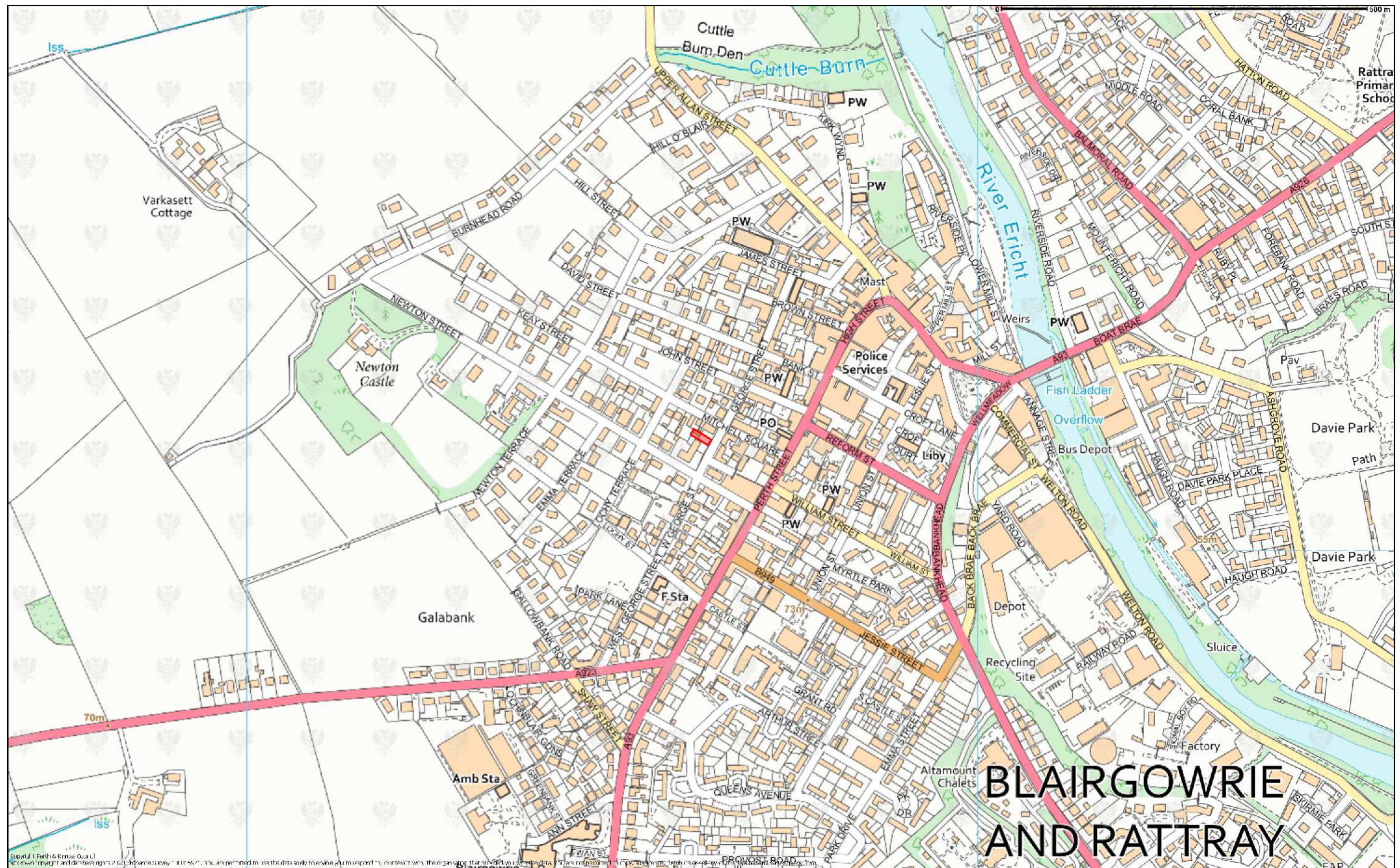
Background Papers: 8 letters of representation
Contact Officer: John Cooney
Date: 6 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee 22 March 2023

