



Securing the future... • *Improving services*  
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building  
2 High Street  
Perth  
PH1 5PH

15 October 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 24 October 2018 at 10:00.**

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

**KAREN REID**  
Chief Executive

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

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

**Members:**

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



**Planning and Development Management Committee**

**Wednesday, 24 October 2018**

**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**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF THE MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 26 SEPTEMBER 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 24**
- 5 APPLICATIONS FOR DETERMINATION**
- 5 (1) MAJOR APPLICATIONS**
- 5(1)(i) 18/00094/IPM - PERTH - RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) FOR UP TO 70 DWELLINGS, FORMER MURRAY ROYAL HOSPITAL, MUIRHALL ROAD, PERTH 25 - 58**  
Report of Handling by Interim Development Quality Manager  
(Recommendation - Refuse) (copy herewith 18/335)
- 5(1)(ii) 18/00408/FLM - PERTH - CHANGE OF USE, ALTERATIONS AND SELECTIVE DEMOLITION TO FORMER HOSPITAL BUILDING TO FORM 58 FLATS AND ASSOCIATED WORKS, FORMER MURRAY ROYAL HOSPITAL, MUIRHALL ROAD, PERTH 59 - 90**  
Report of Handling by Interim Development Quality Manager  
(Recommendation - Refuse) (copy herewith 18/336)
- 5(1)(iii) 18/01002/AMM - ABERFELDY - ERECTION OF 11 DWELLINGHOUSES, GARAGES AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 6/00478/PM) - PHASE , LAND SOUTH OF 8 THE BEECHES, ABERFELDY 91 - 116**  
Report of Handling by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 18/337)

## **5(2) LOCAL APPLICATIONS**

- |                  |  |                  |
|------------------|--|------------------|
| <b>5(2)(i)</b>   | <b>18/01054/FLL - KINROSS - PART DEMOLITION OF BUILDINGS, ERECTION OF 2NO. DWELLINGHOUSES AND 4NO. FLATS AND ASSOCIATED WORKS, KIRKLANDS GARAGE, 10 HIGH STREET, KINROSS, KY13 8AW</b><br>Report of Handling by Interim Development Quality Manager<br>(Recommendation - Approve) (copy herewith (18/338))                       | <b>117 - 140</b> |
| <b>5(2)(ii)</b>  | <b>18/01094/FLL - CRIEFF - ALTERATIONS AND FORMATION OF DECKING TO PROVIDE OUTDOOR SEATING AREA, INSTALLATION OF A SCREEN FENCE AND ASSOCIATED WORKS, THE CALEDONAIN BAR, 35 JAMES SQUARE, CRIEFF, PH7 3EY</b><br>Report of Handling by Interim Development Quality Manager<br>(Recommendation - Approve) (copy herewith 18/339) | <b>141 - 158</b> |
| <b>5(2)(iii)</b> | <b>18/01353/FLL - PERTH - ALTERATIONS AND EXTENSION TO DWELLINGHOUSE, 63 VIEWLANDS ROAD WEST, PERTH, PH1 1NA</b><br>Report of Handling by Interim Development Quality Manager<br>(Recommendation - Approve) (copy herewith 18/340)   | <b>159 - 172</b> |

<p>If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.</p>
--

<p>You can also send us a text message on 07824 498145.</p>
---

<p>All Council Services can offer a telephone translation facility.</p>
---

## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 26 September 2018 at 10.00am.

Present: Councillors R McCall, M Barnacle, B Brawn, H Anderson, B Band, D Doogan (substituting for Councillor T Gray), E Drysdale, A Jarvis, L Simpson, R Watters and W Wilson.

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, A Belford, L Reid and D Salman (all Housing and Environment); C Elliott, D Williams and S Richards (Corporate and Democratic Services).

Apologies: Councillors H Coates, T Gray and I James.

Councillor R McCall, Convener, Presiding.

### **509. WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

### **510. DECLARATIONS OF INTEREST**

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

### **511. MINUTES**

The minute of meeting of the Planning and Development Management Committee of 29 August 2018 (Arts. 468-472) was submitted, approved as a correct record and authorised for signature.

### **512. DEPUTATIONS**

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

<b>Planning Application No.</b>	<b>Art. No.</b>
18/01185/FLL	513(1)(ii)
18/01191/FLL	513(1)(iii)

### **513. APPLICATIONS FOR DETERMINATION**

#### **(1) Local Applications**

- (i) 18/00595/FLL - PITLOCHRY - Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage, Westlands Hotel, 160 Atholl Road, Pitlochry, PH16 5AR – Report 18/294 – Westlands Hotel**

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Council as Planning Authority
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

(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 the satisfactory implementation of the proposed planting scheme.

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

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

6. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the accommodation hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

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

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

8. The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished.

Thereafter the proposed staff accommodation at the rear of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.

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

**Justification**

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. For information, foul flows only will be allowed to discharge to the public drainage system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

- (ii) **18/01185/FLL - GUAY - Erection of 2 holiday accommodation units and 3 camping pods, Tay View Lodges, Guay – Report 18/295 – Mr D Morton**



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

Mr Morton, applicant, address the Committee, and, following his representation, withdrew to the public gallery.

**Resolved:**

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

**Conditions**

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

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

2. The development hereby approved comprising the two lodges and three camping pods, shall be used solely for holiday accommodation and shall not be used as the sole or main residence of any occupant with the exception of the lodge located to the west of the site (Lodge Type 2) which can also be used as permanent staff accommodation by a person employed in the associated business or a family member of such a person residing with him or her.

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

3. Prior to the commencement of the development hereby approved, details of the proposed parking area and track within the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

**Justification**

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

**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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

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. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>
6. The applicant is advised that the pods and possibly the lodges (depending on the construction and size) will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It would therefore be necessary for a caravan site licence to be obtained for the site before the pods are first brought into use and the site would need to comply with the caravan model standards for holiday use. The applicant should seek further advice from the Council on whether the lodges would also need to be licenced in terms of the Caravan Sites and Control of Development Act 1960.
7. The stove(s) should be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer.

**(iii) 18/01191/FLL – BLACKFORD – Alterations and extension to rail yard, including associated works (revised design and layout and addition of welfare cabin), Yard, Moray Street, Blackford – Report 18/296 – Highland Spring Group**

Mr J Scott provided the following information:(i) in paragraph 2 on page 64 the name of the road is incorrectly referred to as B801 but is correctly referred to as B8081 in the rest of the Report, and (ii) Condition 19 should be amended to add “to the satisfaction of the Council as Planning Authority”.

Mr Montgomery, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
2. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land, woodland or watercourses and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.  
Reason – In order to safeguard the residential amenity of the area.
3. The hours of operation of the site and all associated operations shall be strictly limited to 07:00 to 22:00 Monday to Friday and 08:00 to 17:00 either Saturday or Sunday in any given week, other than between 06:00 and 07:00 Monday to Friday and between 07:00 and 08:00 on either Saturday or Sunday in any given week, where one train is permitted to access the site for the purpose of decoupling and parking.  
Reason – In order to safeguard the residential amenity of the area.
4. Noise levels shall be limited to 44dB LAeq 1 hour at any residential property when measured in accordance with BS4142:2014 to the satisfaction of the Council as Planning Authority between 07:00 and 22:00. Between 06:00 to 07:00 Monday to Friday noise levels attributed to the operation of train arrival shall be limited to 42dB LAeq15mins at any residential property when measured and corrected as necessary in line with BS4142:2014.  
Reason – In order to safeguard the residential amenity of the area.
5. No part of the authorised development may be brought into use until a written scheme has been submitted to and approved in writing by the Council as Planning Authority for the monitoring of noise generated during the operational phase of the development. The scheme must specify the location from where noise will be monitored, the method of noise measurement and identify maximum noise levels appropriate to each location in accordance with the wording of condition 4 above. The monitoring programme as agreed in writing will be subject to annual

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

review to establish the frequency of noise monitoring and the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 4 above, all operations on site shall cease until a scheme of mitigation has been submitted to and agreed in writing with the Planning Authority. The mitigation measures, as agreed, shall be implemented on site to the satisfaction of the Planning Authority. Testing of the crane prior to operations commencing is permitted subject to prior written agreement with the Planning Authority.

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

6. In the event that justified complaints for noise nuisance are received by the Council the applicant, unless otherwise agreed within the Planning Authority, at its own expense, shall employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed within the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment. Those results must include a comparison of measured data with the requirements of the above conditions and all data which was collected in the Noise Impact Assessment associated with this application. The results of these assessments shall feed into the monitoring and mitigation referred to in condition 5 above.

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

7. Prior to the crane being brought into use, full details of the enclosure of the crane plant equipment shall be submitted to and approved in writing by the Council as Planning Authority. This shall be based upon the details included within the Noise Assessment dated 22 January 2016 submitted with application 15/01637/FLL (ref: 15/01637/45) and shall ensure that the level of noise mitigation offered is met. The details as approved in writing shall be implemented as part of the site development and put in place prior to the operational use of the crane.

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

8. The acoustic barrier outlined within Noise Assessment dated June 2018 (ref: 18/01191/34) and outlined on the site plan (18/01191/2) shall be installed in its entirety prior the commencement of any operations on site and retained to the satisfaction of the Council as Planning Authority. The fence shall be coloured olive green to

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

match the crane and shall provide a continuous acoustic barrier along the southern boundary of the site to the satisfaction of the Council as Planning Authority.

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

9. No audible alarms are permitted for use on the site.

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

10. Prior to the commencement of any operations on site, a noise management plan shall be submitted to, and approved in writing by, the Council as Planning Authority to minimise the impact of noise on local receptors. Thereafter, details and mitigation outlined in the noise management plan as approved shall be implemented on site in full.

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

11. All containers on the site shall be stacked at a maximum of 2 in height to the satisfaction of the Council as Planning Authority.

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

12. Prior to the commencement of any development, final details of the compensatory storage and channel alteration to be undertaken to replace the volume of floodplain lost as outlined in JBA Consulting Flood Risk Assessment dated June 2018 (or any updated Flood Risk Assessment approved in writing by the Planning Authority and SEPA) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The details, as approved in writing, shall be implemented as part of the site development and completed in full prior to the development being brought into use. The compensatory storage and channel alteration measures shall be retained in perpetuity.

Reason – In order to provide mitigation for development on the site and ensure appropriate compensatory storage for flood water is provided in accordance with national, regional and local policy.

13. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- a. Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b. Timing of construction traffic to minimise impact on local communities particularly at school start and

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

- 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 major commercial users 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 all to the satisfaction of the Council as Planning Authority.

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

14. Prior to commencement of development, a Construction Method Statement (CMS) detailing environmental mitigation measures including specific measures for environmental monitoring during construction, shall be submitted to and approved by the Planning Authority. This document shall take full account of the mitigation measures outlined in the Ecology Survey (ref: 18/01191/33). The CMS shall also include a detailed Dust Management Strategy which should identify

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

activities which have the potential to generate dust and propose appropriate mitigation measures to ensure nuisance conditions do not occur at sensitive receptors. The CMS, as approved, shall be strictly adhered to during construction of the scheme.

Reason – In order to protect the environment during construction operations.

15. Prior to the commencement of any operations on site a fully detailed Operational Traffic Management Plan shall be submitted to, and approved in writing by, the Planning Authority. This document shall include full details of how the site is intended to be operated taking into account the conditions and restrictions outlined within the consent hereby granted. It shall also provide full details as to how any small scale third party use of the site is to be implemented to minimise impact on the local community and control the amount of third party vehicles entering and leaving the site. The submission shall demonstrate that consultation with the local community has been undertaken in preparation of this plan and shall fully detail the outcome of this consultation process to demonstrate how matters raised by the local community are reflected within the plan. This operational plan shall be a fluid document which shall be updated to reflect any changes to the operation of the site, as determined by the Council as Planning Authority, and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity, pedestrian and traffic safety and to ensure the Council retains control over the operation, growth and third party use of the site.

16. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

17. No part of the development shall be brought in to use until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council, as Planning Authority. The TP 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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

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

Reason – To encourage the use of sustainable modes of transport.

18. The landscaping and planting scheme indicated in approved documents 18/01191/3 and 39 shall be undertaken and implemented within the first planting season following completion of the development and maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity to ensure that adequate screening and landscaping containment for the development site is provided. To ensure that the partial loss of an area of designated open space is compensated for.

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

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

20. Prior to the commencement of development where works would preclude the use of Core Path (BLFD/3) and asserted Right of Way (29/3), a detailed plan and phasing proposal for the diversion works to the core path and asserted right of way shall be submitted to and approved in writing by the Planning Authority. The plan(s) shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued access to the adjacent core paths across the railway are provided both during construction and operation of the site, until a suitable alternative route is available. The detailed plan(s) shall also include a full specification of the temporary path, associated fencing and signage to ensure that the specification of any temporary path, associated fencing and signage shall ensure that the specification shall be of an equivalent standard to the core path/right of way. The details, as approved in writing, shall be implemented as part of the development site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.

Reason – To ensure continued public access along the core path/right of way and to ensure appropriate diversion routes are in place.

21. Upon commencement of use of the development hereby approved, the maximum number of containers to be both imported and exported by rail from site shall not exceed 68 daily.



PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

Reason – In order to ensure control over the future growth of the site and in the interests of residential amenity and pedestrian and traffic safety.

22. All containers on the site under the direct control of the applicants shall be of a dark recessive colour, to the satisfaction of this council as Planning Authority.

Reason – In the interests of visual amenity and in order to limit the visual impact of the proposed containers and provide a better relationship to the background landscape.

23. A pre-development otter survey shall be undertaken to re-check the survey work undertaken and submitted with the application. This should ensure that there is no destruction of holts; no construction works are closer than 30m from an otter holt and no natal holts have been identified. If any of the above are found, the applicant will require a European Protected Species License from Scottish Natural Heritage (SNH). If any otter holts are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval in consultation with SNH. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of otters on and around the site.

24. A pre-development survey of nesting and breeding birds shall be undertaken to establish if any nesting or breeding birds are present on site. If any nests are found details of mitigation measures shall be submitted to the Council as Planning Authority for written approval. The mitigation measures, as approved shall be strictly adhered to during the development of the site.

Reason – To ensure the protection of nesting and breeding birds.

25. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason – In order to prevent animals being trapped in open excavations.

26. The shunt vehicles between the development site and the adjacent Highland Spring factory shall be low emission, low noise vehicles and details of the exact type of vehicle to be used shall be submitted to, and approved in writing by, the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained thereafter, unless otherwise agreed in writing by this council as planning authority.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

Reason – To reduce carbon emissions, meet Scottish Government targets and in the interest of residential amenity and to protect the amenity of Blackford Primary School.

27. All retained trees on the site and surrounding the site shall be protected during construction operations in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction". The protection scheme shall be installed immediately unless phasing has been proposed and approved. The approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until completion of the entire development. If such 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 – In order to protect retained trees on and around the application site.

28. Prior to the commencement of any development full design details of the proposed Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details as approved shall be implemented on site as part of the site development and maintained in perpetuity. The SUDS design shall meet the requirement of the Simple Index Approach in the CIRIA SUDS manual (C753 2015).

Reason – To ensure adequate provision of surface water drainage on the site.

**Justification**

The proposal fails to accord with the Development Plan but there are considered to be sufficient material considerations apparent to justify a departure from the Development Plan in this instance.

**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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised 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.
8. The developer should be aware of the regulatory requirements outlined in SEPA's consultation response dated 27 August 2018.
9. The diversion of the footpath required at the western end of the site will require a formal Diversion Order. The developer shall make contact with the Council's Countryside Access Officer to discuss this requirement and all requirements of the diversion order shall be in place prior to works commencing on the diversion.

**(iv) 18/01215/FLL - PITLOCHRY - Erection of a dwellinghouse, land north west of Corbie Lynn, Dysart Brae, Pitlochry – Report 18/297 – Mr C Stewart**

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

Mr D Niven advised that, if the Committee were to approve the application, Informative 11 is a repeat of Informative 5 and should be deleted.

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.  
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
3. All trees identified for retention and 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'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection  
Reason – In order to protect the existing trees on and adjacent to the site.

**Justification**

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

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
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 aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on development within a flood risk area.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

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

10. The applicant is advised that the granting of planning permission does not guarantee rights of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.

**(2) Proposal of Application Notice (PAN)**

- (i) 18/00008/PAN – RATTRAY – Residential development, landscaping and associated works, land to the east of Honeberry Crescent, Rattray – Report 18/298**

Councillor McCall highlighted that concerns of local residents regarding the impact of traffic had been raised with Development Management.

Councillor Drysdale requested that the wider impact of aggregate traffic including in relation to Perth City and Bridgend in particular.

Members noted the issues identified by the Interim Development Quality Manager's report.

- (ii) 18/00009/PAN – AUCHTERARDER – Minerals extraction and processing activities (in part retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works, land south west of Arns Farm, Auchterarder – Report 18/299**

Members noted the issues identified by the Interim Development Quality Manager's report.

- (iii) 18/00010/PAN – PERTH – Demolition and erection of a sheltered accommodation building with facilitated care including restaurant, parking, landscaping and associated works parking, landscaping and associated works, The Atrium, 137 Glover Street, Perth – Report 18/300**

Councillor Wilson highlighted that the exit of the car park at The Atrium also serves as the exit for the neighbouring GP surgery, and requested that a solution was sought in this regard. Councillor Wilson also suggested the heavy traffic on Glover Street be considered.

Members noted the issues identified by the Interim Development Quality Manager's report.

