

Perth and Kinross Council  
Planning & Development Management Committee – 23 September 2020  
Report of Handling by Head of Planning & Development (Report No. 20/170)

**PROPOSAL:** Erection of entrance gates, bin store and associated works

**LOCATION:** Logiealmond Estate, Logiealmond

Ref. No: [20/00790/FLL](#)  
Ward No: P5 - Strathtay

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is located at the southern edge of Logiealmond Estate, in an upland landscape to the west of Harrietfield. The site includes the main access into the estate, northwards from its junction with the minor B8063 public road, for a distance of approximately 300 metres. Stone gate piers are proposed close to the access junction along with a timber-clad bin store. A secondary set of remote-controlled entrance gates are proposed some 85m north. As part of the works, a new path is to be created to the west of the main driveway. It is understood that this path is intended to function as a replacement for the section of existing core path which will be closed off once the gates are installed. Additional landscaping proposals are also intended along the route, including the planting of a beech hedge along either side of the existing access road.
- 2 The estate has recently changed hands and a number of planning applications have been submitted seeking to upgrade and invest in the housing stock. One of these saw permission granted at the former site of Kipney Farm to the north (20/00367/FLL). A condition was added to that permission requiring the first 5 metres of roadway into the estate to be bituminously surfaced.
- 3 It is understood that the previous owners of the estate allowed users of the core path network to park vehicles informally at a location close to the public road however boulders have recently been laid in the verges to deter parking which had apparently restricted large vehicles such as timber lorries from entering or leaving the estate.
- 4 An earlier planning application for similar proposals was withdrawn by the applicant as a result of concerns expressed by third parties over access difficulties and the visual impact of the works (20/00483/FLL). The revised proposals under consideration here have been subject to discussion between the applicant and officers, in an attempt to address the issues of concern.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

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

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 65 Planning and Open Space
  - PAN 75 Planning for Transport

### **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- 2 – Shaping Better Quality Places
  - 8 – Green Networks

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

- 14 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 15: Public Access
  - Policy 39: Landscape
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **SITE HISTORY**

- 16 [20/00483/FLL](#) Erection of entrance gates, bin store and associated works. Application Withdrawn 5 May 2020.

## **CONSULTATIONS**

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

### **Internal**

- 18 **Community Waste Advisor - Environment Service** – No objection. The submitted scheme includes a designated bin storage area which will assist with waste collection.

- 19 **Transport Planning** - No objection. The submitted scheme incorporates advice given previously. Conditions relating to the access type and standard of the access are recommended.
- 20 **Community Greenspace** – No objection to the planning application but modifications have been suggested, relating to the specification of the potential core path, the provision of a wider, self-closing access gate and the formation of a replacement parking area for users of the core path.

## REPRESENTATIONS

- 21 A total of 33 representations have been received from local residents and those residing in the wider area. The comments are split between supporting (17) and objecting (16) to the proposal.
- 22 The points of objection include the following:
- No need or justification for the proposals
  - Development is out of keeping with the character and appearance of the area
  - Adverse impact on core path and its users
  - Incompatibility with access code
  - Safety concerns over width and enclosed nature of proposed path
  - Loss of parking and likelihood of associated inappropriate parking elsewhere
  - Restrictions and negative access perceptions raised by entrance gates
  - Need to secure separate consent to deviate from existing core path route
- 23 The points in support state that:
- The entrance features/gates are traditional in nature and visually appealing
  - Proposals will enhance the area
  - Proposals will improve road safety
  - Proposals will support the local economy
- 24 Most of these issues are addressed in the Appraisal section of the report. Comments raised in respect of need, compliance with the access code and perceived barriers are not matters that can be considered within the planning remit.

## ADDITIONAL STATEMENTS

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

## **APPRAISAL**

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

### **Principle**

- 27 The determining factor in the assessment of this application is ultimately whether the principle of the development is acceptable and if the detail of the proposed scheme accords with the relevant provisions of the Local Development Plan. In general terms developments which propose works that are deemed acceptable in land use terms such as the formation of gates, bin stores and access paths will be supported, subject to securing an appropriate design and good fit within the wider landscape.
- 28 Separate to any permission granted here, there is a formal process under the provisions of Section 208 of the Town and Country Planning (Scotland) Act 1997 relating to the stopping up and diversion of footpaths. This process is typically progressed once planning permission is granted. An informative is proposed to highlight the requirements of this process to the applicant (Informative 6).

### **Design, Layout and Visual Amenity**

- 29 The stone pillars and entrance gates form the main physical elements of the proposals and have been designed and sited to provide a focal point and "sense of arrival" at an entrance to the estate. Both sets of gate piers will consist of Bath stone and be sited 4.9m apart, which will enable larger vehicles to gain access. The first set of freestanding entrance pillars will be sited a minimum of 10 metres back from the boundary with the public road and will consist of 0.6m square stone columns with a 0.85m square plinth extending to 3m in height, topped with a 0.5m high circular stone detail. Further to the north, the more recessed gate piers will feature similar stone columns, albeit they will have a larger (1m high) stag's head detail atop. The associated curved metal entrance gates will be painted black. The pedestrian access gate will be set some 3m to the west of the vehicular entrance gates.
- 30 The proposed bin store area will house 3 large bins to the east of the entrance point into the estate, enabling unhindered access for collection and uplift purposes from the adjacent B8063 public road. The bins will be enclosed by 1.5m-high, vertically clad, close-boarded Larch fence, within a rectangularly shaped compound approximately 4.85m x 1.8m in size. The bin store will be lockable and the unit will sit towards the rear of the hardstanding area, with the main access point facing across the entrance roadway to the southwest.