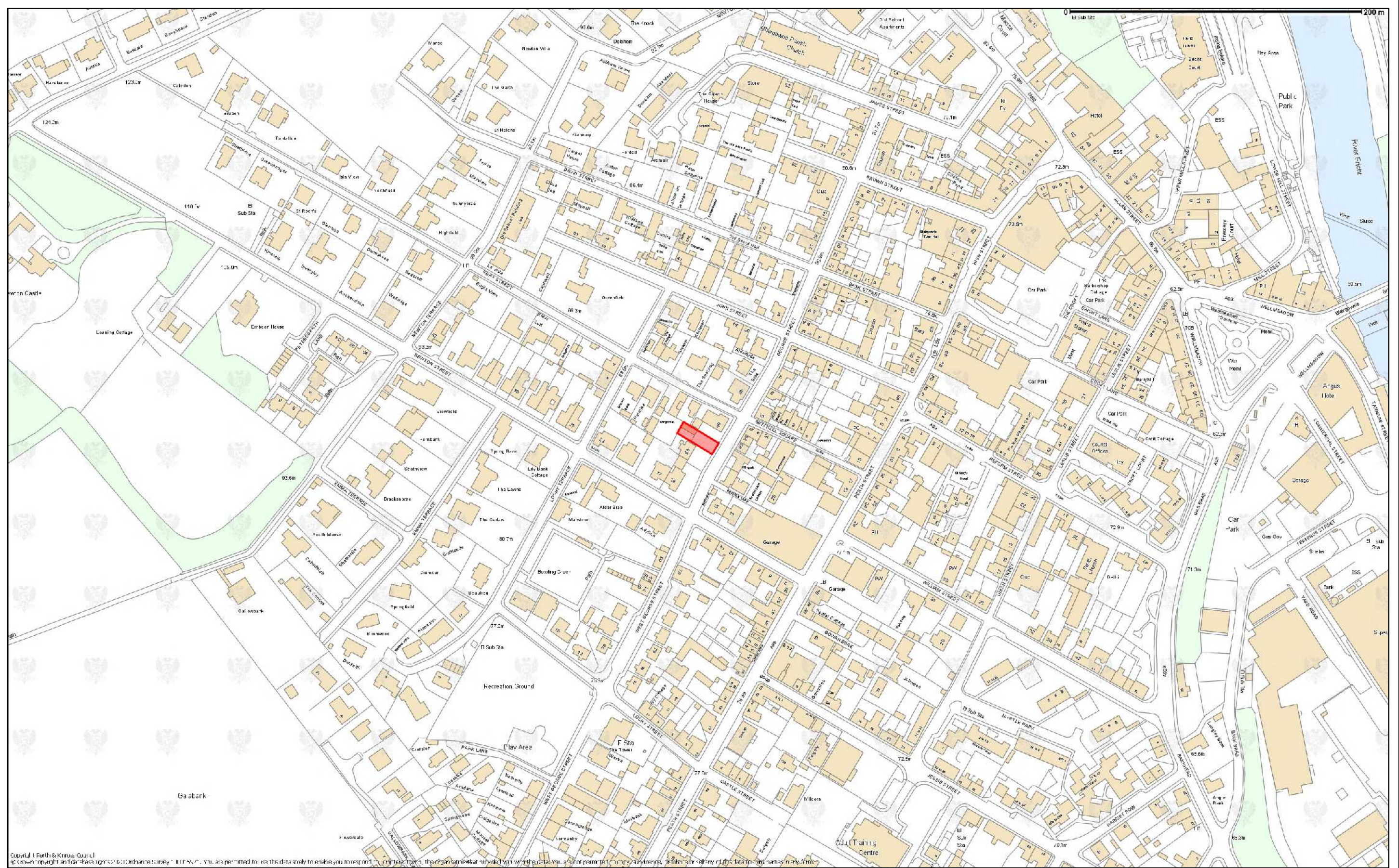
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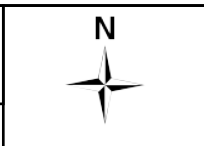
Erection of a dwellinghouse - Land North of Eskbank, 55 George Street, Blairgowrie PH10 6HP





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Planning and Placemaking Committee 22 March 2023
Scale 1:2500



22/01981/FLL
Erection of a dwellinghouse - Land North of Eskbank, 55 George Street, Blairgowrie PH10 6HP



Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/109)

PROPOSAL: Erection of a dwellinghouse (in part retrospect)

LOCATION: Land 40 metres north of Easter Auchtar, Fearnan, Aberfeldy

Ref. No: [22/02005/FLL](#)

Ward No: P4 – Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located to the north of Easter Auchtar, on the west side of the C449 public road between Fearnan and Fortingall. The site currently comprises a single storey timber-clad cottage and is enclosed on its northern boundary by a beech hedge, which partially screens views of the site from the north. In views from the south, the site is obscured by the mature conifer trees within Easter Fearnan itself. To the west, the land rises sharply upwards towards the foothills of the Lawers mountain range.
- 2 The site is also within the Loch Tay Local Landscape Area, and within the Catchment Area of the River Tay Special Area of Conservation (SAC). The Fearnan Cowpark Site of Special Scientific Interest (SSSI) is located approximately 140 metres south of the site, on the opposite eastern side of the public road. The Loch Rannoch and Glen Lyon National Scenic Area is located approximately 440 metres to the north.
- 3 A previous planning permission was approved in March 2010 for the demolition of the existing cottage and construction of a two storey house to the west of it (ref: 10/00127/FLL). Whilst the two storey house was not built, the permission is considered to have been commenced following the installation of utility infrastructure. The approved design has a curved aluminium roof and a mixture of fibre cement panels, harling and timber cladding as wall finishes.

- 4 The current application seeks to alter the position and design of the approved dwellinghouse within the western end of the site, with associated changes to the driveway. The bespoke and contemporary proposal would still be two storey with the primary living and bedroom areas on the first floor, and a store/workshop, garage and utility room on the ground floor. The dwellinghouse would have a shallow double-pitched roof with wide east and west-facing gables and an off-centre ridge of height 6.96 metres. It would be clad in black timber cladding, with a black aluminium roof and aluminium-clad timber fenestration. There would be a zinc-clad box feature window on the front and rear elevation, and a stove flue is also proposed close to the roof ridge.
- 5 The application has received an objection from Glenlyon and Loch Tay Community Council and is therefore required to be considered at Planning and Placemaking Committee.