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
26 SEPTEMBER 2018

~~~~~





Perth and Kinross Council  
Planning & Development Management Committee – 24 October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/335)

|                  |                                                                |
|------------------|----------------------------------------------------------------|
| <b>PROPOSAL:</b> | Residential Development (In Principle) for up to 70 dwellings. |
| <b>LOCATION:</b> | Former Murray Royal Hospital, Muirhall Road, Perth.            |

Ref. No: 18/00094/IPM  
Ward No: P12 - Perth City Centre

### **Summary**

This report recommends refusal of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

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

- 1 This proposal relates to the 5.53 hectare site of the former Murray Royal Hospital located on Muirhall Road to the east of the Perth City Centre at the edge of the mainly residential areas of Bridgend and Gannochy areas. To the east and south are open farmland and Kinnoull Hill, respectively. The new Murray Royal Hospital is situated immediately adjacent to the north and North West and there are residential properties to the south across Muirhall Road. One residential property, Murray House, is sited between the south eastern corner of the site and Muirhall Road.
- 2 The Perth City Conservation Area is located approximately 50-60m west of the south west corner of the application site, at the nearest point. The whole site is within the Perth Air Quality Management Area (AQMA).
- 3 Vehicular access to the application site is proposed via the two existing access off Muirhall Road. Pedestrian access would be achieved through a number of formal and informal access points around the application site boundary, including a core path at the eastern end of the site (KINL/28).
- 4 A hospital has been present on the site since 1827 and new hospital facilities have been built adjacent to the application site in 2010-2012, with the old hospital buildings becoming vacant in 2014. The category of listing for the former Murray Royal Hospital complex comprises of the following:

- Main Hospital Building - Category A Listed
  - Former Elcho and Birnam ward villas - Category C listed
  - Chapel - Category B listed
- 5 The fire damaged Gilgal building is not referred to in the most recent Historic Environment Scotland listing, but is listed by curtilage (as part of the Main Hospital Building).
  - 6 The application site includes the following buildings; the derelict Gilgal building, the Pavilion building and the Industrial Therapy Unit. All the buildings are surrounded by parkland and open space associated with the former hospital. The site contains a number of trees and tree groups that are covered by Tree Preservation Orders (TPOs).
  - 7 The proposal here seeks In Principle for up to 70 dwellinghouses set within the parkland and former car park areas. An indicative site layout plan has been submitted for the In Principle application and shows 70 dwellings located within the parkland area to the east of the main hospital building and in the former car park area to the south west. The majority of existing trees are shown to be retained and there is a landscape buffer with the main hospital building. The indicative plan shows 3 housing plots and a road beyond the wall that fronts Muirhall Road. A mixture of detached, semi-detached and terrace dwellings are shown.
  - 8 Overall, within the wider Murray Royal hospital site other proposed development, two further permissions are sought as follows:
    - Change of use, and alterations to refurbish the Main Hospital Building and former Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings, creation of open space, landscaping, infrastructure including access and car parking, and associated works (application ref: [18/00408/FLM](#)).
    - Listed Building Consent (LBC) for refurbishment of Main Hospital Building, Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings including the fire damaged Gilgal Building. No works are proposed for the former chapel at this stage (application ref: [18/00307/LBC](#)).

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

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 10 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 11 The application does constitute EIA development as the location and scale of development triggered the EIA thresholds. Therefore an EIA Report was required to be submitted with the proposal A Scoping decision (17/00924/SCOP) was issued in July 2017.

## **PRE-APPLICATION CONSULTATION**

- 12 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held on 22 June 2017 on-site in the chapel. It was attended by approximately 50 people including members of Bridgend, Gannochy and Kinnoull Community Council and the Ward Councillors for the area. The main issues raised were regarding transport issues including congestion at Lochie Brae and Bridgend and air quality issues associated with traffic.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 14 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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**

- 15 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.

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

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

### **Planning Advice Notes**

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Designing Streets 2010**

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

### **Creating Places 2013**

19 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**

- 20 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.

#### **Historic Environment Scotland Policy Statement 2016**

- 21 Sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the Scottish planning system. This Statement is supported by **Historic Environment Circular 1** and the **Managing Change in the Historic Environment** guidance notes series.

#### **DEVELOPMENT PLAN**

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

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

- 23 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.”*

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

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

- 25 Seeks to focus the majority of development in the region’s principal settlements. Perth is identified as a Tier 1 Settlement with the potential to accommodate the majority of the regions additional development and make a major contribution to the region’s economy.

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

- 26 Seeks to deliver distinctive places by ensuring that the arrangement, layout,

design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

#### **Policy 4: Homes**

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

#### **Policy 6: Developer Contributions**

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

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

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

#### **Policy 9: Managing TAYplans Assets**

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

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

- 31 The Local Development Plan (LDP) was adopted by Perth and Kinross Council

on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 32 The principal relevant policies are, in summary;

**Policy PM1A - Placemaking**

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

**Policy PM1B - Placemaking**

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

**Policy PM2 - Design Statements**

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

**Policy PM3 - Infrastructure Contributions**

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

**Policy PM4 - Settlement Boundaries**

- 37 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

**Policy RD1 - Residential Areas**

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

satisfy the criteria set out and are compatible with the amenity and character of an area.

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

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

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

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

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

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

#### **Policy CF1A - Open Space Retention and Provision**

- 42 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

#### **Policy CF1B - Open Space Retention and Provision**

- 43 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

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

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

#### **Policy CF3 - Social and Community Facilities**

- 45 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit are provided.



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

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

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

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

### **Policy HE3A - Conservation Areas**

- 48 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy NE1C - Local Designations**

- 49 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

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

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

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

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

### **Policy NE3 - Biodiversity**

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

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

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

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

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

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

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

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

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

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

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

### **Policy EP8 - Noise Pollution**

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

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

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

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

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

## **SITE HISTORY**

- 63 [14/00002/PAN](#) Proposal of application notice for mixed use comprising of residential (class 9 and flats), hotel (class 7), care home (class 8), community centre (class 10) with associated open space, landscaping and infrastructure (including access and parking) Content of PAN approved March 2014.

[17/00005/PAN](#) Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

[17/00006/PAN](#) Change of use and alterations to building to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

17/00924/SCOP Change of use and refurbishment of former hospital and erection of up to 70 separate residential dwellings. Scoping decision issued July 2017.

[18/00307/LBC](#) Alterations and selective demolition to former hospital and demolition of Gilgal building. Approved under delegated powers September 2018.

[18/00408/FLM](#) Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works. Under consideration at same Planning and Development Management Committee.

## **CONSULTATIONS**

### **EXTERNAL**

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

- 64 No objection following further information submitted regarding flood risk.

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

- 65 No objection. The proposal does not raise historic environment issues of national significance.

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

- 66 No objection but advise that a Species Protection Plan is required.

#### **Scottish Water**

- 67 No objection.

#### **Transport Scotland**

- 68 No objection.

#### **Bridgend Gannochy and Kinnoull Community Council (BGKCC)**

- 69 Object to the proposal. Although not opposed in principle to sensitive conversion of the listed buildings they are opposed to the new build proposed

under 18/00094/IPM. Their main concern is traffic congestion at Bridgend and that the applicant's Transport Assessment (TA) contains numerous errors.

**Scottish Gas Network**

- 70 No response.

**Perth Scone Airport**

- 71 No response.

**Forestry Commission Scotland (FCS)**

- 72 No objection.

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

- 73 No response.

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

- 74 No objection.

**INTERNAL**

**Structures and Flooding**

- 75 No objection.

**Environmental Health**

- 76 No objection following further information regarding noise and air quality.

**Land Quality (Contaminated Land)**

- 77 No objection but has raised certain issues regarding former use.

**Transport Planning**

- 78 Object to the application. The applicants Transport Assessment (TA) was subject to a rigorous audit process, which included being assessed using the Perth traffic model and independently reviewed by the Councils term transport consultant, Systra Ltd.
- 79 Transport Planning are of the opinion that this application is premature, pending the completion of the Cross Tay Link Road (CTLR) programme and the TA fails

to demonstrate that the proposals would not have a detrimental effect on the local transport network.

#### **Development Negotiations Officer**

- 80 Affordable housing, primary education and transport infrastructure developer contributions would be required.

#### **Biodiversity Officer**

- 81 No objection.

#### **Strategy and Policy**

- 82 No objection but recommends a phased approach with the conversion taking place before the proposed new build as CTLR will not be constructed for number of years. The new build is considered to be enabling development and is acceptable provided it can show to be the only means of retaining a listed building. The final layout, design, materials, scale, siting and use of any development could affect the listed buildings and their setting. Site is proposed to be allocated in LDP2 for residential and/or community use meaning the principle of development is acceptable. The applicant has submitted a representation regarding its proposed allocation.

#### **Community Greenspace**

- 83 No objection but a play area will be required for the overall development.

#### **Community Waste**

- 84 No objection.

### **REPRESENTATIONS**

- 85 The following points were raised in the 33 representations received (which includes a response from Bridgend, Gannochy and Kinnoull Community Council):

- Contrary to Development Plan
- Inappropriate density
- Traffic congestion
- Road safety concerns
- Lack of consultation
- Errors in Transport Assessment
- Adverse impact on air quality
- Adverse impact on schools

- Adverse impact on wildlife in particular Red Squirrels
- Loss of open space
- Loss of trees
- Noise pollution
- Flood Risk

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

## **ADDITIONAL STATEMENTS**

87

|                                                |                                                                                                                                                        |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| EIA Report                                     | Submitted                                                                                                                                              |
| Scoping Opinion                                | Undertaken                                                                                                                                             |
| Environmental Impact Assessment                | Submitted                                                                                                                                              |
| Appropriate Assessment                         | Not Required                                                                                                                                           |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                              |
| Reports on Impact or Potential Impact          | Ecological Survey Report;<br>Heritage Assessment;<br>Conservation Plan;<br>Drainage Assessment;<br>Transport Assessment and<br>Air Quality Assessment. |
| PAC Report                                     | Submitted                                                                                                                                              |

## **APPRAISAL**

- 88 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. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 89 The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016.

## **Principle**

- 90 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 91 The site is classed as urban brownfield and is within the Perth settlement boundary. On this basis the principle of residential development within the grounds of the former hospital is acceptable and complies with LDP Policy RD1 – Residential Areas.

## **Design and Layout**

- 92 As an 'In Principle' application there are no detailed proposals for the design and layout at this stage of the process. A Design Statement and a number of drawings have been provided by the applicant however to illustrate their vision for the development of the site. Whilst these are indicative, and approval for the design cannot be given here, indicative layouts play an important role and they can be considered when undertaking an assessment of material considerations as they help define the substance of the proposed development. That is a recognised role of indicative layouts and the Planning Authority is entitled to come to a view on these details.
- 93 The submitted Masterplan, includes a proposed indicative site plan. It shows residential development in three zones; Zone A to the east of the site comprising large detached dwellings with large garden grounds, Zone B within the central southern area with much smaller detached, semi-detached and terrace dwellings and Zone C to the west with semi-detached and terraced properties. The relationship between the large detached house types and smaller semi-detached and terraced houses shown is considered to be uncomfortable, being slightly divorced from each other. The preference would be to mix the house types more throughout the site. Should the application be approved I would expect a different layout to that shown in the indicative plan. In addition the dwellings shown in the south western end of the site are shown to go beyond the boundary wall which is covered by the listed status of the main hospital building and potentially compromise the views of the A Listed building in particular. Any development beyond the boundary wall is not considered acceptable as it will adversely impact the setting of an A Listed building and as a consequence does not comply with LDP Policy HE2 – Listed Buildings.
- 94 Because of cultural heritage reasons, existing trees, in particular ones with TPOs and the requirement for open space and a play area I would consider that the indicative number of 70 new build dwellinghouses is slightly excessive and a lower number of dwellings will be more appropriate from a good placemaking perspective. Should the application be approved a condition confirming the indicative layout and housing numbers are not approved will be required.



## Cultural Heritage

- 95 Paragraphs 3-5 explains the listed buildings on site and, in the case of the Main Hospital Building, the extent of other buildings included within the curtilage.
- 96 Because the Murray Royal was designed and built as a psychiatric hospital, it was not designed to take in a view of the surrounding landscape from its principal rooms in the manner of a country house. For these reasons, Historic Environment Scotland (HES) state the most important principle that informs the design and layout of the In Principle proposal within the A-listed building's setting should be protection of key views to the building's principal, south east, elevation within its open setting. The principle elevation is largely obscured by the topography and historic tree-planting, and therefore the key historic view that should be protected is the view from the entrance off Muirhall Road.
- 97 HES advise that, whilst there is a value in reducing the intervisibility between the listed building and new development, planting should only be viewed as mitigation where this does not encroach on historically open areas in the immediate vicinity of the listed building.
- 98 As it is an 'In Principle' application HES are not aware of what the heights of the new-build will be and therefore any new planting, if appropriate for mitigation, should be sufficient to reinforce the historic landscape setting of the listed building and reduce intervisibility as much as possible. HES further state that if the level of new development proposed is justified in planning terms, the key aim, therefore, should be to create a 'cordon sanitaire' around the building which maintains the sense of its original setting within key views to it.
- 99 In this respect, HES consider that the housing next to the entrance gates (the western extent of Housing Zone B) is likely to have an adverse impact on the setting of the listed building by encroaching on this key view to it in its open setting. HES recommend that the development in this area should be drawn back to avoid blocking this view to the front elevation of the A-listed building.
- 100 HES note that the EIA has played a role in the process of developing a detailed understanding of the site and its potential sensitivities, and has informed the evolution of the masterplan for the overall site with a view to avoiding significant effects by changing the proposals or building in mitigation to become part of the scheme.
- 101 HES note that the EIA Reports proposed residential development is predicted to have a *negligible* impact on the setting of the listing buildings. It is also considered in the EIA Report that 'Setting' is of local importance and is therefore of 'Low' sensitivity. HES disagree with the applicants characterisation of setting, but, in terms of national policy for the historic environment, the importance of preservation of both the site and setting of listed buildings is clearly stated. The same weight should therefore be attached in the planning process to consideration of impacts on both site and setting.

- 102 As a result, HES consider that the impact of the proposed development on the setting of the A-listed main hospital building is likely to be greater than negligible. However, as the plans is indicative at this stage of the planning process HES do not consider that this impact is of such a magnitude as to warrant an objection to the proposal.
- 103 However, we have concern that the proposed residential development of the wider site is predicted in the EIA Report to have a negligible impact on the setting of the listed buildings. As mentioned at paragraphs 90-92, it is considered that the indicative layout has the potential for a greater impact, and that the setting of the main former hospital building is of significant sensitivity given its Category A listing.
- 104 It is considered that landscaping will be critical to the success of the proposed development given this sensitivity. The proposed indicative layout shows that the existing landscape framework of mature trees (a number of which are protected by a Tree Preservation Order) is largely retained, along with the open setting to the principal elevation of the former hospital. It should be ensured that sufficient distance is allowed between new buildings and existing mature trees.
- 105 Key views from the surrounding area of the listed buildings should be maintained, as advised by HES, which will require sensitivity in relation to the layout and landscaping to the west of the site and from the main approach to the former hospital. The indicative layout in the west area of the site requires significant alteration to the listed boundary wall, and includes road access and housing beyond and on the south side of the wall and established tree planting (within Zone C housing). This encroachment beyond the wall is considered to undermine the existing setting of the Main Building and have a direct and adverse effect on the listed wall. Furthermore, it is indicated that that housing would be located within Zone B immediately to the east of the main access which serves as the primary approach to, and provides a key view of, the Main Building and its setting. The siting of housing within the western extent of Zone B is considered to have an adverse and unacceptable impact on this key view of the building and compromises its setting. As discussed above, HES advised that development should be curtailed in this area for this reason. Therefore, in order to protect the historic character of the site, development should be restricted to within the existing boundary wall and away from the key view of the principal elevation of the Main Building and its setting. The housing development, as indicted on the proposed site plan (drawing 18/000094/3), would, by virtue of its layout and siting, fail to respect and would have an unacceptable adverse impact on the character and setting of the A listed Main Building. As such, this aspect of the proposal is contrary to the objectives of Policy HE2 of the LDP.