- 31 The scale, form, materials and location of the gates, pillars and bin store facility are considered acceptable within the context of the area and are therefore in accordance with placemaking policy considerations.

### **Landscape and Trees**

- 32 The application site comprises the lower section of a private road travelling north from the public road, and associated land immediately to the west. All trees within the site are being retained and new beech hedging is proposed along both sides of the access track. Conditions are recommended to ensure an appropriate landscape framework remains in situ (Conditions 5 & 6). The stone gate piers will be approximately 10m back from the public road, with the main entrance gates a further 85m to the north. Given the limited landscape change, the proposals do not raise any adverse concerns in terms of loss of any feature of merit or wider, off-site landscape impacts. The new planting proposals are welcomed as they will provide enhanced biodiversity opportunity along with some enclosure and screening to the roadway. The proposal is therefore considered to be in accordance with Policies 1A: Placemaking, 40A: Forestry and 41: Biodiversity.

### **Residential Amenity**

- 33 There are no nearby residential properties and the proposals do not raise any residential amenity concerns.

### **Access**

- 34 The Council's Access Officer, whilst supporting conditional approval, has raised a number of points as they relate to the core path (METH/130). These include questioning the need for the new section of path when one already exists, further that the width and material of the new access gate and path do not meet standard guidelines adopted by the Council or British Horse Society and fundamentally that a parking area should be provided or reinstated in order to facilitate public access along the core path. Concerns have also been expressed over the width/passing ability of multi-users on the new path and the retention and ongoing maintenance of the landscaping either side of the path.
- 35 Whilst the Planning Authority must rightly consider access issues and safeguard core paths when determining planning applications, any conditions attached to permissions must be necessary, relevant, enforceable, precise and reasonable in respect of the actual development being considered. In this instance it would be unreasonable to insist that a new parking area was provided within the estate, nor would it be necessary in respect of the actual proposal (there is no current recognised parking provision). The applicant was asked to consider such provision but declined. It must be noted however that this planning application is not seeking to close or divert the existing core path; that is a process which can only be considered under separate powers. The assessment in this instance is therefore whether, or not, the proposals are acceptable in planning terms and, in that sense, the formation of the new section of path is considered acceptable. Confirmation has been obtained that the path width will be a minimum width of 2.5m, but cross sections provided indicate that there will be at least the same amount of space either side to

enable users to pass safely. Revised plans have also been forwarded which now feature a 1.8-metre-wide access gate at the southern entrance into the new section of path, in accordance with the Access Officer's suggestion. A condition is recommended to secure use of appropriate materials for the path to ensure it could be used by multi-users (Condition 3).

### **Roads and Access**

- 36 The Council's Transport Planning team has no objection, but recommend a condition detailing the layout and partial surfacing of the vehicular access (Condition 4). The proposed access arrangements are satisfactory and do not raise any concerns in respect of traffic or the public road.

### **Drainage and Flooding**

- 37 No consultations have been undertaken as the development proposals and site location do not raise any drainage or flooding concerns.

### **Waste Collection**

- 38 A suitable bin storage and uplift site has been designated at the entrance to the estate. No objections have been received from the Community Waste section.

### **Conservation Considerations**

- 39 The site is not in a designated Conservation Area or near to any Listed Building or any other designated site of historical interest. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **Natural Heritage and Biodiversity**

- 40 There are no records of protected species on the development site and, given its location next to a road and agricultural field, it is unlikely to provide a high-quality habitat opportunity for protected species. The intention to plant native hedgerows alongside the main access road will however provide some enhanced opportunities for species to nest or seek cover within.

### **Developer Contributions**

- 41 No developer contributions are required.

### **Economic Impact**

- 42 The development of this site would account for short term economic investment through the construction period and indirect economic investment through the commercial use of associated development proposals elsewhere in the estate.

### **LEGAL AGREEMENTS**

- 43 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 44 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**

- 45 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations, and, in this case, it is considered that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.
- 46 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. The asserted core path must not be obstructed during building works or on completion of the development; unless a diversion order has been obtained and the replacement path has been completed to the satisfaction of the Council as Planning Authority. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

3. Prior to the commencement of works on site, full details of the construction and surface of the path shall be provided for the further written approval of the Council as Planning Authority. The details as subsequently approved shall be implemented to the satisfaction of the Council prior to its use.

Reason - In order to clarify the terms of the permission; to ensure appropriate surfacing within the local path network.

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be modified in accordance with the plans submitted. A minimum of the first 5 metres of the vehicle access from the public road network shall be constructed in accordance with Perth & Kinross Council's Road Development Guide using the Construction Type C from the Construction



Details for Access Types C, D and E. For the avoidance of doubt, kerbing must be provided for a minimum of the first 5 metres of the vehicle access from the public road to protect its construction.

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

5. All trees identified for retention on the plans including any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Any approved Tree Protection measures shall not be removed breached or altered without the prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until the development is completed. If the protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease, until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

6. Any existing trees which become diseased, damaged or die, or new hedgerows which fail to become established within five years of this permission shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.
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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that the granting of planning permission does not stop the continued right of public access along the core path network. The stopping up or diversion of the Core Path METH/130 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 or diversions taking place.

Background Papers: 33 letters of representation

Contact Officer: Alma Bendall 01738 475358

Date: 10 September 2020

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

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