Pre-Application Consultation

- 6 Pre application Reference: None.
- 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 not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 3: Biodiversity
 - Policy 4: Natural places
 - Policy 14: Design, quality and place
 - Policy 16: Quality homes
 - Policy 17: Rural Homes
 - Policy 29: Rural Developments

Perth and Kinross Local Development Plan 2019

- 12 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 19: Housing in the Countryside
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38B: Environment and Conservation: National Designations
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - 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 57: Air Quality
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 14 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

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

Creating Places 2013

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

Designing Streets 2010

- 17 Designing Streets is the 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

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

SITE HISTORY

- 19 [00/01448/FUL](#) Full Planning Permission was approved on 18 October 2000 for erection of a replacement conservatory.
- 20 [07/00777/FUL](#) Full Planning Permission was approved on 25 May 2007 for replacement of dwellinghouse.
- 21 [07/02085/OUT](#) was refused on 22 November 2007 for residential development (in outline).
- 22 [09/01734/FLL](#) Full Planning Permission was approved on 16 December 2009 for erection of a dwellinghouse.
- 23 [10/00127/FLL](#) Full Planning Permission was approved on 15 March 2010 for demolition of bothy and erection of a dwellinghouse and garage (commenced).

CONSULTATIONS

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

External

Scottish Water

- 25 No objections, subject to standard advice. Private waste water treatment required.

Internal

Development Contributions Officer

- 26 There is extant permission for a dwellinghouse on the site (10/00127/FLL). No comments to make.

Transportation And Development

- 27 The applicant is proposing a new house design for the property which has an existing approval for a dwellinghouse (Ref: 10/00127/FLL). The existing approval is deemed to have commenced with the installation of services. The new house design is for two bedrooms. The vehicle access to the public road network for the property will be via the existing vehicle access into the site off the C449 public road to Fearnan. The applicant plans to upgrade this access to a bellmouth junction. Visibility from the junction is suitable. Parking will be provided on site for four vehicles, which is in line with the requirements of the National Roads Development Guide. The applicant has proposed the use of gravel within the driveway; however, the applicant should consider a method for

ensuring that the gravel remains in place, with one consideration may be for gravel grids, but other options may be available.

- 28 No objections, subject to conditions and informatives regarding the proposed access, surface aggregates and surface water on the proposed driveway.

Environmental Health (Noise Odour)

- 29 No objection, subject to informative regarding proposed stove system.

REPRESENTATIONS

- 30 One representation was received from Glenlyon and Loch Tay Community Council. The main issues raised within the representation are:
- Inappropriate design which would appear out of place relative to existing buildings and the surrounding landscape.
 - Concern that discharge of waste water or surface water to a nearby burn could exacerbate flooding at the point the burn is culverted beneath the public road.
- 31 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

32

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	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

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 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 identified elsewhere in this report.

Principle

- 34 LDP2 Policy 19 – Housing in the Countryside acknowledges that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations whilst safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved.
- 35 The proposal is considered a replacement of an existing house under category 4 of LDP2 Policy 19 and is required to meet the criteria outlined in the Housing in the Countryside Supplementary Guidance, including high quality design appropriate to its setting and surrounding area, similar siting and scale to the house being replaced, use of an established site with a good setting and landscape fit, and suitable enclosure by site boundaries. Whilst most of the above criteria shall be discussed in the remainder of this appraisal, it is acknowledged that the scale is different by virtue of being a two storey house. In this instance, the site history forms a significant material consideration as a planning permission for a two storey house has been approved and commenced (ref: 10/00127/FLL). As such, that approved two storey house could be constructed on site without need for further planning permission.
- 36 National Planning Policy Framework (NPF4) Policy 17 – Rural Homes also supports development proposals which meet a number of criteria, including the reinstatement of a former dwellinghouse. In addition, NPF4 Policy 9(a) is supportive of the sustainable reuse of brownfield land including vacant and derelict land and buildings, subject to consideration of the biodiversity value of brownfield land which has naturalised.
- 37 As such, the principle of a two storey house to the rear of the existing cottage it seeks to replace is acceptable subject to detailed consideration of matters including but not limited to design, landscape impact, and biodiversity.

Design and Layout, Landscape

- 38 The appearance, orientation, modern design and dark colour of the proposed contemporary two storey dwellinghouse would be acceptable and well-integrated into the surrounding landscape, by virtue of its position at the western rear of the site. This is further enhanced by the existence of established natural screening from trees to the south and the boundary hedge to the north. The front elevation of the dwellinghouse would be set back at least 54 metres from the edge of the public road, wholly to the rear of the current cottage's position. The existing northern boundary hedge would be maintained at a 1.8 metre height. The proposed layout of the site is also considered to be acceptable. Furthermore, the site also benefits from the rising topography of Creag a Mhadaidh to the west as a backdrop which helps integrate the proposal into the existing landscape. As such, this element of the proposal accords with This element of the proposal therefore accords with NPF4 Policies 14: Design, quality and place and 17: Rural

homes, and LDP2 Policies 1A and 1B: Placemaking and 19: Housing in the Countryside.

Residential Amenity

- 39 The proposed dwellinghouse would be sited sufficiently far from the nearest residential neighbour as not to cause concern regarding overlooking. There would be no overshadowing as the nearest residential neighbour is located to the south of the application site.
- 40 A stove and flue is proposed, and the flue shall terminate above the eaves of the proposed dwellinghouse, which will aid with the dispersal of smoke. As such, and subject to an informative reminding the applicant to adhere to the stove specifications, the impact on nearby residences would be acceptable.
- 41 The amount of private garden ground associated with this proposal is acceptable.
- 42 As such, this element of the proposal accords with NPF4 Policies 14: Design, quality and place and 16: Quality homes.