- 106 In terms of archaeological evidence, PKHT advise that this comprises of two areas of archaeological interest within the overall site boundary – both remains of rig and furrow Monument in Perth and Kinross ((MPK) 3363 and 3364), as

well as a Bronze Age socketed axe (MPK 3487) which was discovered on the grounds. If approved conditional control will be required to ensure the protection or recording of any archaeology on the site. There is therefore no conflict with LDP Policy HE1.

### **Roads and Access**

- 107 An important part of the proposal is the consideration of roads and traffic impacts, as assessed through the EIA Report and submission of a Transport Assessment (TA). These documents examined the overall proposals impact on the transport infrastructure in the immediate area and, in particular, at Bridgend.
- 108 Because of existing transport congestion and air quality condition at Bridgend, the TA was subject to a rigorous auditing process due to concerns raised over trip rates, modelling outputs and in particular predicted queue lengths , which included being assessed using the Perth Traffic model and being independently reviewed by the Council's term transport consultants, Systra Ltd. To check the actual, current conditions at the Bridgend junction the Council commissioned a full set of new traffic counts and queue length surveys.
- 109 Whilst Transport Scotland have not objected to the proposal, the Council's Transport Planning's team have raised a significant objection to both the proposed conversion and new builds. The main issues identified are discussed below.

### **Queue Lengths**

- 110 Queue length data that has been provided to support the application shows that the junction operates satisfactorily at peak times. However, Transport Planning did not agree with this view and subsequently commissioned traffic surveys carried out in April 2018, where maximum queue lengths of 500m were recorded on East Bridge Street in the AM peak and 300m on Gowrie Street in the PM peak, indicating significant issues with blocking back at the Bridgend junction. Local knowledge of the issues at Lochie Brae in the morning peak period was also highlighted in the new surveys with vehicles queued back up Lochie Brae to the junction at Muirhall Road and Gannochy Road.

### **Accessibility to non-car transport modes**

- 111 Transport Planning consider that this application is premature, pending the completion of the Cross Tay Link Road (CTLR) programme. Once the CTLR programme has been completed, Transport Planning considers that relief would be afforded at the Bridgend junction and capacity would be created, which may allow this site to come forward. However, with current transport network capacity issues Transport Planning consider that the proposal is contrary to policy TA1B, in the adopted LDP and that the TA fails to demonstrate that the proposals are an accurate representation of actual observed conditions and at

this time would add to the problems of congestion and air quality on the immediate local transport network.

- 112 Following a number of requests, the applicant's transport consultant responded to the points raised by Transport Planning, in July 2018. The response unfortunately did little to address the concerns raised.
- 113 Internal discussions between Development Management and Transport Planning have considered the options available for a phased approach to the overall development of the site and what impact this would have on the transport network with no new build until the CTLR becomes a committed project. This could principally consider a construction limit on the number of converted units (being proposed through application ref: [18/00408/FLM](#)) per annum, until such time that the CTLR is a committed project. This was considered based on the basis that such an approach could limit the impact on an already congested Bridgend junction.
- 114 The applicant's transport consultant was requested to assess the impact of such scenarios and provide a justification for a phased approach; however, to date, no such assessment has been submitted. Their position continues to be that there is no congestion issue at Bridgend and that the proposed development at Murray Royal will have a negligible impact on the transport network. Transport Planning's view is this is fundamentally wrong when compared to actual observed traffic conditions.
- 115 Further suggestion was given by officers to address the issues, including the opportunity for the proposed development to reduce car usage numbers to/from the site, including the provision of a Car Club (including details of provision and operation) and reduced parking provision/methods to increase sustainable travel.
- 116 The applicant was invited to address and justify these options. It was made clear that this would require physical infrastructure as well as softer complimentary measures, such as a residential travel plan, to promote the site as a low car use neighbourhood and minimise its impact on an already critically congested junction at Bridgend. Again, no further information has been submitted to address the transport concerns. Transport Planning therefore have no option but to maintain their objection to the proposal.
- 117 The proposal, as it stands, is considered to be contrary to LDP Policy TA1B, in that the TA and other supporting information, fails to demonstrate that the proposals have accurately reflected existing traffic conditions and ultimately determine what affect the additional traffic generated by the development would have on the local transport network.

## **Landscape**

- 118 The demolition of the fire damaged Gilgal building and other modern unlisted buildings within the grounds will have a positive impact on the landscape setting and framework of the listed buildings. The proposed development would, however, have an impact on the landscape it would introduce dwellinghouses. into what is predominantly an existing setting characterised by its open, parkland nature. The siting of the buildings away from key views and the minimisation of their scale would be critical in protecting the landscape setting. This impact would be further mitigated, somewhat, by the retention of the stone boundary wall and the majority of the trees within and on the edge of the site. In summary, subject to there is no built development beyond the boundary wall or in areas where key views of the principal elevation of the A Listed Building are not compromised and significant existing trees are maintained, the impact on landscape is not considered to be significantly adverse and compliant with LDP policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscape. For reasons discussed elsewhere in this report, however, I do have concerns that such impacts would exist based on the indicative site plan presented.

## **Residential Amenity**

- 119 The introduction of new build dwellings will have an impact on residential amenity with increased traffic associated the number of dwellings proposed. The previous road and access section deals with the issues involving traffic congestion and transport infrastructure. While in principle, based on the indicative layout, there are no concerns with direct impacts on overlooking or effects on daylight and sunlight owing to the distances involved.

## **Visual Amenity**

- 120 This application will have an impact on visual amenity as it will be introducing dwellings into a parkland setting. As noted above, the demolition of the fire damaged Gilgal building and other modern unlisted buildings would have a positive impact. The visual impact could be mitigated through the retention of stone boundary walls and trees and possibly supplementary planting.

## **Drainage and Flooding**

- 121 Scottish Water has not raised any issue regarding water and foul water capacity or connectivity in the area. Neither SEPA nor the Council’s Structures and Flooding team have raised any concern regarding foul and surface water drainage.
- 122 In terms of flood risk, SEPA do not have any objection to the proposal and Structures and Flooding have not raised any concerns. As part of the EIA Report, a drainage strategy was submitted in support of the application. Section 5 of the strategy states that “*ground levels will be set so no flooding of*

*any property on or adjacent to the site occurs and that access for emergency vehicles would not be impeded". SEPA supports this position. It is also stated that "it is anticipated that flood risk from the south, out with the site boundary is extremely low due to kerb up-stands and boundary features including a heel kerb with upstand at the rear of the footway and stone walls in places."*

Therefore, the risk of flooding from off-site sources is minimal due to stone walls and kerbs ensuring that surface water run-off will remain along the road network to the south. The proposal complies with LDP Policies EP2 – Flooding and EP3 – Water Environment and Drainage.

## **Noise and Air Quality**

### Noise

- 123 The proposal has been assessed for noise at existing receptors due to traffic increase, and at future properties arising from the adjacent Murray Royal Hospital. The increase in noise arising from the traffic was of negligible significance once modelled. Environmental Health agree with this conclusion.
- 124 Very little detail is given regarding the noise from the new hospital and Environmental Health have expressed concern as the results of the baseline survey were quite high and the potential positions of some of the new build houses, would require further investigation. Should the application be approved, mitigation will be required at the Approval of Matters Specified by Condition stage to ensure the residential amenity at some of the new build properties are at an acceptable level.
- 125 Some of the night time levels are also measured higher than expected and assuming that this level was at a residential façade, and adjusting for an open window, this would give potential for sleep disturbance. Environmental Health again advise that noise should be reassessed in more detail at the Approval of Matters Specified by Condition stage, informed by full layout design and noise assessment, to ensure the residential amenity at some of the new build properties are at an acceptable level. In principle, I have no concerns in relation to noise matters that could not be addressed through an appropriate layout and mitigation measures.

### Air Quality

- 126 The air quality impact of this development has been assessed both in terms of construction including dust and operational impacts through increased traffic. Perth and Kinross Council have a duty to review and assess air quality with their area and under these duties, the whole of Perth was declared an Air Quality Management Area (AQMA) with the Bridgend area being one of our hotspots for both nitrogen dioxide (NO<sub>2</sub>) and Particulates (PM<sub>10</sub>).
- 127 The air quality has been assessed using a roads model and the significance has been evaluated in line with the Environmental Protection Scotland/ Royal

Town Planning Institute guidance *Delivering Cleaner Air for Scotland*.  
Environmental Health broadly agree with the approach.

- 128 In the main, the increase for all pollutants is negligible; that is to say less than 0.5% relative to the annual mean air quality standard for that pollutant. A negligible significance is not a cause for concern regarding air quality assessment. There is one receptor in Logie Brae which is deemed to have a moderate increase in PM<sub>2.5</sub> and this is slightly more concerning. Environmental Health have not objected to this increase on the grounds:
1. The PM<sub>2.5</sub> standard is so low at 10ugm<sup>-3</sup> that a 0.1ugm<sup>-3</sup> increase or above is deemed more than negligible and this is the increase seen at this receptor which is the lowest reportable under the above guidance.
  2. Much of the PKC PM<sub>2.5</sub> is thought to arise from the background PM<sub>2.5</sub> which Environmental Health have no control over.
  3. This is a conservative estimate for future years assuming no improvement in fleet which is likely to occur to some extent in the next 4 years.
  4. The CTLR is anticipated to be complete in 2023 which should remove a significant amount of pollution from the Bridgend area including PM<sub>2.5</sub>
- 129 Construction Dust was also assessed within the Air Quality Assessment. This was based upon the Institute of Air Quality Management (IAQM) guidance however Environmental Health have some issues with how this was assessed. This guidance looks at magnitude of the impact based on the size of the site and the activities undertaken and compares this to the sensitivity of the area to give an overall risk. The magnitude for earthworks and construction was deemed large with track out and demolition medium.
- 130 The sensitivity part of the risk assessment depends upon the sensitivity of the receptor and number of receptors within different distance bands with <50m being used in this assessment. The assessment states that there are 1-10 receptors in this band and therefore the sensitivity of the whole area is low. However, Environmental Health believe that the new Murray Royal Hospital has only been counted as one receptor.
- 131 The IAQM guidance states that a receptor is a residential unit but *“for receptors which are not dwellings professional judgement should be used to determine the number of human receptors for use in the tables, for example a school is likely to be treated as being in the >100 receptor category.”* Due to this Environmental Health believe the hospital in close proximity makes this area of higher sensitivity than is stated. This means that the dust impact is high risk rather than low and this will have an impact on the level of detail required in the Dust Management Plan (DMP).

- 132 Rather than recommend reassessment of construction dust, Environmental Health have recommended a condition requiring the preparation of a dust management plan as part of any permission granted. This could form part of a wider Construction Environmental Management Plan (CEMP) but should be undertaken with mitigation measures relating to high risk sites. On this basis, I am satisfied that matters of air quality could be adequately addressed through planning conditions.

### **Contaminated Land**

- 133 The proposed development is on land that is identified as having formerly been occupied by a hospital. The Council's Land Quality Officer (Contaminated Land) has stated there is the potential for ground contamination resulting from this former land use which could impact the suitability of the site for the proposed use. In addition, mapping indicates that there is an area of potentially infilled ground within the proposed residential development site. The nature and volume of the infill material is unknown and therefore there is the potential for contaminants to be present. Dependant on the nature of the material there is also the potential for generation of ground gas.
- 134 Should consent be granted a pre-commencement condition would be recommended. I am content that this would be an acceptable approach to the contaminated land risks identified and compliant with LDP Policy EP12 – Contaminated Land.

### **Natural Heritage and Biodiversity**

#### Designations

- 135 SNH has reviewed the EIA Report. They advise that there are natural heritage interests of international and national importance in the vicinity of the site. The River Tay Special Area of Conservation (SAC) is located 450 west of the proposed site. Kinnoull Hill, a Site of Special Scientific Interest (SSSI), is located 800 metres south east of the proposed site. SNH do not consider that either designation will be adversely affected by the proposal. I am satisfied there would be no impacts on designations arising from this proposal and is compliant with LDP Policy NE1 – Environment and Conservation Policies.

#### Protected Species

- 136 Chapter 5 of the EIA Report considers potential significant impacts of the development specifically in relation to ecology and biodiversity. This chapter is supported by Technical Appendix 5.A, an Ecological Survey Report. The Survey Report advises that ecological surveys were undertaken in 2017 and included a Phase 1 habitat survey and bat surveys.
- 137 SNH state that the EIA Report appears competent in identifying the protected species across the site. However, they were unable to provide further advice on



impacts and mitigation in the absence of species protection plans for bats, birds and other species. A species protection plan should use survey data to identify how a proposal may impact on a protected species, demonstrate how work or development may progress while safeguarding these species and assists in applying for any licence required from SNH for the removal or disturbance of these species. As advised, no such plans have been provided. The Council's Biodiversity Officer reviewed the Ecological Survey within the EIA Report. The survey identifies many issues where wildlife may be affected. A number of bat roosts were identified in the buildings proposed to be demolished. However, they note that no recommendations or mitigation measures are included in the report, which could have included the incorporation of features such as bat boxes and Swift bricks into the proposed buildings and these would need to be within the proposed new build dwellinghouses should it be approved. This position correlates with SNHs advice, as set out above, that a species protection plan should have been submitted; critically this is required to consider the impacts on bats, as a European Protected Species. A number of trees on site have also been identified as having bat roost potential in the Ecological Survey. Should there be any planned tree works a species protection plan would have helped to address this.

- 138 Without a species protection plan for bats it is not possible to understand if the proposed development, including the demolition of buildings where bats are present and trees where roost potential has been identified, whether there is adverse impact on a European Protected Species and whether any impacts could be avoided or mitigation provided to allow development to proceed with safeguards in place. As such, the proposal is considered to be contrary to LDP Policy NE3.

### Trees

- 139 The overall site of the former Murray Royal Hospital is a mature designed landscape including a number of trees which are protected by a Tree Preservation Order (TPO). Biodiversity comment that it would be worth including other trees, in particular the Lime Avenue to the east of the site into this TPO. These are identified as groups 2933 and 2934 in the tree survey and are considered to be category A trees.
- 140 Key features of the site that need to be retained as far as possible include the woodland belts and avenues and the attractive western stone wall which is included in the listed status of the main hospital building. Strategy and Policy consider there is insufficient detail of how these features have been considered and would be protected within the overall proposal and incorporated within the landscape plan.
- 141 It is noted that the proposed indicative layout will require at least 2 TPO trees to be felled to allow road access, possibly more depending on where house access drives are positioned. It is recommended, particularly to the west of the avenue, a new access road could instead be located where the existing access

to the Industrial Therapy Unit is located, thus avoiding the need to remove any category A trees.

- 142 It is also noted that the Existing Site Plan, Indicative Site Plan and the Landscape Plan do not appear to show all the existing trees which are identified in the tree survey. From the Indicative Site Plan it appears that some trees will be required to be removed to create the new roads, for example, trees 2901, 2902 and 2903 appear to be missing from the proposed layout to make way for an access road. This is considered unacceptable, as tree 2901 is covered by the TPO. The Tree Survey Report includes a plan showing the areas to be protected by Construction Exclusion Zone, some of which would be difficult to achieve with the location of dwellinghouses in the proposed indicative layout. Further, by including some of these mature trees in what will be private gardens, there is also a risk of future property owners seeking or deciding to remove any trees if there is no protection.
- 143 It is considered that insufficient detail has been provided within the EIA Report, Tree Survey Report and indicative site and landscape plans that the removal of, and direct impacts on, trees subject of a TPO and other non-protected trees within the established landscape framework is appropriate. By association, it has also not been demonstrated that these trees could be protected by alternative access and development locations which would avoid adverse impact on these trees. As such, the proposal is considered to be contrary to the objectives of LDP Policy NE2A and Policy NE2B.
- 144 It is likely there will be other vegetation clearance of shrubs, this should only occur outside of the bird breeding season. Any shrub clearance should only occur between September and February to avoid disturbing nesting birds.
- 145 Forestry Commission Scotland have no objection to the overall proposal, provided there is compensatory planting to offset any loss of woodland and this planting adheres to UK Forestry Standard (UKFS). This matter could, however, have been appropriately addressed through planning conditions should permission be granted.

### **Developer Contributions**

- 146 Should the application be approved, the applicant will be required to meet the requirements of the Developer Contributions Supplementary Guidance including Affordable Housing April 2016. For this proposal this would include contributions towards affordable housing, primary education and transport infrastructure and the provision of a play area on site. These requirements could be addressed by planning conditions if approved.

### **Economic Impact**

- 147 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed.

The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. The level of available expenditure that will be created by the development will have a positive impact on Perth and in particular businesses and shops at Bridgend.

- 148 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Perth.

### **Pre-Application Public Consultation**

- 149 Concern has been expressed in some the representations that the pre-application public consultation exercise undertaken for this proposal was inadequate. I am satisfied however that pre-application consultation was undertaken in accordance with the approved PAN submitted by the applicant and meets the Scottish Government's requirements for major planning applications.

### **LEGAL AGREEMENTS**

- 150 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 151 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**

- 152 To conclude, the application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and I consider that the development proposed conflicts with LDP in terms of the potential adverse impact on existing transport network, before the delivery of the Cross Tay Link Road (CTLR). The proposal would also have an unacceptable impact on the character and setting of listed buildings and would also have an adverse impact on the biodiversity of area in respect of specific tree loss. Further, it has not been demonstrated that the proposal would not have an adverse impacts on bats, a European Protected Species.
- 153 Accordingly the proposal is recommended for refusal on the grounds identified below.

## **RECOMMENDATION**

### **A Refuse the application for the following reasons:**

1. The submitted Transport Assessment (TA), and other supporting information, fails to demonstrate that the assessment has accurately reflected existing traffic conditions and, ultimately, that the additional traffic generated by the development would not have a detrimental effect on the local transport network. The proposal is therefore contrary to Policy TA1: Transport Standards and Accessibility Requirements (specifically TA1B) of the Perth and Kinross Local Development Plan 2014.
2. The proposal would introduce the principle of residential development, as indicated on the proposed site plan (drawing 18/000094/3). This would, by virtue of the layout and siting of development within a prominent area with a key view to the principal elevation and further development beyond an established boundary wall forming part of the listing and defining its setting, would have an adverse and unacceptable impact on the character and setting of the A listed Main Building. The proposal therefore is contrary to Policy HE2: Listed Buildings of the Perth and Kinross Local Development Plan 2014 and also conflicts with advice provided by Historic Environment Scotland (HES) documents Managing Change in the Historic Environment – Setting and Boundaries.
3. The applicant has failed to demonstrate, through a species protection plan for bats not being submitted, that the proposal would not have an adverse impact on a European Protected Species and whether any impacts could be avoided or mitigation provided to allow development to occur with safeguards in place. The proposal therefore does is contrary to Policy NE3: Biodiversity of the Perth and Kinross Local Development Plan 2014.
4. The proposal would remove trees subject to Tree Preservation Orders (TPO), and other amenity trees within the established landscape framework of the site, which would an adverse impact on woodland and the established landscape character of the site. The proposal therefore is contrary to Policy NE2: Forestry, Woodland and Trees (both NE2A and Policy NE2B) of the Perth and Kinross Local Development Plan 2014.

### **B JUSTIFICATION**

For the reasons detailed above, the proposal is not considered to comply with the Development Plan and there are no material considerations present that would justify setting these conflicts aside.

### **C PROCEDURAL NOTES**

None required

## **D INFORMATIVES**

None required.

Background Papers: 33 letters of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 11 October 2018

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

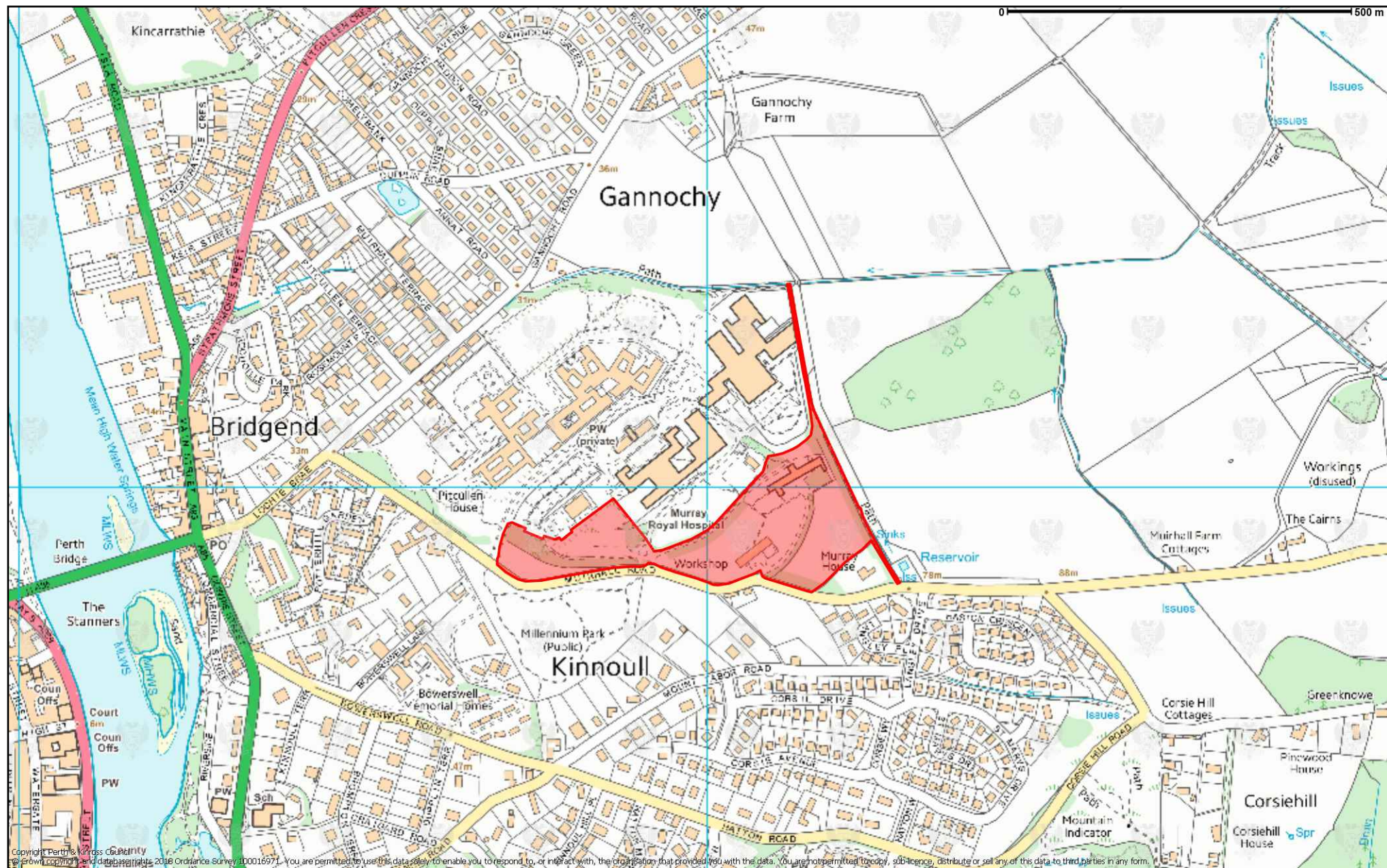
If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.







© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:7500



18/00094/IPM

Residential development (in principle) Former Murray Royal Hospital, Muirhall Road, Perth











Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

|                                                                                                                                                                                                                                                                                                                                       |                     |                                                                                      |                                                                                                                                    |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p>© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p> | <p>Scale 1:3000</p> |  | <p><b>18/00094/IPM</b></p> <p><b>Residential development (in principle) Former Murray Royal Hospital, Muirhall Road, Perth</b></p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|



Perth and Kinross Council  
Planning & Development Management Committee – 24 October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/336)

**PROPOSAL:** Change of use, alterations and selective demolition to former hospital buildings to form 58 flats and associated works.

**LOCATION:** Former Murray Royal Hospital, Muirhall Road, Perth.

Ref. No: 18/00408/FLM

Ward No: P12 - Perth City Centre

**Summary**

This report recommends refusal of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This proposal relates to the 3.3 hectare site of the former Murray Royal Hospital located on Muirhall Road to the east of the Perth city centre at the edge of the mainly residential areas of Bridgend and Gannochy areas. To the east and south are open farmland and Kinnoull Hill, respectively. The new Murray Royal Hospital is situated immediately adjacent to the west and North West and there are residential properties to the south across Muirhall Road. One residential property, Murray House, is sited between the south eastern corner of the site and Muirhall Road.
- 2 The Perth City Conservation Area is located approximately 250m west of the south west corner of the application site, at the nearest point. The whole site lies within the Perth Air Quality Management Area (AQMA).
- 3 Vehicular access to the application site is proposed via the two existing access off Muirhall Road. Pedestrian access would be achieved through a number of formal and informal access points around the application site boundary including a core path at the eastern end of the site (KINL/28).
- 4 A hospital has been present on the site since 1827 and new hospital facilities have been built adjacent to the application site in 2010-2012, with the old hospital buildings becoming vacant in 2014. The category of listing for the former Murray Royal Hospital complex comprises of the following:
  - Main Hospital Building - Category A Listed
  - Former Elcho and Birnam ward villas - Category C listed
  - Chapel - Category B listed

- 5 The fire damaged Gilgal building is not referred to in the most recent Historic Environment Scotland listing, but is listed by curtilage (as part of the Main Hospital Building).
- 6 The application site includes all of these buildings; the Main Hospital Building of the former Murray Royal Hospital, the former Elcho and Birnam Wards (Villas), the derelict Gilgal building, as well as the Pavilion building and the Industrial Therapy Unit. All the buildings are surrounded by parkland and open space associated with the former hospital. The site contains a number of trees and tree groups that are covered by Tree Preservation Orders (TPOs).
- 7 The proposal seeks full planning permission for the change of use, and alterations to refurbish the Main Hospital Building and former Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings, creation of open space, landscaping, infrastructure including access and car parking, and associated works. The Category B listed Chapel is proposed to be retained as a communal building and be maintained long term by the management company. No external or internal changes are proposed for this stage.
- 8 Overall, within the wider Murray Royal hospital other proposed development, two further permissions are sought as follows:
  - In Principle residential development for up to 70 residential dwellings set within the parkland area (application ref: [18/00094/IPM](#))
  - Listed Building Consent (LBC) for refurbishment of Main Hospital Building, Elcho and Birnam Wards to form 58 residential flats, selective demolition of buildings including the fire damaged Gilgal Building. No works are proposed for the former chapel at this stage (application ref: [18/00307/LBC](#)).

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

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 10 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 11 The application does constitute EIA development as the location and scale of development triggered the EIA thresholds. Therefore an EIA Report was required to be submitted with the proposal. A Scoping decision (17/00924/SCOP) was issued in July 2017.

## **PRE-APPLICATION CONSULTATION**

- 12 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held on 22 June 2017 on-site in the chapel. It was attended by approximately 50 people including members of Bridgend, Gannochy and Kinnoull Community Council and the Ward Councillors for the area. The main issues raised were regarding transport issues including congestion at Lochie Brae and Bridgend and air quality issues associated with traffic.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 14 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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**

- 15 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.

- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraph 269 - 291

### **Planning Advice Notes**

- 17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Designing Streets 2010**

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

### **Creating Places 2013**

- 19 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**

- 20 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.



## **Historic Environment Scotland Policy Statement 2016**

- 21 Sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the Scottish planning system. This Statement is supported by **Historic Environment Circular 1** and the **Managing Change in the Historic Environment** guidance notes series.

## **DEVELOPMENT PLAN**

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

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

- 23 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.*

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

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

- 25 Seeks to focus the majority of development in the region’s principal settlements. Perth is identified as a Tier 1 Settlement with the potential to accommodate the majority of the regions additional development and make a major contribution to the region’s economy.

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

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

### **Policy 4: Homes**

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

## **Policy 6: Developer Contributions**

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

## **Policy 8: Green Networks**

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

## **Policy 9: Managing TAYplans Assets**

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

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

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



### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy CF1A - Open Space Retention and Provision**

- 41 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

### **Policy CF1B - Open Space Retention and Provision**

- 42 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

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

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

### **Policy CF3 - Social and Community Facilities**

- 44 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

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

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

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

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

### **Policy HE3A - Conservation Areas**

- 47 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy NE1C - Local Designations**

- 48 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

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

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

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

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

### **Policy NE3 - Biodiversity**

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

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

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

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

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

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

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

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

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

### **Policy EP8 - Noise Pollution**

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

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

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

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

- 58 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 59 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s)

appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 60 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 61 [14/00002/PAN](#) Proposal of application notice for mixed use comprising of residential (class 9 and flats), hotel (class 7), care home (class 8), community centre (class 10) with associated open space, landscaping and infrastructure (including access and parking) Content of PAN approved March 2014.

[17/00005/PAN](#) Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

[17/00006/PAN](#) Change of use and alterations to building to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works. Content of PAN approved May 2017.

17/00924/SCOP Change of use and refurbishment of former hospital and erection of up to 70 separate residential dwellings. Scoping decision issued July 2017.

[18/00307/LBC](#) Alterations and selective demolition to former hospital and demolition of Gilgal building. Approved under delegated powers September 2018.

[18/00094/IPM](#) Residential Development (In Principle) for up to 70 dwellings. Under consideration at same Planning and Development Management Committee.

## **CONSULTATIONS**

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

### **EXTERNAL**

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

- 63 No objection following submission of further information.

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

- 64 No objection. They are content with the principle of the change of use and have provided separate comments on the related Listed Building Consent (LBC) application in our consultation response for 18/00307/LBC.

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

- 65 Provided comment on the EIA Report and the impact on biodiversity and protected species.

#### **Scottish Water**

- 66 No objection.

#### **Transport Scotland**

- 67 No objection.

#### **Bridgend Gannochy and Kinnoull Community Council (BGKCC)**

- 68 Object to the proposal. Although not opposed in principle to sensitive conversion of the listed buildings they are opposed to the new build proposed under 18/00094/IPM. Their main concern is traffic congestion at Bridgend and that the applicant's Transport Assessment (TA) contains numerous errors.

#### **Scottish Gas Network**

- 69 No response.

#### **Perth Scone Airport**

- 70 No response.

#### **Forestry Commission Scotland (FCS)**

- 71 No objection.

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

- 72 No response.

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

- 73 No objection.

**INTERNAL**

**Structures and Flooding**

- 74 No objection.

**Environmental Health**

- 75 No objection following further information regarding noise and air quality.

**Land Quality (Contaminated Land)**

- 76 No objection but has raised certain issues regarding former use.

**Transport Planning**

- 77 Object to the application. The applicants Transport Assessment (TA) was subject to a rigorous audit process, which included being assessed using the Perth traffic model and independently reviewed by the Councils term transport consultant, Systra Ltd.
- 78 Transport Planning are of the opinion that this application is premature, pending the completion of the Cross Tay Link Road (CTLR) programme and the TA fails to demonstrate that the proposals would not have a detrimental effect on the local transport network.

**Development Negotiations Officer**

- 79 Affordable housing, primary education and transport infrastructure developer contributions would be required.

**Biodiversity Officer**

- 80 No objection.

## **Strategy and Policy**

- 81 No objection but recommends a phased approach with the conversion taking place before the proposed new build as CTRLR will not be constructed for number of years. The new build is considered to be enabling development and is acceptable provided it can show to be the only means of retaining a listed building. The final layout, design, materials, scale, siting and use of any development could affect the listed buildings and their setting. Site is proposed to be allocated in LDP2 for residential and/or community use meaning the principle of development is acceptable. The applicant has submitted a representation regarding its proposed allocation.

## **Community Greenspace**

- 82 No objection but a play area will be required for the overall development.

## **Community Waste**

- 83 No objection.

## **REPRESENTATIONS**

- 84 The following points were raised in the 14 representations received including Bridgend, Gannochy and Kinnoull Community Council (BGKCC).

The issues raised should be summarised into bullet points ideally.

- Contrary to Development Plan
- Inappropriate density
- Traffic congestion
- Road safety concerns
- Lack of consultation
- Errors in Transport Assessment
- Adverse impact on air quality
- Adverse impact on schools
- Adverse impact on wildlife in particular Red Squirrels
- Loss of open space
- Loss of trees
- Noise pollution
- Flood Risk
- Adverse visual impact



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

## **ADDITIONAL STATEMENTS**

86

|                                                |                                                                                                                                                        |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| EIA Report                                     | Submitted                                                                                                                                              |
| Scoping Opinion                                | Undertaken                                                                                                                                             |
| Environmental Impact Assessment                | Submitted                                                                                                                                              |
| Appropriate Assessment                         | Not Required                                                                                                                                           |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                              |
| Reports on Impact or Potential Impact          | Ecological Survey Report;<br>Heritage Assessment;<br>Conservation Plan;<br>Drainage Assessment;<br>Transport Assessment and<br>Air Quality Assessment. |
| PAC Report                                     | Submitted                                                                                                                                              |

## **APPRAISAL**

- 87 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. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses
- 88 The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016.

### **Principle**

- 89 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.

- 90 Both TAYplan Policy 9 (Managing TAYplan's Assets) and LDP Policy HE2 (Listed Buildings) support the principle of bringing listed buildings back into use. There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use.
- 91 The site is classed as urban brownfield and is within the Perth settlement boundary. On the basis that the buildings have been empty since 2014 and showing signs of neglect and vandalism the proposed change of use application to sensitively convert them into 58 flats is therefore acceptable and complies with the Development Plan policies on Listed Buildings and residential use. On this basis the principle of change of use to residential of the former hospital is acceptable and complies with LDP Policies HE2 – Listed Buildings and RD1 – Residential Areas.

### **Cultural Heritage**

- 92 The former Murray Royal Hospital is a complex of buildings dating to 1820s and a distinct part of Perth's history. As Paragraphs 4-5 advise the site comprises of the A listed Main Hospital Building built by William Burn, as well as later additions to the site including a gothic chapel (B listed) and Elcho and Birnam Ward half-timbered villas (C listed).
- 93 A Conservation Action Plan was submitted as part of the associated LBC application, which relates to some of the works proposed in this application, which outlines the repairs to the external and internal fabric of the Main Hospital Building and the Elcho and Birnam Wards and will include:

#### External

- Masonry remedial repairs and maintenance;
- Lime and cement mortar repairs;
- Repair and maintenance to exterior masonry steps;
- Maintenance and repairs to cast iron rainwater goods;
- Iron gate and railing repairs and maintenance;
- Maintenance and repairs to sash and case windows;
- Glazing system and glass repairs and replacement;
- Repairing slate roof;
- Leadwork repairs; and
- Structural timber repairs.

#### Internal

- Repair, cleaning and maintenance of ceramic tiled flooring;
- External timber door repair;
- Reinstatement and care to decorative fireplaces;
- Identification, curing, removal of rot in timbers;
- Repairing and replacement of timber flooring;

- Repair, care and maintenance of timber window shutters; and
  - Conservation of plasterwork.
- 94 Historic Environment Scotland (HES) are content with the principle of the proposed change of use to residential. In their comments to the associated LBC application they are supportive in principle of securing the future of this nationally important building, subject to further information providing greater detail on the proposed exterior and interior works including subdivision, new kitchen units, pipework etc.
- 95 They note that the EIA has played a role in the process of developing a detailed understanding of the site and its potential sensitivities, and has informed the evolution of the masterplan for the overall site with a view to avoiding significant effects by changing the proposals or building in mitigation to become part of the scheme. They are supportive of the Conservation Action Plan and the comprehensive recording of the current condition of the Gilgal Building proposed for demolition.
- 96 HES note that the overall significance of direct impact for the A-listed former hospital building is predicted by the applicant as moderate in the Environmental Report. The justification given for this score by the applicant is the sympathetic nature of the proposed conversion works and the fact that the proposed development would not significantly alter the historic and architectural character of the listed building. As the principal spaces/ rooms are to be kept largely unaltered and their architectural character preserved, HES agree with this impact prediction score.
- 97 Conservation planning also support the proposed Change of Use and the methodology set out in the Conservation Action Plan is acceptable. Additional detailed information established by more in-depth surveys will be required in relation to the associated LBC approval for external works including roof and stone repairs, and the extent of any changes to or addition of rainwater goods, flues, vents etc.
- 98 Further details will also be necessary in relation to the landscaping in the immediate setting of the listed buildings, including treatment of historic features such as boundary walls, gates, railings and the circular shelters adjacent to the former exercise yard.
- 99 In terms of internal works the retention of principal rooms without subdivision is welcomed by Conservation Planning. Given the importance of the building's interior it is assumed that all historic features including joinery, plasterwork and fittings will be retained unless otherwise specified. In one example, the second floor plans show kitchen units on the wall of the ballroom over an existing decorative chimneypiece. To fully assess the impact of the proposals on the interest of the buildings, details should be submitted prior to the commencement of development specifying the interaction between new partitions and fittings, and existing features such as panelling, fireplaces, doors etc.

- 100 No details are provided regarding retention or replacement of the windows and external doors as they are currently covered over by metal sheeting. Any works to the windows and external door will have to be dealt with through a separate LBC application following a detailed survey.
- 101 The fire damaged Gilgal building is protected by the listing of the Main Hospital Building but information has been submitted to support its demolition as part of development of the wider site. HES and the Councils Conservation Planner are content that the information provided is satisfactory in this respect, and that the scope of selective demolitions across the site is as discussed at pre-application stage.