Roads and Access

- 43 The proposed plot includes a long driveway with sufficient parking and turning provision. The driveway would connect to the C449 public road. The Council's Transportation and Development team has raised no objections, subject to conditions and informatives relating to the creation of the access, and the management of surface aggregates and surface water on the proposed driveway. As such, the proposal accords with NPF4 Policy 13: Sustainable transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals (condition 3).

Drainage and Flooding

- 44 The representation from Glenlyon and Loch Tay Community Council regarding flooding is acknowledged. However, the application site and the road adjacent is not identified by SEPA as being vulnerable to surface water or river flooding. Furthermore, the plot size and driveway design are such that drainage can be satisfactorily accommodated. An informative shall draw attention to Scottish Water's advice note.

Waste Collection

- 45 A bin store is proposed at the front of the site between the proposed gate and the public road, and this is considered acceptable.

Conservation Considerations

- 46 There are no conservation implications associated with this proposal.

Natural Heritage and Biodiversity

- 47 The existing site is overgrown with grass and some self-seeded trees, and is enclosed by an existing beech hedge to the north. Several new trees are proposed along the driveway leading to the dwellinghouse, and the hedge is proposed to be limited to 1.8 metres in height. A condition shall require further details of the proposed landscaping strategy for the site. An informative shall also remind the applicant of their legal responsibilities in terms of the impact of site works on nesting birds (condition 2).
- 48 The Fearnan Cowpark SSSI is approximately 140 metres to the south of the application site and is important for its grassland and spring fen habitat. The proposal's modest size and scale, and its position slightly downhill from the SSSI means that it would not adversely impact this nature conservation designation.
- 49 As such, subject to the above condition and informative, the proposal accords with the intent of NPF4 Policies 3: Biodiversity and 6: Forestry, woodland and trees, and LDP2 Policies Policy 38B: Environment and Conservation: National Designations, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development and 41: Biodiversity.

Developer Contributions

- 50 The Developer Contributions Guidance is applicable to this application, but it is acknowledged that an existing planning permission has been commenced on the site. As such, 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.

VARIATION OF APPLICATION UNDER SECTION 32A

- 52 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 53 None required.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

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

2. Within six months of the approval of this development, 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.

3. Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

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

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 B Figure 5.6 access detail with 3 metre radii kerbing, of Type A Road construction detail. The Type A Road construction detail shall continue to the entrance for a minimum distance of 3 metres.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
2. A building warrant is required to be submitted and approved.
3. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
4. 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.
5. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
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.

7. 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.
8. 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.

Background Papers: 1 letter of representation from Glenlyon and Loch Tay
Community Council.
Contact Officer: John Cooney
Date: 7 April 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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Planning and Placemaking Committee - 19 April 2023

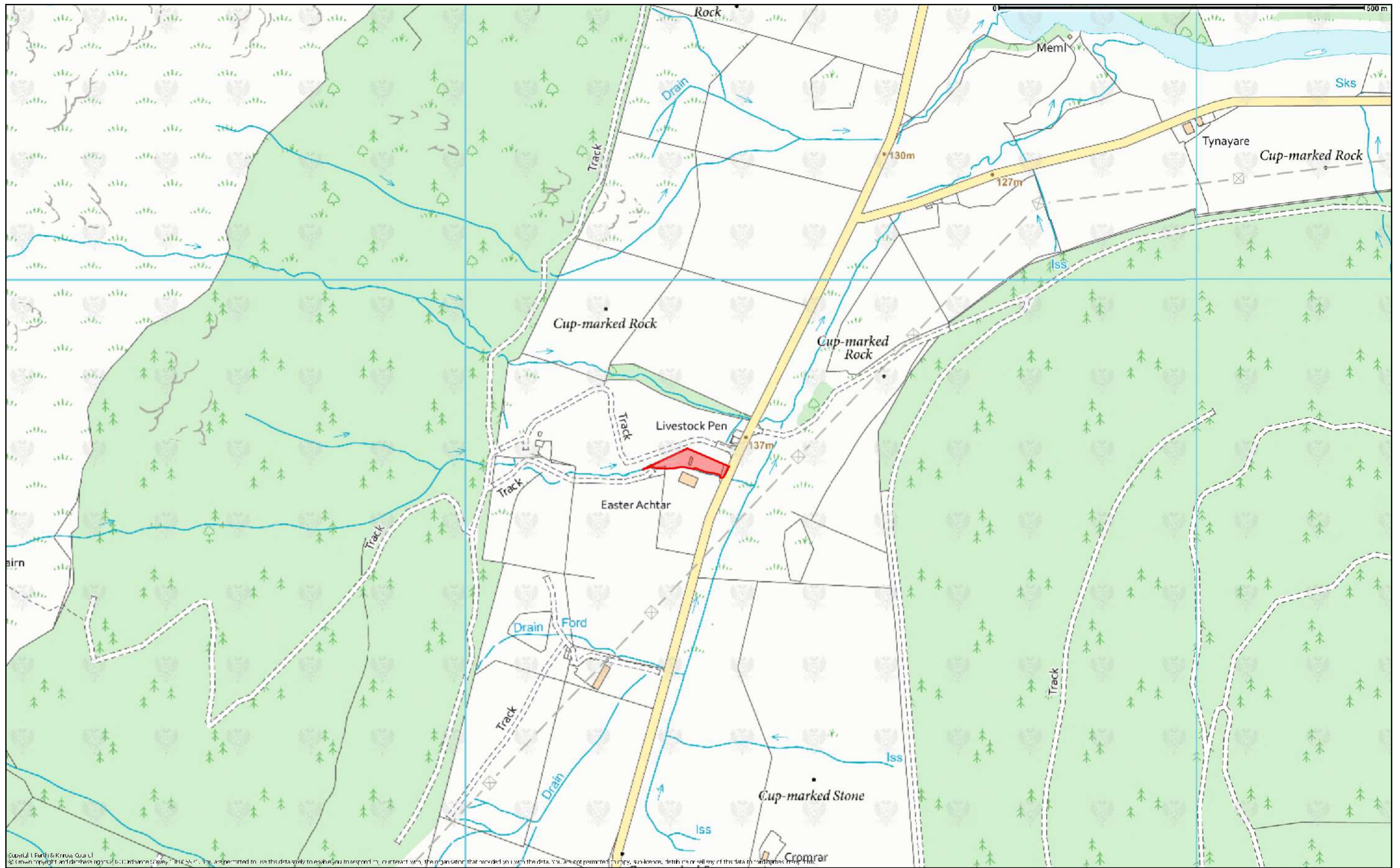
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22/02005/FLL