- 102 PKHT is broadly content with the proposal and appreciate the attention to the original build and its future conservation. Included in the LBC proposal is the demolition of various buildings to the south of the site, in particular the fire damaged Gilgal Building. This building was designed by Smart, Stewart and Mitchell to house voluntary patients and was built in 1929. A second building, titled Nurses' Home, was built to the west of Gilgal by the same architects and was thought to be Perth's only International Style building and also took inspiration from the Arts and Crafts movement. Noted only as a basic record in Canmore and not visible on aerial maps it is likely this was demolished in recent years.
- 103 The Gilgal Building has been severely damaged by fire and is currently derelict and part ruinous, and has been rated of moderate importance. It is also noted in the Historic Environment Scotland (HES) Policy Statement that attempts have been made to source architectural plans but this has not yet been successful.
- 104 Therefore, due to the historic character of the Gilgal building it is recommended that a Standing Building Recording is undertaken prior to its demolition. Due to the nature of the archaeological remains and the already landscaped areas of site that will be affected no archaeological condition is recommended by PKHT.
- 105 PKHT recommends that a suspensive condition be applied for a standing building recording be attached to any consent to ensure that an appropriate record is made of this historic building range prior to demolition and re-development.
- 106 With regard to the B Listed Chapel, it is noted also that no works are proposed to the chapel at this stage. The Planning Authority support the principle of conversion of this building and this will require a Listed Building Consent application in due course.
- 107 In terms of archaeological evidence, this comprises of two Monuments in Perth and Kinross (MPKs) within the overall site boundary – both remains of rig and furrow (MPK 3363 and 3364), as well as a Bronze Age socketed axe (MPK 3487) which was discovered on the grounds. Neither of these have a direct impact on the listed buildings.

## **Roads and Access**

- 108 An important part of the proposal is the consideration of roads and traffic impacts, as assessed through the EIA Report and submission of a Transport Assessment (TA). These documents examined the overall proposals impact on the transport infrastructure in the immediate area and, in particular, at Bridgend.
- 109 Because of existing transport congestion and air quality condition at Bridgend, the TA was subject to a rigorous auditing process due to concerns raised over trip rates, modelling outputs and in particular predicted queue lengths , which included being assessed using the Perth Traffic model and being independently reviewed by the Councils term transport consultants, Systra Ltd. To check the actual, current conditions at the Bridgend junction the Council commissioned a full set of new traffic counts and queue length surveys.
- 110 Whilst Transport Scotland have not objected to the proposal, the Council's Transport Planning's team have raised a significant objection to both the proposed conversion and new builds. The main issues identified are discussed below.

### Queue Lengths

- 111 Queue length data that has been provided to support the application shows that the junction operates satisfactorily at peak times. However, Transport Planning did not agree with this view and subsequently commissioned traffic surveys carried out in April 2018, where maximum queue lengths of 500m were recorded on East Bridge Street in the AM peak and 300m on Gowrie Street in the PM peak, indicating significant issues with blocking back at the Bridgend junction. Local knowledge of the issues at Lochie Brae in the morning peak period was also highlighted in the new surveys with vehicles queued back up Lochie Brae to the junction at Muirhall Road and Gannochy Road.

### Accessibility to non-car transport modes

- 112 Transport Planning consider that this application is premature, pending the completion of the Cross Tay Link Road (CTLR) programme. Once the CTLR programme has been completed, Transport Planning considers that relief would be afforded at the Bridgend junction and capacity would be created, which may allow this site to come forward. However, with current transport network capacity issues Transport Planning consider that the proposal is contrary to policy TA1B, in the adopted LDP and that the TA fails to demonstrate that the proposals are an accurate representation of actual observed conditions. and at this time would add to the problems of congestion and air quality on the immediate local transport network.

- 113 Following a number of requests, the applicant's transport consultant responded to the points raised by Transport Planning, in July 2018. The response unfortunately did little to address the concerns raised.
- 114 Internal discussions between Development Management and Transport Planning have considered the options available for a phased approach to the overall development of the site and what impact this would have on the transport network with no new build until the CTLR becomes a committed project. This could principally consider a construction limit on the number of converted units per annum until such time that the CTLR is a committed project. This was considered based on the basis that such an approach could limit the impact on an already congested Bridgend junction.
- 115 The applicant's transport consultant was requested to assess the impact of such scenarios and provide a justification for a phased approach; however, to date no such assessment has been submitted. Their position continues to be that there is no congestion issue at Bridgend and that the proposed development at Murray Royal will have a negligible impact on the transport network. Transport Planning's view is this is fundamentally wrong when compared to actual observed traffic conditions.
- 116 Further suggestion was given by officers to address the issues, including the need for the proposed development to reduce car usage numbers to/from the site, including the provision of a Car Club (including details of provision & operation) and reduced parking provision/methods to increase sustainable travel.
- 117 The applicant was invited to address and justify these options. It was made clear that this would require physical infrastructure as well as softer complimentary measures, such as a residential travel plan, to promote the site as a low car use neighbourhood and minimise its impact on an already critically congested junction at Bridgend. Again no further information has been submitted to address the transport concerns. Transport Planning therefore have no option but to maintain their objection to the proposal.
- 118 Transport Planning therefore maintain their objection to the proposal. The proposal, as it stands, is considered to be contrary to LDP Policy TA1B, in that the TA and other supporting information, fails to demonstrate that the proposals would not have a detrimental effect on the local transport network.

### **Landscape**

- 119 This change of use application will have a limited impact on the surrounding landscape as it is primarily concerned with its use status and work to the external and internal elements of the listed buildings including repair and maintenance and the exterior façade. The demolition of the fire damaged Gilgal building and other modern unlisted buildings within the grounds will have a

positive impact. The provision of car parking and bin storage will have some impact but overall is considered to be quite limited.

### **Residential Amenity**

- 120 There will no impact on the existing or proposed residential properties as a consequence of the change of use proposal other than increased traffic from the buildings being brought back into use.

### **Visual Amenity**

- 121 The repair and maintenance of the listed buildings and demolition of the fire damaged Gilgal building will improve the visual amenity of the overall site as it has suffered from a lack of maintenance and vandalism since its closure in 2014.

### **Drainage and Flooding**

- 122 Scottish Water have not raised any issue regarding water and foul water capacity or connectivity in the area. Neither SEPA nor the Councils Structures and Flooding team have raised any concern regarding foul and surface water drainage.
- 123 *In terms of flood risk SEPA do not have any objection to the proposal and Structures and Flooding have not raised any concerns. As part of the Environmental Report, a drainage strategy was submitted in support of the application. Section 5 of the strategy states that “ground levels will be set so no flooding of any property on or adjacent to the site occurs and that access for emergency vehicles would not be impeded”. SEPA supports this position. It is also stated that “it is anticipated that flood risk from the south, out with the site boundary is extremely low due to kerb up-stands and boundary features including a heel kerb with upstand at the rear of the footway and stone walls in places.” Therefore the risk of flooding from off-site sources is minimal due to stone walls and kerbs ensuring that surface water run-off will remain along the road network to the south. The proposal complies with LDP Policies EP2 – Flooding and EP3 – Water Environment and Drainage.*

### **Noise and Air Quality**

#### Noise

- 124 The proposal has been assessed for noise at existing receptors due to traffic increase, and at future properties arising from the adjacent Murray Royal Hospital. The increase in noise arising from the traffic was of negligible significance once modelled and Environmental Health agree with this assessment. The proposal complied with LDP Policy EP8 – Noise Pollution

## Air Quality

- 125 The air quality impact of this development has been assessed both in terms of construction including dust and operational impacts through increased traffic. Perth and Kinross Council have a duty to review and assess air quality with their area and under these duties, the whole of Perth was declared an Air Quality Management Area (AQMA) with the Bridgend area being one of our hotspots for both nitrogen dioxide (NO<sub>2</sub>) and Particulates (PM<sub>10</sub>).
- 126 The air quality has been assessed using a roads model and the significance has been evaluated in line with the Environmental Protection Scotland/ Royal Town Planning Institute guidance *Delivering Cleaner Air for Scotland*. Environmental Health broadly agree with the approach.
- 127 In the main, the increase for all pollutants is negligible; that is to say less than 0.5% relative to the annual mean air quality standard for that pollutant. A negligible significance is not a cause for concern regarding air quality assessment. There is one receptor in Logie Brae which is deemed to have a moderate increase in PM<sub>2.5</sub> and this is slightly more concerning. Environmental Health have not objected to this increase on the grounds:
1. The PM<sub>2.5</sub> standard is so low at 10µg·m<sup>-3</sup> that a 0.1µg·m<sup>-3</sup> increase or above is deemed more than negligible and this is the increase seen at this receptor which is the lowest reportable under the above guidance.
  2. Much of the PKC PM<sub>2.5</sub> is thought to arise from the background PM<sub>2.5</sub> which Environmental Health have no control over.
  3. This is a conservative estimate for future years assuming no improvement in fleet which is likely to occur to some extent in the next 4 years.
  4. The CTLR is anticipated to be complete in 2023 which should remove a significant amount of pollution from the Bridgend area including PM<sub>2.5</sub>
- 128 Construction Dust was also assessed within the Air Quality Assessment. This was based upon the Institute of Air Quality Management (IAQM) guidance however Environmental Health have some issues with how this was assessed. This guidance looks at magnitude of the impact based on the size of the site and the activities undertaken and compares this to the sensitivity of the area to give an overall risk. The magnitude for earthworks and construction was deemed large with track out and demolition medium.
- 129 The sensitivity part of the risk assessment depends upon the sensitivity of the receptor and number of receptors within different distance bands with <50m being used in this assessment. The assessment states that there are 1-10 receptors in this band and therefore the sensitivity of the whole area is low. However, Environmental Health believe that the new Murray Royal Hospital has only been counted as one receptor.



130 The IAQM guidance states that a receptor is a residential unit but “*for receptors which are not dwellings professional judgement should be used to determine the number of human receptors for use in the tables, for example a school is likely to be treated as being in the >100 receptor category.*” Due to this Environmental Health believe the hospital in close proximity makes this area of higher sensitivity than is stated. This means that the dust impact is high risk rather than low and this will have an impact on the level of detail required in the Dust Management Plan (DMP).

131 Rather than recommend reassessment of construction dust, Environmental Health have recommended a condition requiring the preparation of a dust management plan as part of any permission granted. This could form part of a wider Construction Environmental Management Plan (CEMP) but should be undertaken with mitigation measures relating to high risk sites. On this basis, I am satisfied that matters of air quality could have been adequately addressed through planning conditions and ensure compliance with LDP Policy EP11.

### **Waste Collection**

132 No objection to the proposal was received by Waste Services. There is an opportunity, through a Council pilot project, for the required bin storage to be underground and should the application be approved, the applicant should discuss this potential with the Councils Waste Services team.

### **Contaminated Land**

133 The proposed development is on land that is identified as having formerly been occupied by a hospital. The Councils Land Quality Officer (Contaminated Land) has stated there is the potential for ground contamination resulting from this former land use which could impact the suitability of the site for the proposed use. In addition mapping indicates that there is an area of potentially infilled ground within the proposed development site. The nature and volume of the infill material is unknown and therefore there is the potential for contaminants to be present. Dependant on the nature of the material there is also the potential for generation of ground gas.

134 Should consent be granted a pre-commencement condition is recommended. I am content that this would be an acceptable approach to the contaminated land risks identified and compliant with LDP Policy EP12 – Contaminated Land.

### **Natural Heritage and Biodiversity**

#### Designations

135 SNH has reviewed the EIA Report, as there are natural heritage interests of international and national importance in the vicinity of the site. The River Tay Special Area of Conservation (SAC) is located 450 west of the proposed site. Kinnoull Hill, a Site of Special Scientific Interest (SSSI), is located 800 metres

south east of the proposed site. SNH do not consider that either designation will be adversely affected by the proposal. I am satisfied there would be no impacts on designations arising from this proposal and is compliant with LDP Policy NE1 – Environment and Conservation Policies.

### Protected Species

- 136 Chapter 5 of the EIA Report considers potential significant impacts of the development specifically in relation to ecology and biodiversity. This chapter is supported by Technical Appendix 5.A, an Ecological Survey Report. The Survey Report advises that ecological surveys were undertaken in 2017 and included a Phase 1 habitat survey and bat surveys. However, in respect of the Main Building, Elcho and Birnam Wards, these were not surveyed at this time. Instead, the report relies upon and summarises only earlier surveys of this building undertaken in 2016. It is stated that the 2016 surveys identified 12 possible roost locations and, over three dusk surveys, several bats emerging from a number of locations. The buildings subject of this application are considered to be of moderate to high bat roost potential.
- 137 SNH state that the EIA Report appears competent in identifying the protected species across the site, however, it is noted that a species protection plan produced for bats, birds and other species has not been provided. A species protection plan should use survey data to identify how a proposal may impact on a protected species, demonstrate how work or development may progress while safeguarding these species and assists in applying for any licence required from SNH for the removal or disturbance of these species. No such plans have been provided. The Council's Biodiversity Officer reviewed the Ecological Survey within the EIA Report. The survey identifies any issues where bats may be affected. However, they note that no recommendations or mitigation measures are included in the report, which could have included the incorporation of features such as bat boxes and Swift bricks into the proposed buildings and these would need to be within the proposed conversion works. This position correlates with SNH's advice, as set out above, that a species protection plan should have been submitted; critically this is required to consider the impacts on bats, as a European Protected Species, through the conversions.
- 138 As advised, the applicant relies upon survey data from 2016 in respect of bats in key buildings subject of this application. SNH advise that for applications for licences (where needed) should be supported by surveys no more than 18 months old. It is considered that such a timescale is also appropriate for consideration of development proposals where the Council has a statutory duty to consider and protect European Protected Species. There is little justification in the EIA Report (incorporating the Ecological Survey Report) to justify the reliance of this 2016 data and the lack of contemporary surveying in 2017, alongside new surveys undertaken at that time, taking place for the affected buildings.

- 139 In the absence of up-to-date data for these buildings, and species protection plans for bats for all of the buildings, including those with current surveys, it is not possible to understand if the proposed development and conversion works there is adverse impact on a European Protected Species. Therefore, it is not possible to understand if there are potential adverse impacts on bats that could be avoided or mitigation provided to allow development to proceed with safeguards in place. As such, the proposal is considered to be contrary to LDP Policy NE3.

### Trees

- 140 The overall site of the former Murray Royal Hospital is a mature designed landscape including a number of trees which are protected by a Tree Preservation Order (TPO). Biodiversity comment that it would be worth including other trees, in particular the Lime Avenue to the east of the site into this TPO. These are identified as groups 2933 and 2934 in the tree survey and are considered to be category A trees.
- 141 Key features of the site that need to be retained as far as possible include the woodland belts and avenues and the attractive western stone wall which is included in the listed status of the main hospital building. Strategy and Policy consider there is insufficient detail of how these features are considered and protected within the overall proposal and how they are incorporated within the landscape plan.
- 142 It is likely there will be other vegetation clearance of shrubs, this should only occur outside of the bird breeding season. Any shrub clearance should only occur between September and February to avoid disturbing nesting birds.
- 143 Forestry Commission Scotland have no objection to the overall proposal provided there is compensatory planting to offset the loss of any woodland and they adhere to UK Forestry Standard (UKFS).

### **Developer Contributions**

- 144 Should the application be approved, the applicant will be required to meet the Councils required Developer Contributions for this proposal and these include affordable housing, primary education and transport infrastructure and the provision of a play area. A Section 75 legal agreement will be required before a decision notice can be released.

### **Economic Impact**

- 145 The proposal would have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. The level of available expenditure that will be created by the development

will have a positive impact on Perth and in particular businesses and shops at Bridgend.

- 146 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Perth.

### **Pre-Application Public Consultation**

- 147 Concern has been expressed in some the representations that the pre-application public consultation exercise undertaken for this proposal was inadequate. I am satisfied however that pre-application consultation was undertaken in accordance with the approved PAN submitted by the applicant and meets the Scottish Government's requirements for major planning applications.

### **LEGAL AGREEMENTS**

- 148 Should the application be approved, the applicant will be required to meet the Councils required Developer Contributions for this proposal and these include affordable housing, primary education and transport infrastructure and the provision of a play area. A Section 75 legal agreement will be required before a decision notice can be released.

### **DIRECTION BY SCOTTISH MINISTERS**

- 149 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**

- 150 To conclude, the application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and I consider that the development proposed conflicts with LDP in terms of the potential adverse impact on existing transport network, before the delivery of the Cross Tay Link Road (CTLR). Further, it has not been demonstrated that the proposal would not have an adverse impacts on bats, a European Protected Species.
- 151 Accordingly the proposal is recommended for refusal on the grounds identified below.

## RECOMMENDATION

### Refuse the application for the following reasons:

1. The submitted Transport Assessment (TA), and other supporting information, fails to demonstrate that the assessment has accurately reflected existing traffic conditions and, ultimately, that the additional traffic generated by the development would not have a detrimental effect on the local transport network. The proposal is therefore contrary to Policy TA1: Transport Standards and Accessibility Requirements (specifically TA1B) of the Perth and Kinross Local Development Plan 2014
2. The applicant has failed to demonstrate, through appropriate and up-to-date surveys and the absence of a species protection plan for bats being submitted, that the proposal would not have an adverse impact on a European Protected Species and whether any impacts could be avoided or mitigation provided to allow development to occur with safeguards in place. The proposal therefore does is contrary to Policy NE3: Biodiversity of the Perth and Kinross Local Development Plan 2014.

## B JUSTIFICATION

For the reasons detailed above, the proposal is not considered to comply with the Development Plan and there are no material considerations present that would justify setting these conflicts aside.

## C PROCEDURAL NOTES

None required

## D INFORMATIVES

None required

Background Papers: 33 letters of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 11 October 2018

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

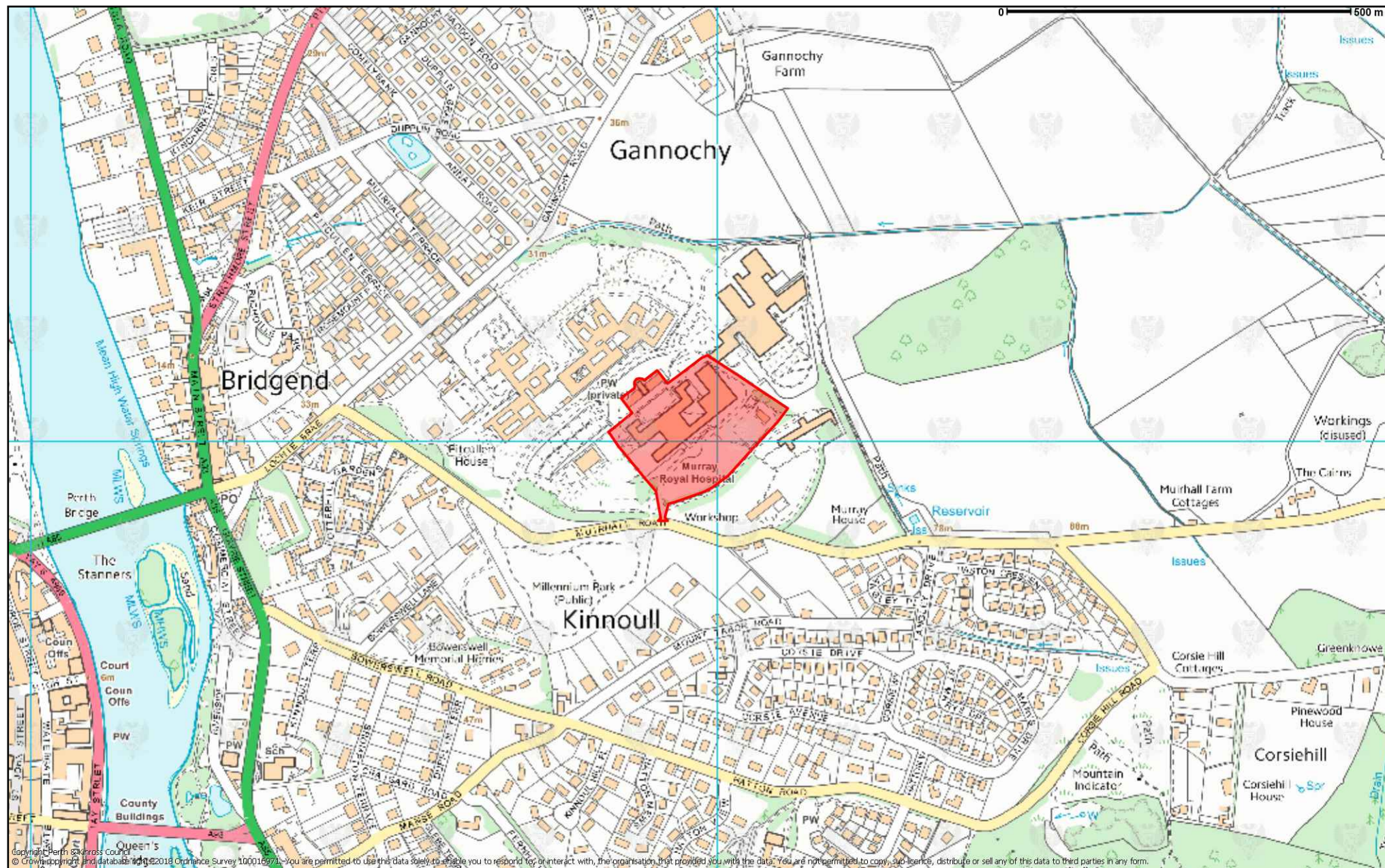
If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.







© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:7500



18/00408/FLM

Change of use, alterations and selective demolition to former hospital building to form 58 flats and associated works Former Murray Royal Hospital, Muirhall Road, Perth











Perth and Kinross Council  
Planning & Development Management Committee – 24 October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/337)

**PROPOSAL:** Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) - Phase 3

**LOCATION:** Land south of 8 The Beeches, Aberfeldy.

Ref. No: 18/01002/AMM  
Ward No: P4- Highland

**Summary**

This report recommends approval of the third phase of a residential development of 11 dwellinghouses at land south of 8 The Beeches, Aberfeldy, Perthshire. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and forms the southern end of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan (LDP) for residential use (H37) and benefits from an In Principle planning permission ([16/00478/IPM](#)) since July 2016 for residential development.
- 2 The wider H37 site identified in the LDP lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. The application site forms the southern end of the LDP site and is adjacent to both Phase 1 and 2 of 24 affordable dwellinghouses and 8 open market dwellinghouses respectively which are currently under construction.
- 3 The western and southern boundaries of the application site are contained by agricultural land. Immediately east are Phases 1 and 2 and an area of open field undeveloped that has planning permission for residential use. A farm access road dissects the LDP site from the north-east corner traversing the site south-west to access Duntuim Farm. An additional supplementary farm access road and junction has been constructed to the west of the LDP site.
- 4 This proposal is the third phase and involves the development of 11 dwellinghouses of bungalow and 1½ storey appearance and two will have a garage located at the gable end of the associated dwelling. The following mix is proposed:
  - 3 x 3 bedroom dwellinghouses (single storey)
  - 4 x 3 bedroom dwellinghouses (1 ½ storey)

- 4 x 4 bedroom dwellinghouses (1 ½ storey)
- 5 The units are designed with horizontal weatherboard cladding and white render. A variety of pastel colours as per Phases 1 and 2 are proposed for the cladding. The roofs are proposed to be plain grey concrete tiles the same as currently being used on the first two phases.

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

- 6 A screening request ([15/01735/SCRN](#)) was submitted in October 2015 and found that an EIA was not required for the site.

## **PRE-APPLICATION CONSULTATION**

- 7 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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**

- 10 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.

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

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

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Designing Streets 2010**

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

### **Creating Places 2013**

14 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**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

- 19 Seeks to focus the majority of development in the region’s principal settlements. Aberfeldy is identified as a Tier 3 Settlement with the potential to make a modest contribution to the region’s economy, and will accommodate a smaller share of the additional development.

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

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

### **Policy 4: Homes**

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

## **Policy 6: Developer Contributions**

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

## **Policy 8: Green Networks**

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

## **Policy 9: Managing TAYplans Assets**

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

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

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for residential development. The principal relevant policies are in summary:

### **PM1A: Placemaking**

- 27 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B – Placemaking**

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

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

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

### **Policy RD1 – Residential areas**

- 30 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

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

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

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

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

### **Policy CF1B - Open Space Retention and Provision**

- 33 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.



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

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

### **Policy NE3 - Biodiversity**

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

### **Policy NE4 - Green Infrastructure**

- 36 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

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

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

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

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

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

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

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

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

### **Policy EP3D - Water, Environment and Drainage**

- 41 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP8 - Noise Pollution**

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

### **TA1B- Transport Standards**

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

### **OTHER POLICIES**

- 44 The following supplementary guidance and documents are of particular importance in the assessment of this application
- 45 Developer Contributions Supplementary Guidance including Affordable Housing April 2016
- 46 Flood Risk and Flood Risk Assessments – Developer Guidance June 2014  
Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014

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

- 47 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 48 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which

the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 49 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- [14/01554/FLL](#) Formation of an access road. Approved under delegated powers October 2014
- [15/01735/SCRN](#) Screening Request for EIA. No EIA required - Decision issued December 2015
- [15/00022/PAN](#) Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.
- [16/00478/IPM](#) Residential development (in principle) approved by Development Management Committee 13th July 2016.
- [16/01592/FLL](#) Formation of vehicle access road. Approved under delegated powers February 2017.
- [16/01761/AMM](#) Erection of 24 affordable dwellinghouses (Phase 1). Approved by Development Management Committee March 2017 and is currently under construction.
- [17/01201/AMM](#) Erection of 8 dwellinghouses (Phase 2). Approved by Planning and Development Management Committee September 2017 and is currently under construction.
- [18/00523/FLL](#) Erection of 4 dwellinghouses (revised design). Application Approved under delegated powers May 2018.

## **CONSULTATIONS**

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

## **EXTERNAL**

### **Scottish Environment Protection Agency**

52 No objection.

### **Scottish Natural Heritage**

53 No objection.

### **Scottish Water**

54 No objection.

### **Historic Environment Scotland**

55 No objection.

### **Transport Scotland**

56 No objection.

## **R S P B**

57 No response received.

### **Perth and Kinross Heritage Trust**

58 No objection.

### **Aberfeldy Community Council**

59 No response received.

## **INTERNAL**

### **Transport Planning**

60 No objection.

### **Development Negotiations Officer**

61 Primary school financial contributions required (11 x £6,460 = £71,060).

### **Community Waste**

62 No objection.

### **Environmental Health (Contaminated Land)**

63 No objection

### **Structures and Flooding**

64 No objection.

### **Community Greenspace**

65 No objection.

### **Strategy and Policy**

66 No objection.

### **Biodiversity**

67 No objection.

## **REPRESENTATIONS**

68 None received.

## **ADDITIONAL STATEMENTS**

69

|                                                |                                                |
|------------------------------------------------|------------------------------------------------|
| Environment Statement                          | IPM Screened - Not Required                    |
| Screening Opinion                              | Submitted at IPM stage                         |
| Environmental Impact Assessment                | Not Required                                   |
| Appropriate Assessment                         | Not Required                                   |
| Design Statement / Design and Access Statement | Submitted                                      |
| Reports on Impact or Potential Impact          | Construction and Environmental Management Plan |

## **APPRAISAL**

70 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Developer Contributions Supplementary Guidance including Affordable Housing April 2016

### **Principle**

- 71 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Phase 1 of 20 affordable dwellinghouses and 4 affordable flats and Phase 2 of 8 dwellinghouses are currently under construction immediately east of the application site. Therefore the principle of residential development has been established.

### **Design and Layout**

- 72 This phase is to be developed for open market dwellings and the proposed mix of house types has been designed to appeal to a broad sector of the market. The proposed phase has utilised the existing landscape to shape the layout and tie it to the surrounding area and the 3D plans show an attractive and sensitively designed layout. The proposed mix of bungalow and 1½ storey is also considered to be acceptable to a wide range of purchasers.
- 73 The proposed house designs in terms of exterior finishes reflect the surrounding area. The design is considered quite simple but reasonably contemporary in appearance. Designs are site specific, of high quality that have considered the localised identity, outlook, landscape and solar orientation. Overall it is considered to be a well-designed and high standard proposal that will contribute to good placemaking in the area. The proposal accords with the Councils Placemaking policies namely PM1 as it will contribute positively to the quality of the surrounding built and natural environment whilst respecting the character and amenity of the place.

### **Transport and Access**

- 75 The applicant is the same as for Phase 1 and 2 and is fully aware that construction traffic will not be using Duntaylor Avenue but via the new vehicular access road which will enter the wider site from the A827 Kenmore Road to the north. This access road will ultimately form the permanent main road within the site and connect with Duntaylor Avenue.
- 75 The site offers an good level of permeability and connectivity to the existing road network and adjacent residential area and is in line with the requirements of Designing Streets and the National Roads Development Guide.

## **Affordable Housing Provision**

- 76 Phase 1 comprising of 20 affordable dwellinghouses and 4 affordable flats will provide the entire affordable housing requirement for the site and this development is currently under construction and will be managed by Hillcrest Housing. Consequently there is no requirement for this current Phase to provide any additional affordable housing.

## **Flood Risk and Drainage**

- 77 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 78 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the previous approved application for Phase 1. These Reports took account of Phase 2 and 3. This current phase 3 proposal will simply connect into the approved drainage and SUDs basin. The drainage and SUDs have previously been assessed by SEPA and the Councils Structures and Flooding team and both have re-confirmed they have no objection as the approved SUDs accords with LDP Policies EP2 – New Development and Flooding and EP3 – Water, Environment and Drainage.

## **Biodiversity**

- 79 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer had commented at that time that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.
- 80 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed building. The approved SUDS pond is designed to provide suitable habitats for amphibians and a wet meadow mix. A number of conditions are recommended as per Phases 1 and 2 to ensure no adverse impact on any biodiversity in the area and to ensure compliance with LDP Policy NE3 – Biodiversity as wildlife and wildlife habitats will be enhanced. (Conditions 8 to 12)

## **Construction Environmental Management Plan (CEMP)**

- 81 A Construction Environmental Management Plan (CEMP) was submitted & approved for Phase 1 and 2 and this has been updated for Phase 3 and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise, dust etc. and

methods to reduce the risk of pollution events. The submitted CEMP is considered to be acceptable and must be adhered to during construction. (Condition 15)

### **Developer Contributions**

- 82 The requirement for primary school financial contribution now applies because Phase 3 is for open market dwellinghouses. The required financial contribution of £71,060 (11 x £6,460) can either be paid up front or via a Section 75 legal agreement.

### **Cultural Heritage**

- 83 The site is in close proximity to Dun Aluinn which is a Category C listed building.
- 84 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have both assessed the site's proximity to listed buildings and archaeology and there were no objections and no mitigation is requested.

### **Overlooking/Overshadowing**

- 85 Following some positional changes to the proposed dwellinghouses, the scale, layout and orientation of the dwellings are such that there will not be any significant overlooking or overshadowing of neighbouring properties or of each other in particular. There will be no adverse impact on residential amenity in the area.

### **Air Quality and Noise**

#### Air Quality

- 86 The application contains provision for wood burning stoves and associated flues. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 87 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer. Environmental Health have previously recommended a condition to deal with this issue for Phases 1 and 2 and this same condition will be applied to this consent also. (Condition 14)

#### Noise

- 88 As the proposed end use is housing it is not likely to generate excessive noise. However the construction of this phase of the entire site is expected to last a number of years. This could lead to limited disruption at adjacent residential properties if not properly managed.



- 89 This application is supported by an updated Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be to Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Councils recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

### **Economic Impact**

- 90 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. Although only 11 dwellings, the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.
- 91 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Highland Perthshire.

### **LEGAL AGREEMENTS**

- 92 Should the applicant not pay the primary education financial contribution required for this phase of the development up front, a Section 75 legal agreement will be required before the decision notice can be released.

### **DIRECTION BY SCOTTISH MINISTERS**

- 93 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**

- 94 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 95 The proposed development on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered to be of a high standard and appropriate to the

surrounding area. Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for their further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 3 to the satisfaction of the Council as Planning Authority..

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety.

- 6 Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an

updated Construction Traffic Management Scheme (TMS) which shall include the following:

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

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

Reason: In the interests of pedestrian and traffic safety.

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

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

- 8 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be

harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

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

Reason: In order to prevent animals from being trapped within any open excavations.

- 10 Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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

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

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

- 12 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

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

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

- 14 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

- 15 The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Primary school financial contribution of £71,060 (11 x £6,460) is required and can either be paid up front (within 28 days) or via a Section 75 legal agreement. Should the applicant not wish to pay the contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.

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

## **D INFORMATIVES**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)

- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Background Papers: None  
Contact Officer: Steve Callan - Ext 75337  
Date: 11 October 2018

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

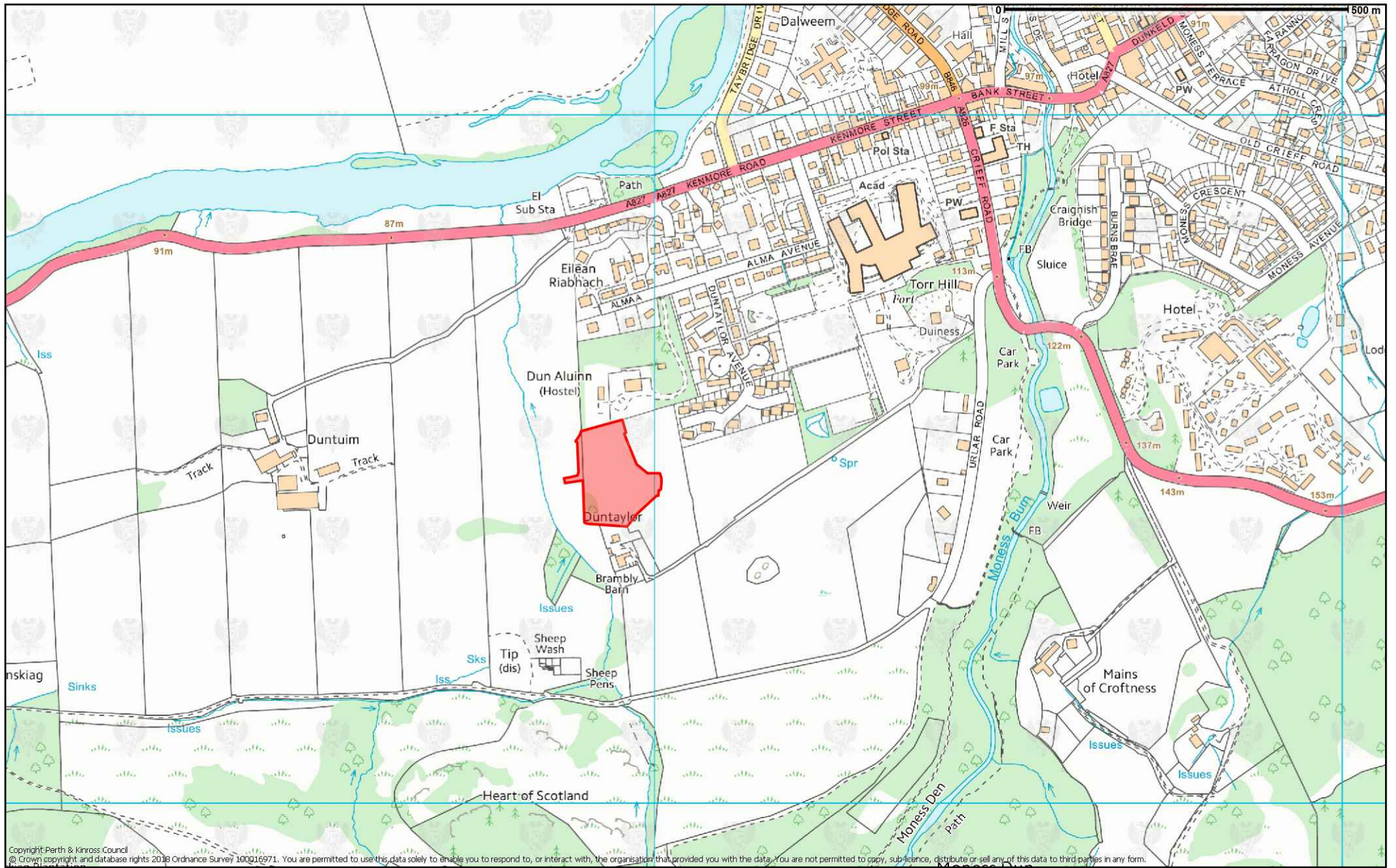
|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                      |
|------------------------------------------------------|
| You can also send us a text message on 07824 498145. |
|------------------------------------------------------|

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|







Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:7500

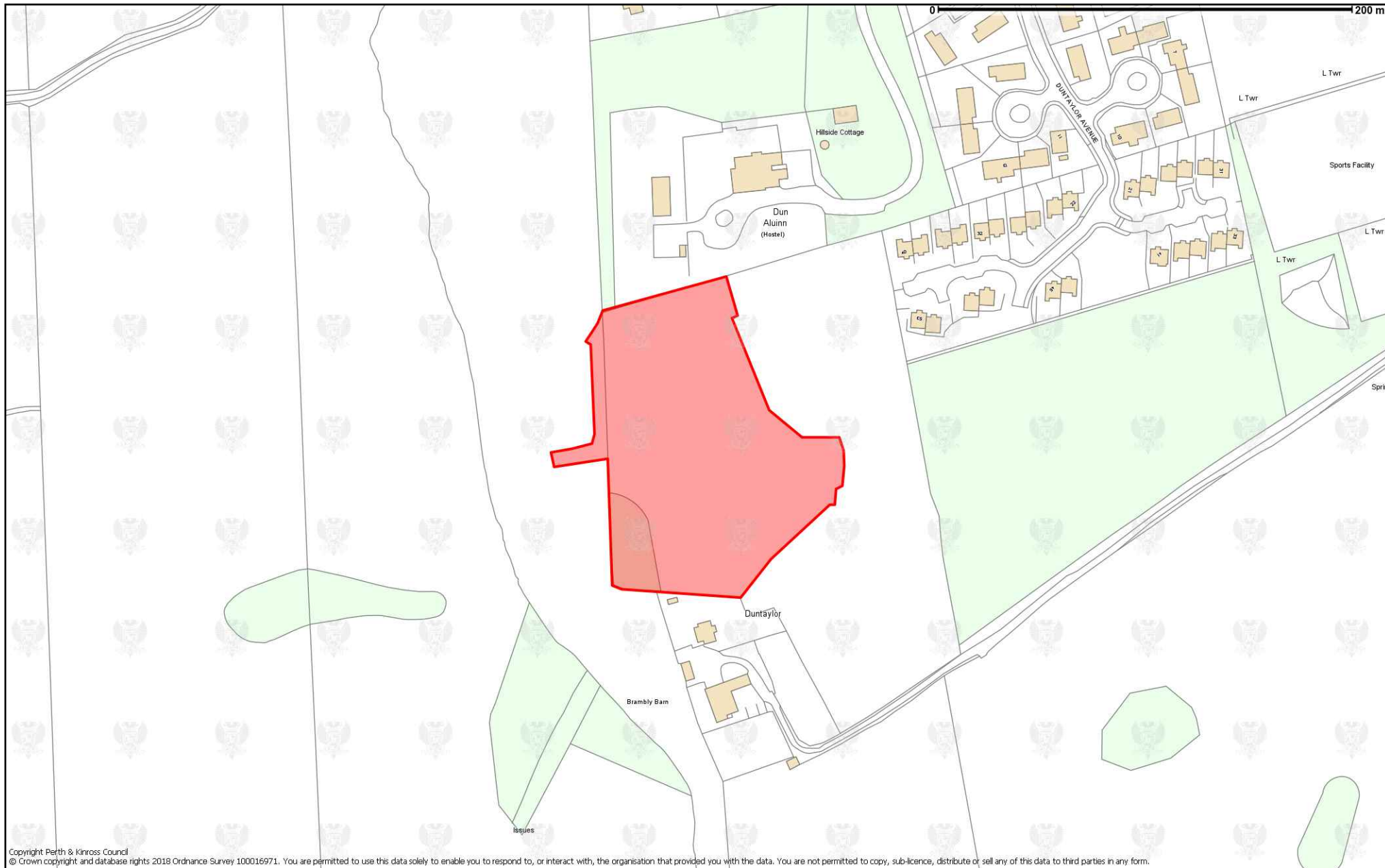


18/01002/AMM



Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) - Phase 3. land south of 8 The Beeches, Aberfeldy







Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

|                                                                                                                                                                                                                                                                                                                                       |                     |                                                                                               |                                                                                                                                                                                                            |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p>© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p> | <p>Scale 1:2500</p> | <p>N</p>  | <p><b>18/01002/AMM</b></p> <p>Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) - Phase 3. land south of 8 The Beeches, Aberfeldy</p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|





Perth and Kinross Council  
Planning & Development Management Committee – 24 October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/338)

**PROPOSAL:** Part demolition of buildings, erection of 2no. dwellinghouses and 4no. flats and associated works.

**LOCATION:** Kirklands Garage, 10 High Street, Kinross, KY13 8AW.

Ref. No: 18/01054/FLL  
Ward No: P8- Kinross-shire

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan if conditional control is applied. There are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application is for the development of the former Kirkland's Garage site on the High Street in Kinross. The site which is 0.1 hectares in area comprises a disused petrol filling forecourt with canopy above and the existing property is a two storey building with accommodation in the roof space fronting the High Street with an adjoining wing which includes a pend providing access to the rear of the site.
- 2 A stone boundary wall encloses the rear of the site. There are a number of structures in varying condition. To enable the redevelopment of the site the buildings to the rear are proposed to be demolished. The canopy structure and southern wing of the two and a half storey building will also be removed.
- 3 The redevelopment of the site consists of two dwellinghouses to the front of the site and four flats to the rear. The two dwellinghouses will be formed by utilising and extending the retained traditional sandstone building located to the front of the site. The dormer window currently in the roof space will be removed. The four new build flats to the rear will be two storeys in height and are contemporary in design.

**NATIONAL POLICY AND GUIDANCE**

- 4 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**

- 5 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**

- 6 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.
- 7 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**

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places 2013**

- 9 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**

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

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

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

### **DEVELOPMENT PLAN**

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

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

- 13 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 14 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*
- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 16 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy. Tier 2 settlements also have the potential to make a major contribution but will accommodate a smaller share of the additional development. Tier 3

settlements play an important but more modest role and will therefore accommodate a small share of the growth.

- 17 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 18 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanization of the countryside and unsustainable travel and development patterns should be avoided.

#### **Policy 9: Managing TAYplans Assets**

- 19 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in- line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

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

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

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



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

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

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

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

### **Policy PM4 - Settlement Boundaries**

- 26 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

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

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

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

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

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

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

### **Policy HE3A - Conservation Areas**

- 30 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy HE3B - Conservation Areas**

- 31 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

### **Policy NE3 - Biodiversity**

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

### **Policy EP12 - Contaminated Land**

- 33 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

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

- 34 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 35 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 36 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 37 [18/00155/FLL](#) Part demolition of buildings, erection of 2no. dwellinghouses and 6no. Flats and associated works 28 February 2018 Application Withdrawn.
- 38 [18/00156/CON](#) Part demolition of buildings 28 February 2018 Application Withdrawn.
- 39 [18/00401/FLL](#) Part demolition of buildings, erection of 2no. dwellinghouses and 6no. flats and associated works 23 April 2018 Application Withdrawn.
- 40 [18/00402/CON](#) Part demolition of buildings 23 April 2018 Application Withdrawn.
- 41 [18/01055/CON](#) Part demolition of buildings, intention to approve if the recommendation on this application is endorsed by committee.

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 43 No objection.

### **Internal**

#### **Transport Planning**

- 44 No objection subject to conditional control relating to the provision of turning area to the rear and parking

### **Development Negotiations Officer**

- 45 No objection if contributions are secured. The contributions are for affordable housing and education. The contributions amount to £42,975.

### **Environmental Health (Contaminated Land)**

- 46 No objection subject to conditional control to secure further survey work and remediation of the land.