Erection of a dwellinghouse (in part retrospect) - Land 40 Metres North Of Easter Auchtar, Fearnan, Aberfeldy





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Planning and Placemaking Committee - 19 April 2023

Scale 1:5000



22/02005/FLL

Erection of a dwellinghouse (in part retrospect) - Land 40 Metres North Of Easter Auchtar, Fearnan, Aberfeldy



Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/110)

PROPOSAL: Formation of forestry track

LOCATION: Auchingarrich Forest, Comrie

Ref. No: [23/00115/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 Auchingarrich Forest is situated 3.5 kilometres to the southeast of Comrie. This application is seeking detailed planning permission for the formation of a realigned section of a previously approved forestry track. The area subject to this application is the upper section of the track, which passes through agricultural land and then into the forest area itself. The track is required to facilitate timber harvesting and longer-term maintenance and restocking of the forest.
- 2 As mentioned, planning permission (ref: 22/00894/FLL) was previously granted for the formation of a longer length of forestry track and associated junction with the public road, rising upwards in a southerly direction from the U198 public road (known as the 'Glascorrie Road'), through the agricultural land and into the forest. The previously approved access junction onto the Glascorrie Road and the section of track running south from it, have already been formed as approved by that earlier planning permission.
- 3 The final section of the previously approved track has however not been constructed, although there is no planning barrier to doing so. However, it has emerged that the route of that section could have a negative impact on a private water supply intake. In addition, archaeological investigations have found a bracken covered mound of possible historic interest on the approved route. Given these issues, the applicant seeks to revise the routing of the final part of the previously approved track, to mitigate the potential impact on the private water supply and avoid disturbance of an archaeological asset.

- 4 This application proposes to reroute the southern end of the previously approved track, such that it passes 50 metres downslope of the private water supply intake and avoids the mound. The design includes culverts and side drains to mitigate surface water impacts; whilst a passing place is also included, with other passing places on the previously approved and now constructed track to the north.
- 5 The southern end of the proposed track would link with forestry tracks within the forest. There have been two recent prior notifications for the formation of forestry tracks (refs: 22/00895/PNF and 23/00138/PNF) which determined that those tracks are permitted development.
- 6 Vehicle gates will be installed where the track crosses existing fence lines; these gates do not form part of the application and appear to also be permitted development.

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. However, it is understood that there has been informal engagement between the applicant and interested parties.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 4: Natural Places
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 22: Flood Risk and Water Management
 -

Perth and Kinross Local Development Plan 2

- 12 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.
- 13 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 15: Public Access
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 53A: Water Environment
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

NATIONAL POLICY AND GUIDANCE

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

Planning Advice Notes

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

SITE HISTORY

- 16 [22/00894/FLL](#) Detailed planning permission was approved on 28 July 2022 for the formation of a forestry track and associated access junction onto the Glascorrie Road.
- 17 [22/00895/PNF](#) A prior notification submission saw Perth and Kinross Council confirm on 20 June 2022 that prior approval was not required and that the proposed alterations and formation of forestry tracks, alongside other associated works were permitted development.
- 18 [23/00138/PNF](#) A further prior notification submission also saw PKC confirm on 2 March 2023 that prior approval for the formation of a forestry track was not required and that the proposed works were permitted development.

CONSULTATIONS

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

External

Comrie Community Council

- 20 The following concerns were raised about this application:

- Impacts of forestry vehicles on public roads
- Inadequate passing places on the U198 Glascorrie Road
- Impacts on private water supplies

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

- 21 The following matters were also set out in Comrie Community Council's response, but are not material considerations in the assessment of this planning application:

- Local residents and the wider community were not notified about the previous planning application (ref: 22/00894/FLL). In response: the notification process for the previous application was followed correctly. As there were no properties within 20 metres of the boundary of the application site, neighbour notification letters did not need to be sent; an advert was placed in a local newspaper; and the application was included on the weekly list of applications, which is sent to Community Councils.
- Hours of working within the forest. In response: as this application relates to the formation of a section of forestry track on land outwith the forest, it is not possible to restrict the hours of timber felling or any other timber operations via this application.
- The days and times that forestry vehicles will use the public road. In response: it is not possible to restrict the times of vehicle movements on public roads that are outwith the boundary of the application site.

Perth and Kinross Heritage Trust

- 22 No objection, though advise that archaeological investigations were undertaken in relation to permission 22/00894/FLL and no further investigation or mitigation is required.

Internal

Environmental Health (Private Water)

- 23 No objection subject to a condition relating to the safeguarding and continued operation of the private water supply. An informative note relating to wayleaves for maintenance and repair of the existing private water supply is recommended.

Transportation And Development

- 24 No objection subject to a condition requiring a Construction Traffic Management Scheme (CTMS) to be submitted, approved and implemented.

REPRESENTATIONS

- 25 One representation was received, raising the following main issues:

- Inadequate passing places on the public road
- Impact on private water supplies

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

- 26 The following matters were also set out in the representation, but are not material considerations in the assessment of this planning application:

- Concerns relating to a Timber Transport Management Plan (TTMP). This TTMP is an agreement between timber hauliers and local authority roads departments, including Perth & Kinross, and relates to the use of the public road network by timber haulage vehicles. It is not a material consideration in the assessment of this planning application. Importantly this application only relates to the realignment of a section of a previously approved track, with the access onto the public road already having seen planning permission approved and been constructed.
- Within the concerns raised about the TTMP, it is suggested that there should be a restriction on the working hours of all operations and not just on haulage. As this application relates to the formation of a section of forestry track on land outwith the forest, it is not possible to restrict the hours of timber felling or any other timber operations via this application.

ADDITIONAL STATEMENTS

27

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appropriate Assessment - Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not Required

APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 29 The formation of a track to allow forest management and timber extraction is considered to be acceptable in principle, indeed a larger section of track and associated junction has previously been granted planning permission with this application only seeking an alternative routing for a section of that approved track. However, consideration must be given to the design and layout of the alternative routing of the track and whether it would have any impacts on the wider area.
- 30 Assessment of the proposal against the relevant policies is provided below.

Design, Layout and Visual Amenity

- 31 The proposed section of rerouted track is to be formed to Forestry and Land Scotland standards for forest roads. A 'cut and fill' technique will be used and topsoil spread to the sides, which is expected to revegetate, with turfs placed on cuttings where possible. The track will be surfaced with materials sourced on site. Overall, the rerouted section of track will be 268 metres in length, with a running width of 4m, with a maximum width of up to 10 metres when including side drains and a passing place.
- 32 The design of the track and the materials to be used are in line with expected standards, and appropriate for and respectful of, the character of this rural area. As such, the proposal is considered to accord with Policies 1A and 1B of LDP2.

Landscape

- 33 The site is within the Upper Strathearn Local Landscape Area. In this regard given the design and layout of the proposed track; the area of land to be developed; and the revegetation along its sides, the works are not unusual features nor would have an unacceptable or significant adverse impact on the Local Landscape Area and, as such, the proposal is considered to accord with Policy 4(d) of NPF4 and Policy 39 of LDP2.

Archaeology

- 34 As the wider area is of known archaeological interest, an archaeological survey was undertaken via the previous planning permission (ref: 22/00894/FLL). This has seen the track proposed is routed to avoid a mound which is of possible archaeological interest. In their consultation response, Perth and Kinross Heritage Trust has advised that the rerouted track in itself does not raise any significant issues and no archaeological mitigation is required.
- 35 Given the above, the proposal is considered to be in accordance with Policy 7(o) of NPF4 and Policy 26B of LDP2.

Forestry

- 36 The proposed track will facilitate the management of the forest, including allowing timber to be harvested and future restocking. As such, the proposal complies with Policy 6(a) of NPF4 and Policy 40A of LDP2.

Roads and Access

- 37 The Council's Transportation and Development team was consulted and has no objection.
- 38 However, during construction, it is appropriate to have a Construction Traffic Management Scheme (CTMS) in place to mitigate any road safety issues. It is recommended that a condition relating to this be added to any planning permission (condition 3), and which echoes the condition attached to the previous permission granted. This CTMS will of course relate only to the construction vehicle movements associated with the construction of the rerouted track. It cannot cover any wider development or activity beyond the construction of the development under consideration here.
- 39 The proposed section of rerouted track includes a passing place which, along with other passing places, turning areas within the forest and remaining section of previously approved track, will allow for the safe passage of vehicles, including at the junction with the public road. A condition requiring details of the precise location and detailing of the passing place is recommended (condition 6).
- 40 The access from the public road has been formed as part of the previous planning permission (ref: 22/00894/FLL) and passing places have been formed on the Glascorrie Road (public road U198).
- 41 Given the above, the proposal is considered in accordance with Policy 60B of LDP2.