### **Structures and Flooding**

- 47 Advise that further details on the SUDS arrangement for the site is required.

### **Community Waste Advisor - Environment Service**

- 48 Provide advice on bin collection requirements.

### **Biodiversity Officer**

- 49 No objection if conditional control is applied to secure the recommendations as detailed in the survey work along with the installation of a swift box.

## **REPRESENTATIONS**

- 50 The following points were raised in the six representations received:

- Impact on Conservation Area.
- Parking implications.
- Impact on privacy/overlooking.
- Impact on amenity.
- Loss of light.
- Opaque glazing/spandrel panelling can be removed by new owners.
- Overdevelopment.
- Development will look like an industrial building.
- Impact on bats.
- Concerns with proposed materials.
- The old and new elements should be seen as two separate entities.
- New structures would be dominant.

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

- 52 Structural risk to neighbouring buildings - Impact from the way construction works are undertaken and how this relates to retaining walls/foundations would be a civil matter to resolve between the parties affected it is not a planning consideration.

- 53 Loss of a view – This is not a material planning consideration when it relates to a private view.

#### **ADDITIONAL STATEMENTS**

54

|                                                |                                                                                                                                    |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not Required                                                                                                                       |
| Screening Opinion                              | Not Required                                                                                                                       |
| Environmental Impact Assessment                | Not Required                                                                                                                       |
| Appropriate Assessment                         | Not Required                                                                                                                       |
| Design Statement / Design and Access Statement | Submitted                                                                                                                          |
| Reports on Impact or Potential Impact          | Bat Survey, Phase 1<br>Contaminated Land Report,<br>Structural Condition Report,<br>Drainage Strategy,<br>Sustainability Statement |

#### **APPRAISAL**

- 55 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 56 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

#### **Principle**

- 57 It should be noted that an application for Conservation Area Consent has been submitted which deals with the demolition of buildings on the site, application [18/01055/CON](#) refers. The Conservation Area Consent application and planning application are inextricably linked as the demolition under the Conservation Area Consent cannot be granted until a satisfactory replacement scheme is in place. If this application is approved then the Conservation Area Consent can be approved under delegated powers.
- 58 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Kinross is identified as a Tier 2 principal settlement which has the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development in comparison to Tier 1 Settlements. The provision of six residential units satisfies this TayPlan Policy.

- 59 The site is located within the settlement boundary of Kinross where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area. The proposed residential use is considered to be appropriate in this location as detailed under the following headings.

### **Design and Layout and Conservation Considerations**

- 60 I am content with the extent of drawings submitted with this application to enable an assessment of the design, layout and conservation considerations as required by Policy PM1A, PM1B and HE3B.
- 61 10 High Street is identified in the Kinross Conservation Area Appraisal as a traditional building with an early garage forecourt which is interesting feature within the Conservation Area with great potential for enhancement. Its positive contribution to the character and appearance of the Conservation Area derives from both the quality of the design and construction of the original house and its subsequent adaptation and reuse as a garage.
- 62 A previous scheme was submitted for this site which included six flats to the rear of the site and included significant demolition work to the traditional building at the front of the site. That scheme could not be supported and the applicant was advised to withdraw that application and amend their proposals.
- 63 The revised scheme retains more of the existing house and adequate justification has been provided to support the partial demolition. While I acknowledge that representations do not agree with this contemporary addition to the building this approach is endorsed by Historic Environment Scotland's Managing Change in the Historic Environment Series entitled 'Extensions'. This provides guidance on the contextual design methods that can be deployed.
- 64 The presence of the existing attractive traditional building provides opportunities for an innovative design for new build development. Accordingly, the revised design of the proposed extensions is much more in keeping with the character and appearance of both the existing building and the Conservation Area. The more restrained use of contemporary design details will allow the new elements to sit comfortably alongside the existing whilst being legible as contemporary additions to the building.
- 65 I consider that the demolition of the existing redundant and dilapidated garage structures to the rear of the site represents a benefit to the visual amenity of the locality and the wider Conservation Area.

- 66 There are a number of areas in Kinross that display areas of built form behind a principal building and in this instance I consider residential development can be formed within this area. Concern is raised regarding the contemporary approach to the courtyard development in this space, the use of materials, scale/massing/dominance and the industrial appearance of the building.
- 67 I consider the difference in design is appropriate in this location with the flatted dwelling's design and materials taking cognisance of the site's historic and industrial use.
- 68 With regards to scale/mass and dominance there has been a reduction in height associated with the flatted accommodation to the rear of the site. This reduction in height will reduce their visual impact to a level where the character and appearance of the Conservation Area will not be detrimentally affected. I consider that the reduced scale of these flatted dwellings from the previously withdrawn scheme will mean that the surrounding traditional buildings to the north and south of the site as well as the retained traditional building to the front of the site will form the main street scape to the High Street. Taking this into account there is no impact on the settings of the Listed County Buildings on the opposite side of the road or the Listed Municipal Chambers, Kirklands Hotel or the Clydesdale Bank to the south of the site.
- 69 Overall I consider that the proposal with regards to design, layout and conservation issues complies with policy RD1, HE2, HE3B, PM1A and PM1B of the adopted Perth and Kinross Local Development Plan 2014.

## **Residential Amenity**

### Privacy

- 70 The formation of plots within the urban environment has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy and amenity for all those who would live in the proposed new dwellings and those that live in adjoining existing dwellings.
- 71 It is an established principle that a minimum 9 metres window to boundary at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.
- 72 The proposed development creates a courtyard area to the rear of the retained traditional building. I do not consider this space which includes parking to have the same level of amenity space requirements as private rear gardens. I am therefore content that windows overlook this shared space and I note this from of supervision is encouraged in PAN 77 Designing Safer Places.

- 73 To the north and west of the site is the new residential units at the former Kinross High School development. The retained façade of the school building is to the north of the site and construction works are being progressed in this area to form residential accommodation. The approved neighbouring layout includes a car parking area to the rear of the school building. The proposed northern block of flats has windows overlooking this area. As detailed above the supervision of this courtyard street area is encouraged. I do not consider there will be a significant detrimental impact on residential amenity from windows in the northern or western façade of this block.
- 74 The south west block is located to the rear of the site. It utilises the retained stone boundary wall to protect residential amenity between the lower floors of the block and neighbouring garden ground to the west. The upper level of this block now incorporates high level windows on the western façade to enable light to the dining/kitchen/living room; however the majority of light into the space will be via the large glazed windows that face towards the shared courtyard area. The other spaces in the upper flat that have windows on the west façade are bathrooms and incorporate obscure glass to protect amenity.
- 75 Taking the above glazing configuration into account there will not be a loss of privacy. I note that objectors have raised concern the opaque glazing or spandrel panels could be replaced however conditional control can be applied to ensure that this is installed and maintained (condition 7 and 8).
- 76 I note that there is glazing utilised on the stairwell that faces in a westerly direction however this is not a habitable room and as it is set back from the boundary wall at distance of 5.5m I do not consider this will result in a significant reduction in residential amenity to neighbouring garden areas.

#### Loss of light

- 77 Loss of light is a matter raised in letters of representation. An element of overshadowing will likely occur to some neighbouring properties' garden ground and/or shared amenity space from the development.
- 78 In the morning the western block of flats will overshadow a small northern part of the garden ground associated with 12 High Street. I do not consider that this will be significantly detrimental to the impact of the occupant given the extent of garden ground.
- 79 As the sun moves from east to west during the day the shadows cast by the proposed development will shift from the garden ground of 12 High Street to the north of the site where the car parking shared amenity space is on the Kinross High School site. The shading of this space is not excessive and would have minimal impact on neighbouring amenity.



## **Roads and Access**

- 80 Policy TA1B is concerned with providing safe access and appropriate car parking. Representations have raised concerns with the loss of on street parking, the level of on-site parking, turning arrangements within the site as well as the potential impact the development will have on road safety and traffic congestion.
- 81 The applicant has produced swept path analysis drawings showing that cars are able to suitably manoeuvre and turn in the proposed design. They have also revised the entrance design to the parking courtyard, improving its shared use design, better accommodating pedestrians as well as repositioning a number of parking bays to improve manoeuvring space.
- 82 It is worth noting that parking provision for the flatted dwellings is not in accordance with the National Roads Development Guide. The guide looks for two car parking spaces for every 2-3 bedroom unit. However, scope for reduction in parking provision is considered appropriate in circumstances where public transport provision is good (local and regional bus services are available within desirable walking distances) and local amenities are within desirable walking distances. Transport Planning has been consulted and it is their view that this site meets those criteria for such consideration, thus the parking provision offered of two spaces for the two units at the front and one parking space per flatted unit to the rear is satisfactory. Furthermore the developer has also integrated cycling parking into the scheme.
- 83 Overall, with conditional control applied (conditions 4, 5 and 6) there is no conflict with Policy TA1B.

## **Drainage and Flooding**

- 84 The applicant has confirmed that the foul drainage will be connected to the sewer and a condition can be imposed to ensure this connection is achieved (condition 9). A developer would need to secure a connection from Scottish Water and if there is a capacity problem this is a matter between the developer and network operator to resolve prior to development proceeding on the site.
- 85 The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled by condition (condition 10).

## **Waste Collection**

- 86 The Council's Community Waste Advisor has advised that a refuse collection vehicle will not enter this development so bins will be collected from the High Street. The proposal includes a bin store area within the central courtyard area

and the site layout also incorporates a bin collection point that will allow for refuse uplift at the High Street entrance.

### **Natural Heritage and Biodiversity**

- 87 When determining a planning application the planning authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the Regulations the applicant was advised that a bat survey should be undertaken. While initial survey work was undertaken a full and complete survey was not submitted at the outset of this application.
- 88 A full bat survey was subsequently submitted and further consultation exercise was carried out. The full survey provides evidence of bat roosts in the traditional building that fronts the site. The survey report sets out a number of recommendations and mitigation works that require to be deployed before undertaking work to the building. These recommendations have to be undertaken prior to demolition works to the building.
- 89 Consultation with the Bio-diversity Officer confirms that with conditional control applied to secure mitigation measures (condition 2) the works will not be detrimental to the maintenance of the bat population. The Biodiversity Officer also recommends conditional control to secure a swift box as part of the sites redevelopment to comply with the bio-diversity aims within building Policy NE3 Bio-diversity (condition 3).

### **Contaminated Land**

- 90 The proposed development is on land that is identified as having formerly been a filling station and where it is known there has been underground fuel storage. Records indicate there have been 5 tanks on the site. There is the potential for contamination resulting from this former use of the site, for example from leaks or spills of fuel.
- 91 In support of the application a Phase 1 Ground Investigation report has been submitted. This report confirms that a Phase 2 geo-environmental and geotechnical investigation is recommended in order to provide confirmation of the chemical condition of the underlying solid, bedrock and groundwater; the underlying gas regime; and to specify a foundation design.
- 92 The Environmental Health Contaminated Land Team have been consulted and they recommend conditional control to secure the Phase 2 investigation and ensure any recommendations within the report are adhered to (condition 11) thus ensuring compliance with Policy EP12.

## **Developer Contributions**

### Affordable Housing

- 93 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing.
- 94 The site has an existing unit on it. The proposal will create 6 units in total which is an increase of 5 units. The affordable housing requirement is 1.25 units ( $5 \times 0.25$ ). Due to the scale of the proposal a commuted sum payment would be accepted in lieu of onsite provision. The commuted sum for the Kinross Housing Market Area is £15,000 per unit. Therefore total Affordable Housing Contribution required in this instance is £18,750 ( $1.25 \times £15,000$ ).

### Primary Education

- 95 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 96 This proposal is within the catchment of Kinross Primary School. The proposal will increase the total number of units on site by 5. No contribution is required from affordable units (1.25 units). The primary education contribution will be calculated on the basis of 3.75 units ( $5 - 1.25$ ). Therefore the total Education Contribution required in this instance is £24,225 ( $3.75 \times £6,460$ ).
- 97 To secure both Affordable and Primary Education Contributions the developer has agreed 'Heads of Terms' and is looking for the contributions to be secured by a legal agreement to comply with Policy PM3. Although it should be noted an upfront payment would alleviate the need for a legal agreement.

## **Economic Impact**

- 98 There will be a positive economic impact associated with the redevelopment of this site. Employments opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive but minor impact on consumer spend within the Kinross Market Area.

## **LEGAL AGREEMENTS**

- 99 A legal agreement will be required if the financial contributions toward education and affordable housing are not paid upfront to release consent.

## **DIRECTION BY SCOTTISH MINISTERS**

- 100 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**

- 101 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 102 Accordingly the proposal is recommended for approval subject to the following conditions and completion of a Section 75 legal agreement.

## **RECOMMENDATION**

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

#### **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 document.

- 2 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (ref 18/01504/29) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

- 4 Prior to House 1 and House 2 hereby approved being completed or brought into use, the car parking facilities at the front of these houses as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 5 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the car parking facilities in the courtyard area at the front of these units as shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to Units 3, 4, 5 and 6 hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 7 Prior to the development hereby approved being completed or brought into use, the cycle parking facilities shown on the approved drawings for Units 3, 4, 5 and 6 shall be installed and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 8 The bathroom windows on the western façade of Unit 6 (located on the upper level of the western block of the development) hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 9 The spandrel panel arrangement incorporating high level windows on the western façade for the dining/kitchen living room of Unit 6 (located on the upper level of the western block of the development) hereby approved shall be retained and maintained at all times to the satisfaction of the Council as Planning Authority.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwelling house(s).

- 10 The foul drainage for the development shall be drained to the public mains sewerage system to the satisfaction of the Council as Planning Authority.

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

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

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

- 12 Development shall not commence on site until an intrusive investigation of the site has been undertaken, submitted for consideration and accepted by the Council as Planning Authority. The intrusive investigation shall be undertaken to identify;

The nature, extent and type(s) of contamination on the site.

- Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- Measures to deal with contamination during construction works .
- Condition of the site on completion of decontamination measures.

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

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

## **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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 6 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.
- 7 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open

an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 8 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.
- 9 The proposed demolition and/or building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.
- 10 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

|                    |                             |
|--------------------|-----------------------------|
| Background Papers: | 6 letters of representation |
| Contact Officer:   | John Russell 01738 475346   |
| Date:              | 11 October 2018             |

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

|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                      |
|------------------------------------------------------|
| You can also send us a text message on 07824 498145. |
|------------------------------------------------------|

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|





© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:5000



18/01054/FLL

Part demolition of buildings, erection of 2 dwellinghouses and 4 flats and associated works at Kirklands Garage, 10 High Street, Kinross









© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:1250



18/01054/FLL

Part demolition of buildings, erection of 2 dwellinghouses and 4 flats and associated works at Kirklands Garage, 10 High Street, Kinross





Perth and Kinross Council  
Planning & Development Management Committee – 24<sup>th</sup> October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/339)

|                  |                                                                                                                            |
|------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works. |
| <b>LOCATION:</b> | The Caledonian Bar, 35 James Square, Crieff, PH7 3EY.                                                                      |

Ref. No: 18/01094/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 Full planning consent is sought for alterations and the formation of decking to provide an outdoor seating area and associated works at The Caledonian Bar, 35 James Square, Crieff. The property forms part of a category C listed building in the Crieff Conservation Area. The proposed works involve replacing an existing window on the rear (south) elevation with a door to allow access to a proposed new outdoor seating area at first floor level providing 36 covers.
- 2 Previous applications for both listed building consent and planning consent were withdrawn due to potential concerns with the outdoor canopy, lighting and heating in terms of detrimental impact on the setting of the listed building and Conservation Area. Other concerns were raised in terms of the use of the outdoor area as the proposed canopy along with the heating, lighting and hours of use (10am until 10pm) would have provided a more permanent and prolonged use of the area which would have had the potential to impact on neighbouring residential amenity, which is likely to give rise to noise complaints.
- 3 This amended proposal is for two large freestanding umbrellas in lieu of the canopy which are freestanding, proposed planters and lighting which will require fixings onto the building. The erection of acoustic screening to the boundary is also proposed, as well as the existing signage will be relocated to the balustrade. The hours of use have been amended to 10am to 9pm 7 days a week from the previously proposed 10am to 10pm.
- 4 There is an associated listed building consent application which was recently approved under delegated powers ([18/01095/LBC](#)).

## **PRE-APPLICATION CONSULTATION**

- 5 The proposal has been subject of a pre-application enquiry 17/00580/PREAPP which advised that the principle of the proposal was acceptable. However, the use of the upper floors of the building which would overlook the terrace was unknown and as such there could be an impact on residential amenity from the use of the terrace, noise, smoke odour etc.

## **NATIONAL POLICY AND GUIDANCE**

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

### **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
  - Listed Buildings: paragraph 141