Private Water Supply

- 42 Following the approval of the previous planning application (ref: 22/00894/FLL), the applicant held a meeting with local residents. At this meeting the applicant was advised of the presence of a previously unknown private water supply intake close to a section of the by-then approved track. This intake does not appear on the Council's mapping system. The route of the proposed track has seen the routing chosen such that it is to be 50 metres downslope of the private water supply intake. This will ensure that there are no significant impacts on the quantity or quality of the water feeding the private water supply.
- 43 Although the proposed track will cross a pipe running from the intake to residential properties, the applicant has provided details setting out the protection measures associated to the works to the pipe during the construction of the track and measures to be in place should there be unanticipated/accidental damage.
- 44 Environmental Health (Private Water) colleagues were consulted on the application and raised no objection to the proposal. Initially, a condition was recommended relating to the safeguarding and continued operation of the private water supply. Following the consultation response, which was made available to the public on the Council's website, the applicant provided a risk assessment and method statement in this regard (drawings 09 and 10). Environmental Health (Private Water) subsequently advised that the risk assessment and method statement is sufficient to satisfy the first part of the condition as originally proposed. As such, a revised condition is recommended to ensure that the proposed measures to protect the private water supply are put in place, to ensure water quality and supply is maintained in the interests of residential amenity (condition 4). An informative note relating to wayleaves for maintenance and repair of the existing private water supply is also recommended. Given the above, the proposal is considered to be in accordance with Policy 53A of LDP2.

Drainage and Flooding

- 45 The proposal includes the installation of side drains and culverts to deal with surface water. These will be installed to Forestry and Land Scotland's standard specification and are considered to be appropriate for the scale and type of development proposed. As such, the proposal is considered to be in accordance with Policy 22(c) of NPF4.

Core Path

- 46 The southern end of the proposed track crosses a core path (ref: CMRI/104). Given the limited scale and nature of the proposed works, it is considered that the proposal will not have an unreasonable impact on the core path, provided temporary diversion of the core path during the construction of the track is provided. A condition to require a management plan to be place for the duration of construction works is recommended (condition 5). Accordingly, the proposal is considered to be in accordance with Policy 15 of LDP2.

Developer Contributions

- 47 The Developer Contributions Guidance is not applicable to this type of development and therefore no contributions are required.

Economic Impact

- 48 There are expected to be some economic benefits during the construction phase of the development and after the track is brought into use for forest management and timber extraction.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 49 None required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 52 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. 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 (CTMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) 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 CTMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interests of pedestrian and traffic safety.

4. The measures contained in approved drawings 09 and 10 for the proposed safeguarding and continued operation, or replacement, of the private water sources, private water supply storage facilities and private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be put in place prior to the commencement of the development and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure existing water and drainage infrastructures are not compromised.

5. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and 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 written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

6. Prior to the commencement of the development hereby approved, details of the passing place to be formed on the track, including its width and precise location, shall be submitted for the written agreement of 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 - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

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 INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

3. This 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.

4. 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.

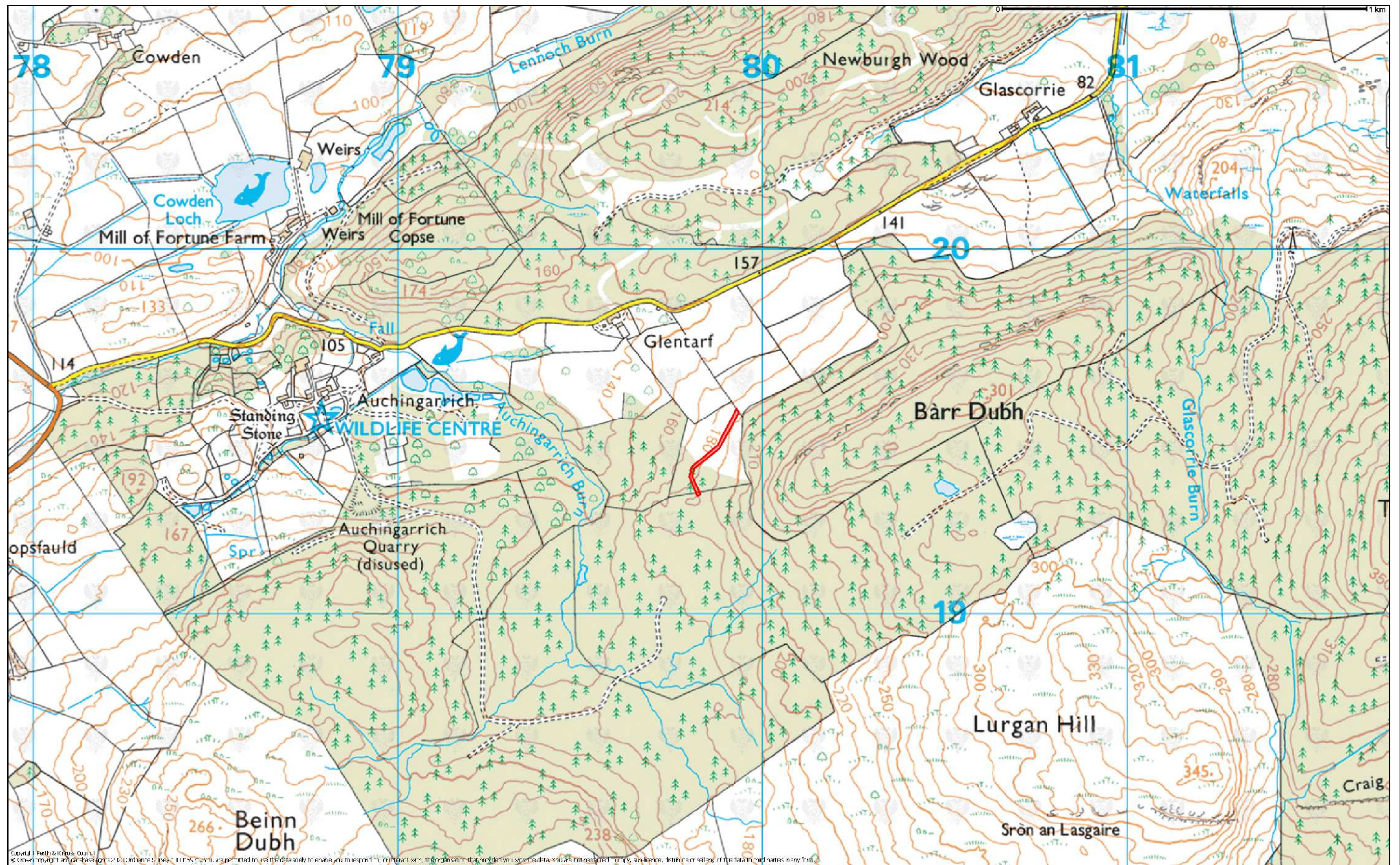
Background Papers: 1 letter of representation
Contact Officer: David Rennie
Date: 6 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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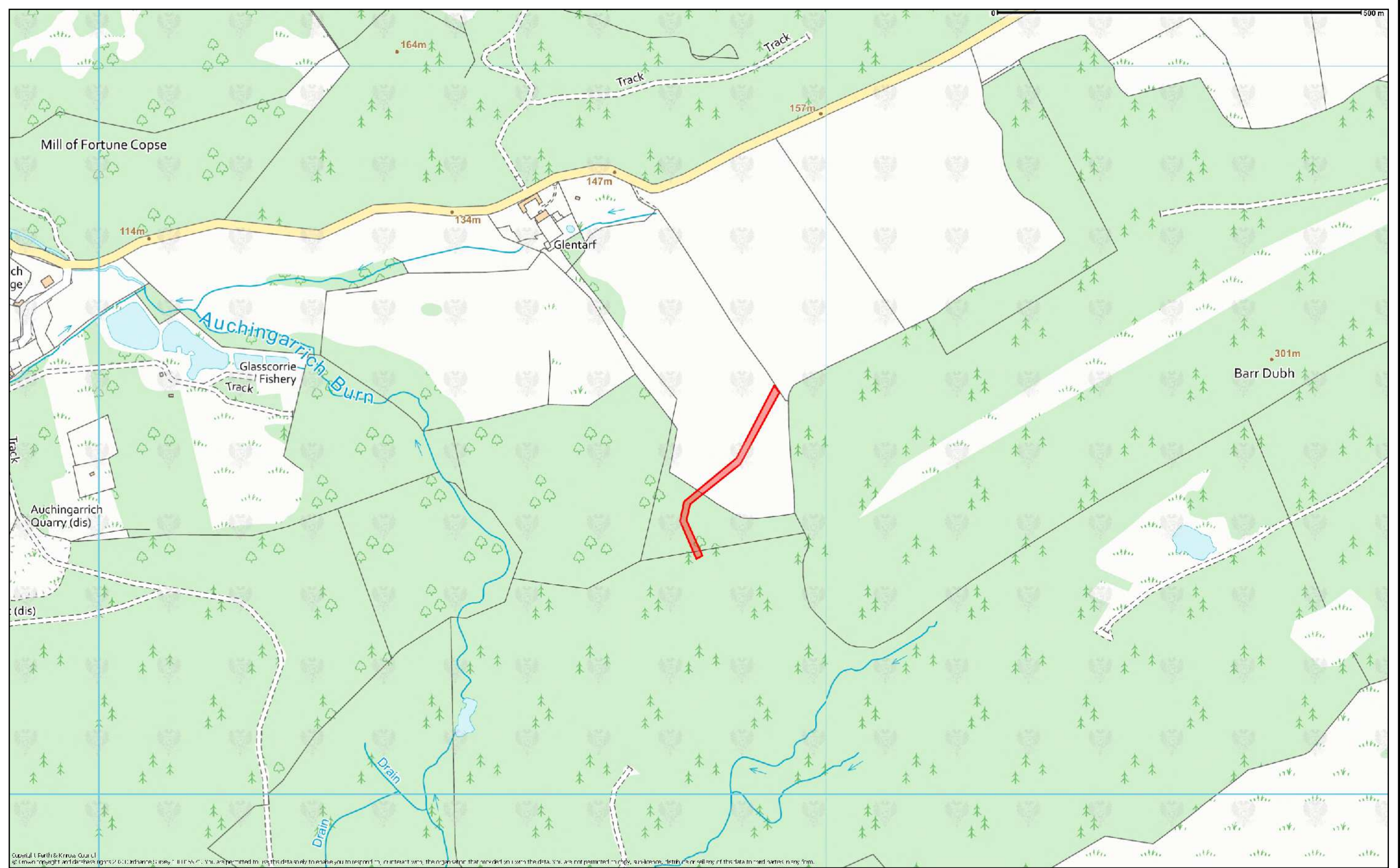
Planning and Placemaking Committee - 19 April 2023
Scale 1:10000



23/00115/FLL

Formation of forestry track, Auchingarrich Forest, Comrie

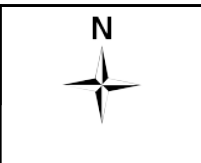




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Planning and Placemaking Committee - 19 April 2023

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23/00115/FLL

Formation of forestry track, Auchingarrich Forest, Comrie