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 68 Design Statements
  - PAN 77 Designing Safer Places

## **Creating Places 2013**

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

## **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 2014.

## **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.

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

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

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

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

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

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

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

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

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy HE3A - Conservation Areas**

- 21 Development within a Conservation Area must preserve or enhance its character or appearance.  
The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

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

- 22 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and



use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

#### **Policy EP8 - Noise Pollution**

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

#### **Policy RC1 - Town and Neighbourhood Centres**

- 24 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

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

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

#### **Policy EP5 - Nuisance from Artificial Light and Light**

- 26 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

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

- 27 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 28 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which

the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 29 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 30 [16/00403/FLL](#) Installation of windows. Application Approved, 13 April 2016 – delegated decision
- 31 [16/00404/ADV](#) Display of signs, Application Approved. 12 April 2016 – delegated decision
- 32 [16/00405/LBC](#) Alterations. Application Approved, 18 April 2018 – delegated decision
- 33 [18/00370/LBC](#) Alterations. Application Withdrawn, 7 June 2018
- 34 [18/00409/FLL](#) Alterations and formation of decking to provide outdoor seating area, installation of canopy, screen fence and associated works. Application Withdrawn, 7 June 2018
- 35 [18/01095/LBC](#) Alterations. Application Approved, 13 September 2018 – delegated decision

## **CONSULTATIONS**

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

### **Internal**

- 37 **Environmental Health (Noise Odour)** – no objection in principle subject to conditional control in relation to external lighting, noise and hours of operation.
- 38 **Transport Planning** – no objections.

## REPRESENTATIONS

39 The following points were raised in the 6 representation received:

- Noise/Impact on Residential Amenity
- Hours of Operation
- Loss of Privacy
- Visual Amenity

40 These issues are addressed in the Appraisal section of the Report. The following matter is best addressed at this stage:-

- Concerns were also raised that the footpath is blocked by refuse bins which contravenes the fire escape. The bin storage area is existing and the proposal does not require additional bin storage capacity. Nonetheless, any contravention of a fire escape is not a planning consideration.

## ADDITIONAL STATEMENTS

41

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

## APPRAISAL

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

43 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- 44 It should be noted that an application for listed building consent (18/01095/LBC) for the same scheme has been recently approved (13 September 2018). The listed building consent application and planning application are linked insofar as works cannot progress until both applications are approved.

### **Principle**

- 45 In terms of land use policies, the key policies are contained within the Local Development Plan 2014. Within the LDP, the site falls within the Crieff Conservation Area in addition to being a category C listed building and within an identified Town and Neighbourhood Centre, therefore Policy HE3A - Conservation Areas, HE2: Listed Buildings and Policy RC1 - Town and Neighbourhood Centres are directly applicable.
- 46 Policy RC1 supports development in use Class 1 (retail) and Class 2 & 3 (leisure, entertainment, recreation, cultural). The site is located within the town centre; therefore it would not be unexpected to see outside seating areas associated with commercial uses where there is some existing. Therefore in this instance the principal of an outside seating area is considered to comply with the LDP.

### **Design and Layout**

- 47 The proposed outside seating area will be located to the rear of the premises on the flat roof of an existing single storey extension. The proposed seating area faces out onto the public car park area adjoining the premises.
- 48 The outdoor seating area will measure approximately 7.3m by 5.5m and will accommodate 36 covers. An existing window will be removed to be replaced with a door to allow access from the existing lounge area of the premises to the proposed outdoor seating area.
- 49 The plans submitted indicate that an acoustic fence of 1.7 metres in height is to be installed along the west elevation and partially on the south elevation. A frameless glass balustrade measuring 1.1 m in height will also be installed along the south and partially east elevation, with a galvanised metal balustrade of 1.1 m in height along the rest of the east elevation. The height of the proposed balustrade is considered to be of a typical height expected to be installed around the perimeter of a raised terrace. In terms of the materials proposed it would not have an adverse impact on the character with the host building or be harmful to the character of the surrounding area.
- 50 The works to the listed building are minimal which include the formation of a new doorset within an existing window opening and fixings into the existing building for the planter, trellis and lighting. Existing fixings will be used where these exist, or mortar joints where possible to avoid drilling directly into the stone. This has been conditioned as part of the associated listed building

consent. The surrounding balustrade will fall short of the existing building to avoid additional wall fixings.

### **Noise and Residential Amenity**

- 51 The main concern with this proposal relates to potential impacts upon existing residential amenity. This was also the main basis of the 6 objections received. Policy EP8 of the LDP relates to noise. The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 52 Consultation has been undertaken with Environmental Health (EH) and they note that the nearest residential noise sensitive properties to the bar and proposed outdoor seating area are located directly above premises. Their response also specifies EH has received complaints from residential properties with regards to noise from amplified music from the existing premises. Residential amenity to existing properties could be adversely affected due to noise from patrons using the area and from amplified music breaking out from the premises every time the proposed new door is opened.
- 53 The proposed acoustic fence will not provide any noise attenuation for residential properties located above the premises, although it may serve some protection for patrons using the seated area from noise from the ventilation duct.
- 54 In light of the above, Environmental Health recommend that the hours of use for the outside seated roof terrace be restricted to 6pm in order to protect residential amenity (Condition 5) and that prior to the commencement of development, a noise management plan be submitted (Condition 4). Additionally, no music, amplified or otherwise, shall be permitted in the outdoor seating area at any time (Condition 3). With these Conditions applied, there is not a conflict with Policy EP8.
- 55 It should be noted that the agent was made aware of the restrictive condition in terms of hours of use and an additional supporting statement was subsequently received requesting that the hours of operation be limited to 9pm, 7 days a week. Environmental Health were further consulted and reiterated that the proposed hours of operation should be restricted to 10am to 6pm.
- 56 For the reasons above, the Agent confirmed written acceptance of the restricted hours of operation of the outdoor seating area.

### Loss of Privacy

- 57 Concerns have been raised insofar as the proposed terrace will allow the public to be able to look into upper floor windows. The distance between the proposed terrace and closest residential window is sufficient to prevent overlooking and the flats in question are elevated above the proposed terrace. As such the proposal will not result in a loss of privacy.

### Lighting

- 58 Policy EP5 of the LDP relates to light pollution and seeks to prevent statutory nuisance from lighting. Consultation has been undertaken with Environmental Health in respect of external lighting. The applicant proposes to install three 7W LED downlights on the south elevation of the building. In their response Environmental Health have advised that there is the potential for external lighting to adversely affect residential amenity. As a consequence they recommended a condition that will ensure adequate control over the proposed lighting so that it will not impact on neighbouring amenity (Condition 2). With this applied, there is not a conflict with Policy EP5.

### **Visual Amenity**

- 59 I note concerns have been raised in respect of the visual impact of the proposal, however, as a result of the scale of the development and the existing setting of the site adjacent to a car park, it is considered that the proposed development will result in little impact on the visual amenity of the area. To the contrary, the proposed planters will enhance the visual amenity of the site and compliment the host building.

### **Drainage and Flooding**

- 60 The proposal raises no issues in terms of drainage or flooding matters.

### **Waste Collection**

- 61 There is an existing bin storage area and the proposal to increase the number of covers does not require additional bin storage facilities. Consultation has taken place with the Council's Commercial Waste team who have confirmed no additional bin storage facility is necessary.

### **Conservation Considerations**

- 62 Policy HE2 and HE3a of the LDP required the impact of any development on character and setting of a listed building and Conservation Area to be assessed. As noted in the Historic Environment Scotland list description, the building is primarily listed for its group interest and contribution to the public square, which will remain unaffected by the proposals. The Square elevation is the east elevation and the current proposals relate the west elevation (rear). The works

proposed are not considered to have an adverse impact on the setting of the Conservation Area and listed buildings. As such I consider the proposal to be consistent with the requirements of Policies HE2 and HE3A of the LDP.

### **Developer Contributions**

- 63 No developer contributions are required in this instance.

### **Economic Impact**

- 64 The proposal will result in an increase in seating for the existing business and as such the overall economic impact will be positive. Such proposals are encouraged as they may add to the vitality and viability of the Town Centre.

### **LEGAL AGREEMENTS**

- 65 Not required

### **DIRECTION BY SCOTTISH MINISTERS**

- 66 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**

- 67 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 68 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 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 conforms to requirements to meet the Obtrusive Light Limitations for exterior Lighting Installation for Environmental Zone -E2 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

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

- 3 No music amplified or otherwise, shall be permitted in the outdoor seating area at any time.

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

- 4 Prior to the commencement of development, a noise management plan shall be submitted for the written approval of the Council as Planning Authority. The aforementioned plan shall include details of how noise from the use of the outside seating area will be controlled and include a complaints procedure. The approved plan shall be fully implemented upon commencement of the development and shall remain in effect throughout the lifetime of the use of the outdoor seating area to the satisfaction of the Council as Planning Authority.

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

- 5 The hours of use for the outside seating area are 1000 to 1800 hours daily.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.



## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.

Background Papers: 6 letters of representation  
Contact Officer: Gillian Peebles 01738 475330  
Date: 11 October 2018

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

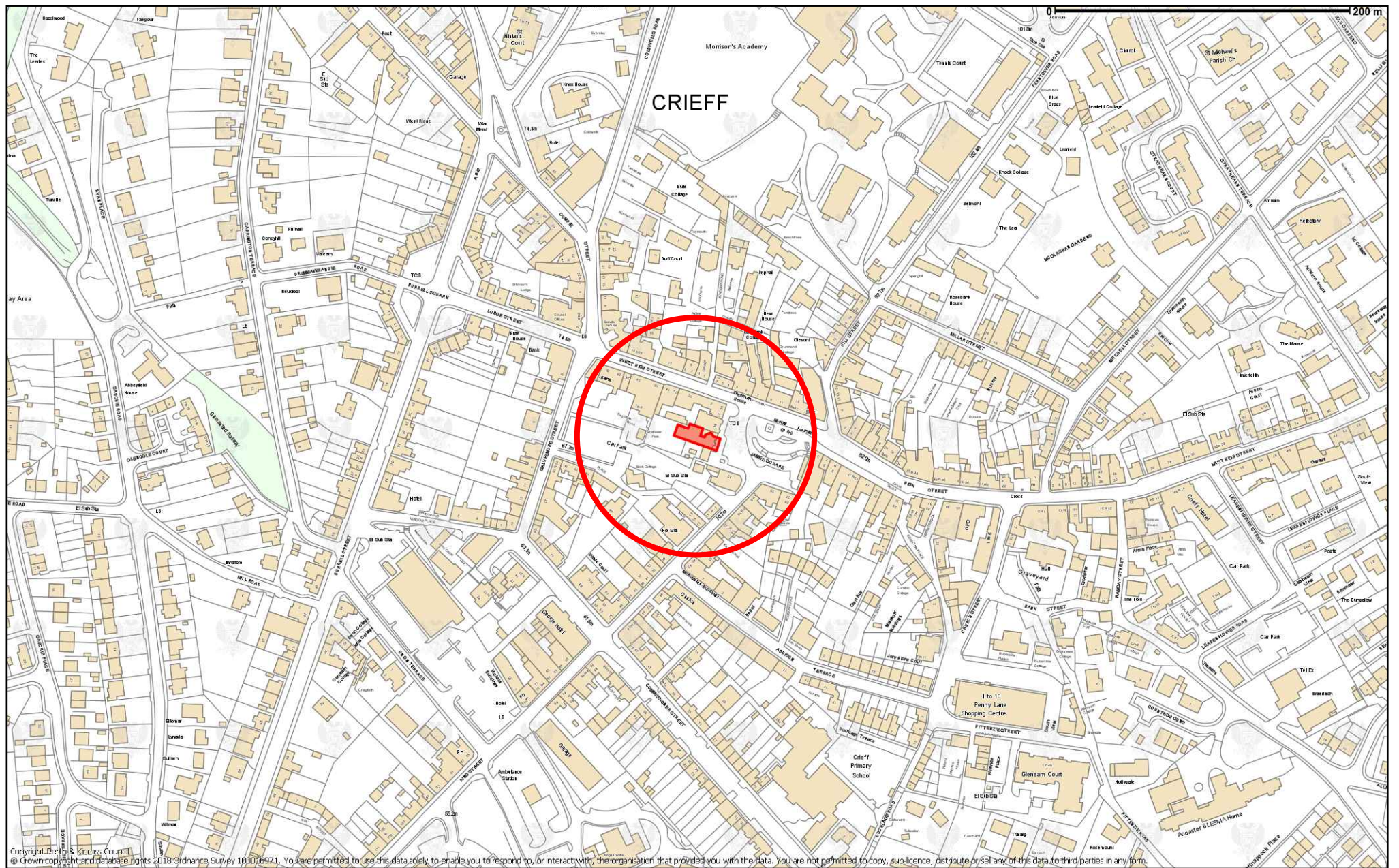
|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                      |
|------------------------------------------------------|
| You can also send us a text message on 07824 498145. |
|------------------------------------------------------|

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|







© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:3500



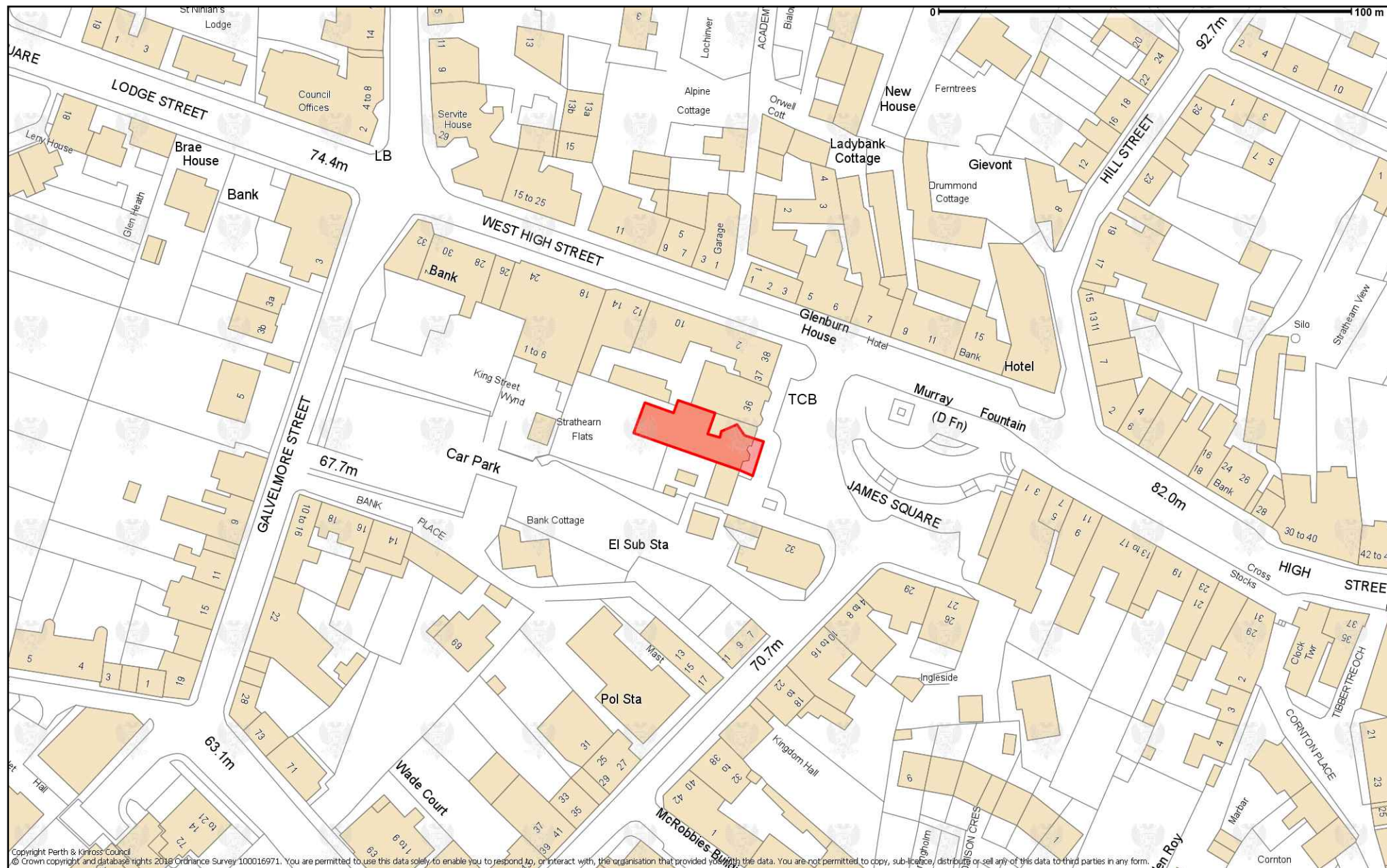
18/01094/FLL

Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works, The Caledonian Bar, 35 James Square, Crieff









© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:1250



18/01094/FLL

Alterations and formation of decking to provide outdoor seating area, installation of a screen fence and associated works, The Caledonian Bar, 35 James Square, Crieff





Perth and Kinross Council  
Planning & Development Management Committee – 24<sup>th</sup> October 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/340)

**PROPOSAL:** Alterations and extension to dwellinghouse

**LOCATION:** 63 Viewlands Road West, Perth, PH1 1NA

Ref. No: 18/01353/FLL  
Ward No: P10- Perth City South

**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 planning application site relates to a modestly sized bungalow located on the north side of Viewlands Road West in the Burghmuir area of Perth. As is a feature in the estate, the house is set gable-end on within an open planned plot. It forms the east most unit of a row of three dwellings situated between Muirend Avenue and Fairies Road, opposite the grounds of Oakbank Primary School.
2. The plot features a small open plan front garden and a heavily landscaped enclosed rear garden. Entry is on the eastern side of the house, via the driveway which contains a detached flat roofed garage.
3. Permission is being sought to raise the roof height of the house in order to form an upper level of accommodation. Plans indicate that the roof pitch will be increased from 22.5° to 50°, in order to accommodate a stairway accessing two bedrooms and a shower room. New bedroom windows will be installed in the front (north) and rear (south) elevations of the house, along with one roof window on the east side of the roof serving the upper landing and two roof windows on the western side of the roof serving the stair and a shower room. All materials are noted as matching those as existing; comprising dry dash render and concrete roof tiles.

**NATIONAL POLICY AND GUIDANCE**

4. 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**

5. 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**

6. 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.
7. The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Placemaking : paragraphs 36 – 57

## **Planning Advice Notes**

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

## **DEVELOPMENT PLAN**

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

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

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



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

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

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

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

14. All proposals should meet all eight of the placemaking criteria.

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

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

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

16. Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
17. The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29

August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

18. The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

19. None.

## **CONSULTATIONS**

20. None.

## **REPRESENTATIONS**

21. A total of 6 letters of representation have been received regarding the proposals. The following points were raised in the representations received:
  - Excessive height
  - Out of character with the area
  - Loss of sunlight or daylight
  - Overlooking
  - Overdevelopment of small plot
  - Traffic congestion and road safety concerns
  - Result in the decrease of value of existing properties
  - Loss of view

22. The valid planning issues are addressed in the Appraisal section of the report. The loss of a view and potential impact on house values are not material considerations in the determination of the planning application.

### **ADDITIONAL STATEMENTS**

23.

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

### **APPRAISAL**

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

#### **Principle**

25. The application site forms part of a long established residential area within the settlement boundary of Perth, where the main policy of note is RD1 (Residential Areas). The principle of altering or enlarging an existing house is therefore generally considered acceptable subject to achieving a suitable detailed scheme that does not significantly impact on established amenity levels.

#### **Design and Visual Amenity**

26. The finished roof ridge height is increasing from 4.65m to 7.35m. The roof and walls will be finished in materials to match the existing house and are therefore reflective of neighbouring properties.
27. There are a number of similar examples of developments nearby which have successfully created additional accommodation by raising the roof pitch; this includes 67 Viewlands Road West, two properties to the west, which is situated on a corner plot. The proposals are deemed to be in keeping with the wider character of the locality and it is not envisaged that the increase in height will introduce any adverse or significant change to the streetscene.

## **Landscape**

28. The garden contains a variety of mature shrubs and hedges which although of no particular individual merit, collectively provide an effective means of enclosure and screening. The development proposals will not however result in any increase in the overall footprint size of the house, so no change is anticipated to the established landscape framework which presently exists at the site.

## **Residential Amenity**

29. The house is set in a modest plot. The works proposed will not reduce the existing garden area; the ratio of house to plot size is not changing and will not encroach closer to any boundary. It is considered that the creation of a modest amount of additional floor space comprising of one additional bedroom is not overdevelopment and is acceptable within the context of the site and surrounding area.

## **Loss of Privacy**

30. Given that the public road is to the front of the house and the rear elevation is set more than 10 metres back from the boundary with neighbouring gardens; established amenity guidelines are being achieved which require a 9 metre distance between a window and a shared boundary. Neither of the proposed gable windows raise any significant amenity concerns as they will not look directly towards existing windows. Additionally, the nature of the internal layout, presence of landscape cover and relationship with adjoining gardens suggests that any overlooking will be limited and confined to an element of garden ground.

## **Overshadowing**

31. Reference has been made to the increase in height impacting on neighbouring light levels. The closest property is the similar, gable-end bungalow property to the immediate west, whose main outlook is to the north and south over the garden.
32. A desk based shadow cast assessment has been carried out which shows that there will be a minimal amount of shadowing. This demonstrates that the north-eastern corner of the roof of 65 Viewlands Road West, to the west of the site will be in a shadow for a limited period in the morning, as will a section of the rear gardens of numbers 28 and 30 Fairies Road (to the east) in the afternoon during the months of March and October when the sun is at a low level. A small area of the Fairies Road properties gardens, close to the boundary with the site will also be in shadow in high summer around 4pm; it is noted however that as the properties are situated due east, there is already an element of shadow cast in the summer. Additionally, the assessment also indicates that the western side

of the house at 65 Viewlands Road West already features a degree of shadow cast from the present roof profile.

33. As the shadow cast created by the proposals will not impact on habitable rooms and is essentially confined to a limited area of the neighbouring gardens for a temporary period, I do not consider the resultant impact to be significant or detrimental to the continued enjoyment of the neighbouring properties. Furthermore, our assessment of the existing shadow cast does not take account of the impact that the established planting currently has on sunlight levels throughout the year.

### **Roads and Access**

34. The house is served by an existing access which provides off street parking for multiple vehicles. There is no restriction on vehicle numbers or on the use of the driveway which currently does not include any turning provision. There is scope to form a turning area to the front of the house should the occupants wish. It is not envisaged that the enlargement of the roofspace will have any negative impact on access provision as it presently exists or result in any off-site adverse issues.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

36. Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

37. 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**

38. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

Accordingly the proposal is recommended for approval 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.

## **B JUSTIFICATION**

39. 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**

40. 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 will be required.

Background Papers: 6 letters of representation  
Contact Officer: Alma Bendall 01738 475358  
Date: 11 October 2018

**ANNE CONDLIFFE**

**INTERIM DEVELOPMENT QUALITY MANAGER**

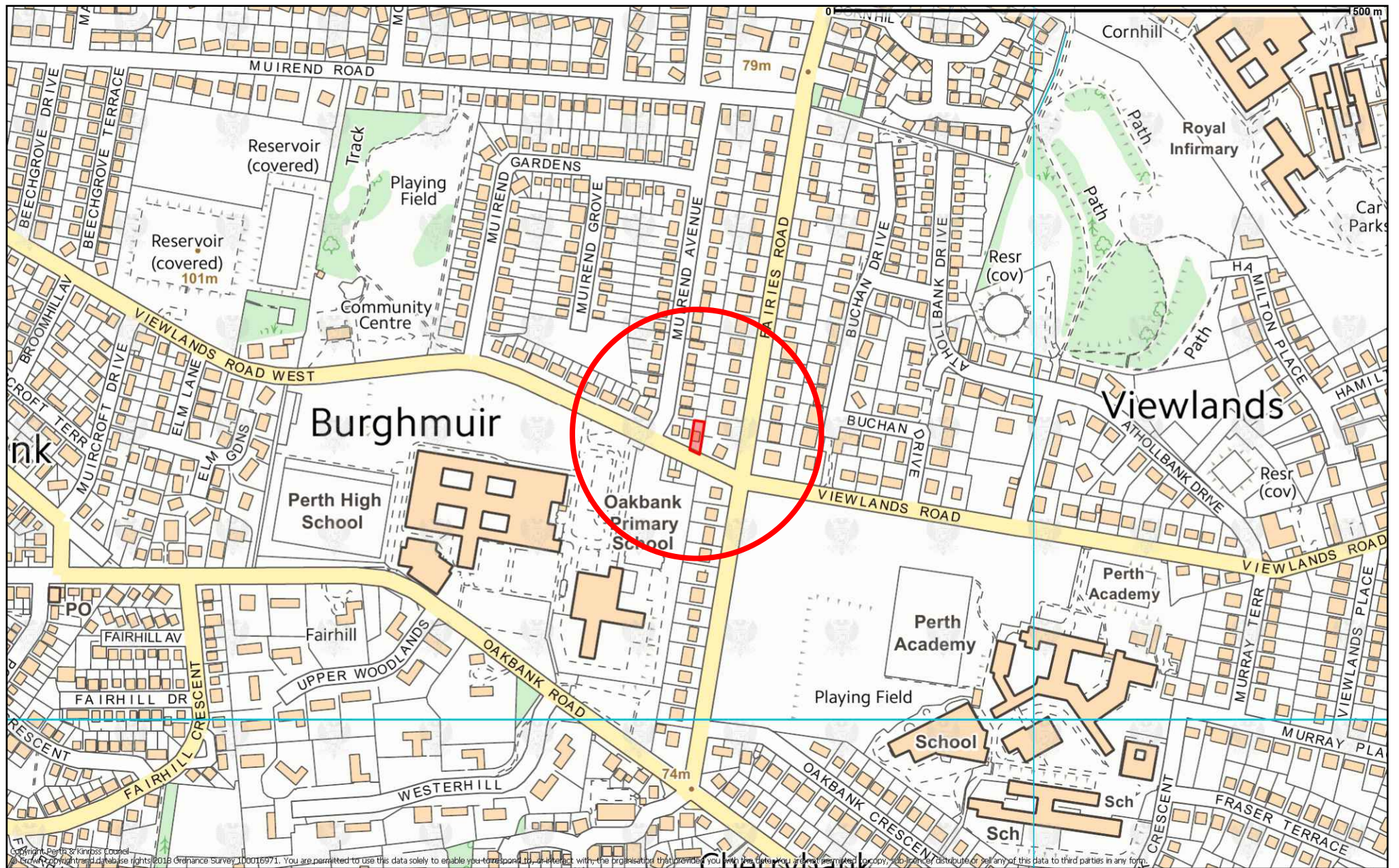
|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                      |
|------------------------------------------------------|
| You can also send us a text message on 07824 498145. |
|------------------------------------------------------|

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|







© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:5000



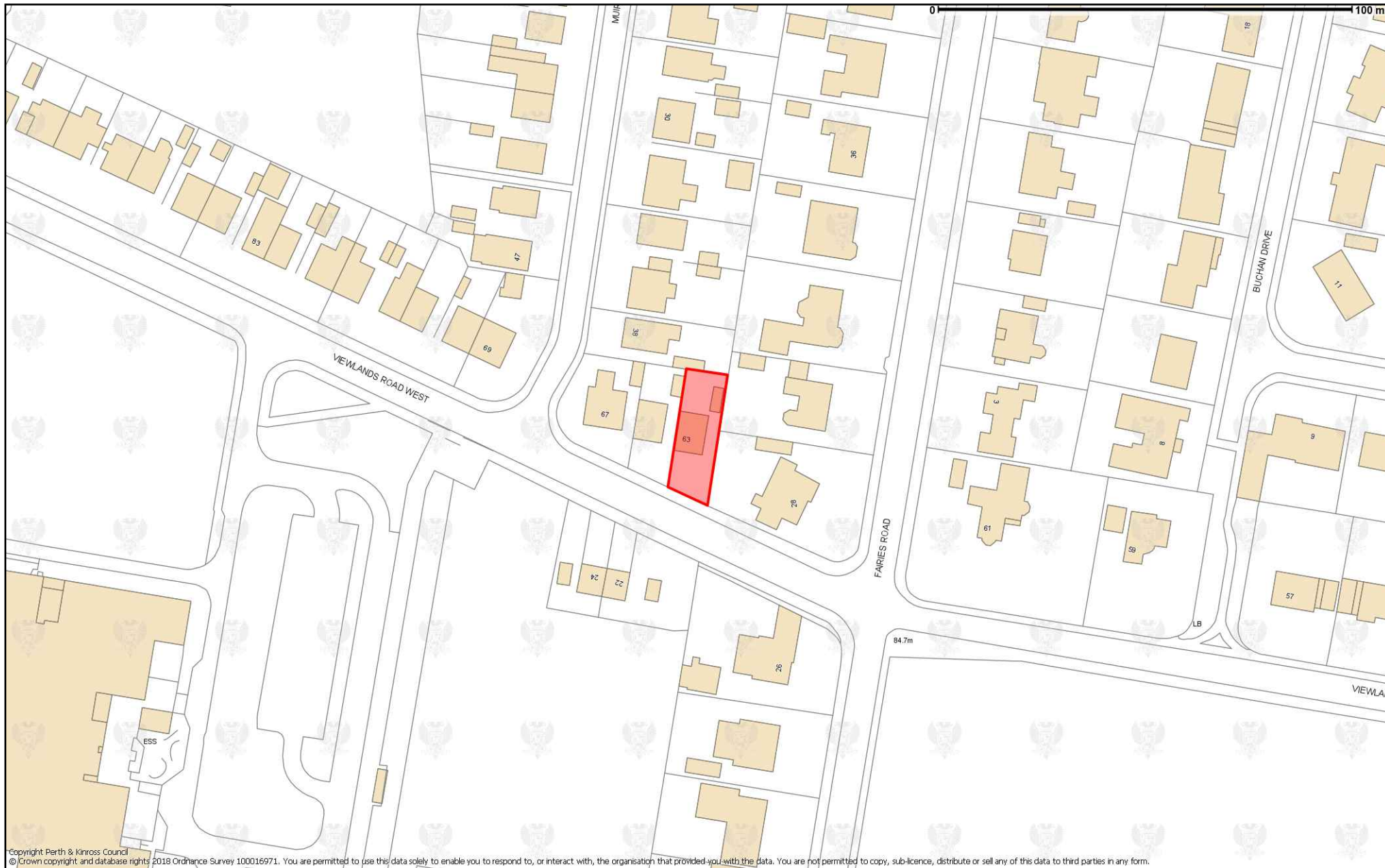
18/01353/FLL

Alterations and extension to dwellinghouse 63 Viewlands Road  
West Perth









Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use the data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

|                                                                                                                                                                                                                                                                                                                                       |                     |                                                                                      |                                                                                                                      |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p>© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.</p> | <p>Scale 1:1250</p> |  | <p><b>18/01353/FLL</b></p> <p><b>Alterations and extension to dwellinghouse 63 Viewlands Road<br/>West Perth</b></p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

