

Perth and Kinross Council
Planning & Development Management Committee – 11 April 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL:	Erection of a clubhouse, formation of parking and associated works
LOCATION:	Land 70 Metres North East Of The Workshop Rhynd

Ref. No: 17/01886/FLL
Ward No: P9- Almond And Earn

Summary

This report recommends **approval** of the application for the erection of a clubhouse, formation of parking and associated works for Tay Rowing Club as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application is for the formation of a clubhouse for Tay Rowing Club (TRC) at Sleepless Inch. The site is located downstream of Perth on the southern bank of the River Tay opposite Walnut Grove and the Kinfauns Holdings. To the west of the site there is motor vehicle repair shop and a number of houses. To the east there is the Scottish Water Waste Treatment Plant. Access to the site is via a private access from the Rhynd Road.
- 2 The application site compromises the riverbank which includes a dilapidated pier, the access road to the Scottish Water Waste Treatment Plant and a triangular area of land where the clubhouse will be erected along with boat rigging, parking and a turning area.
- 3 The proposed club house will be two storeys in height which will consist of ground floor equipment storage areas and first floor will have a club, meeting, weight and plant rooms and, also changing /bathroom areas. The first floor will also have a balcony area which leads out from the club room.
- 4 The agent has confirmed that the TRC was formed in February 2015 by a group comprising long standing Perth residents and former students of Dundee University who have remained in the area since graduating. The club is a Scottish Charitable Incorporated Organisation (SCIO). The club's constitution includes reference to providing "equal opportunities for successful participation by all sections of the community, particularly through local schools" and to "work with partners to encourage watersport in Tayside". It is a founder member of the River Tay Community Sport Hub.

- 5 In searching for a suitable site upon which to be based, TRC took into account the following:-
- Safe water suitable for teaching beginners. Local knowledge suggests that this exists between Friarton Bridge and Elcho Castle.
 - Access from the site to the river, preferably an existing access.
 - Reasonable vehicular access to the site for the transportation of racing boats. A racing eight is about 18meters in length.
 - Availability for long term lease.
- 6 All available sites on the north bank discount themselves on vehicular access grounds due to the main railway line. Four potential sites were identified on the south bank, but only one was available for lease. This has led to the submission of the application at the Sleepless Inch site.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 Taking account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration, frequency and reversibility, it is unlikely that the development would have a significant effect on the environment. A detailed study through EIA is therefore not required.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 11 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The

document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

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

Creating Places

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 19 *“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.”*
- 20 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 9: Managing TAYplans Assets

- 21 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

- 22 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.
- 23 The principal relevant policies are, in summary:-

Policy PM1A - Placemaking

- 24 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

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

Policy PM3 - Infrastructure Contributions

- 26 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 TA1B - Transport Standards and Accessibility Requirements

- 27 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 NE1A - International Nature Conservation Sites

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

Policy NE3 - Biodiversity

- 29 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 NE5 - Green Belt

- 30 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

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

Policy EP2 - New Development and Flooding

- 32 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 EP15 - Development within the River Tay Catchment Area

- 33 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 35 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 36 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 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 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.
- 37 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any 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. 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.

- 38 The Proposed Plan 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. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

SITE HISTORY

- 39 None.

CONSULTATIONS

External

Scottish Environment Protection Agency (SEPA)

- 40 No objection to the application. Advice provided on flood risk and drainage.

Scottish Natural Heritage (SNH)

- 41 This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, SNH object to this proposal unless it is made subject to Construction Method Statement which will ensure that the works are done strictly in accordance with the mitigation detailed in their appraisal.

Historic Environment Scotland (HES).

- 42 This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Scottish Water

- 43 No objection to the application. Scottish Water do highlight that they have infrastructure running through the site.

Internal

Structures & Flooding

- 44 No objection.

Biodiversity Officer

- 45 No objection subject to conditions relating to the implementation of mitigation measures associated with protected species as well as informatives.

Environmental Health

- 46 No objections subject to conditional control relating to construction noise, operational noise and lighting.

Transport Planning

- 47 No objection.

Contributions Officer

- 48 No objection.

Perth and Kinross Area Archaeologist (PKHT)

- 49 The site of the new clubhouse, formation of parking and associated works is in an area considered to have archaeological potential. If permission is granted for the clubhouse and associated infrastructure, it is recommended that a negative suspensive condition for an archaeological investigation is attached to consent to ensure the development does not destroy significant archaeological remains.

REPRESENTATIONS

- 50 The following points were raised in the 3 representations received that support the application:

- Good for keeping community active.
- Tay Rowing Club will take a responsible and safe approach to road usage and contribute to the maintenance of the private access.

- 51 The following points were raised in the 10 representations received that object to the application:

- Flooding issues. Drainage issues. The main Scottish Water sewer runs through the site.
- Transport issues. Road safety concerns. No public transport. No opportunity to improve the road it is in private ownership as well as the adjoining verges and ground.
- Parking provision too low.
- Conflict with Greenbelt designation and impact on rural area. Landscape impact and visual impact.
- Impact on wildlife.
- Impact on pier.
- Impact on quality of life.
- Concerns with loss of trees.

- 52 The above matters are addressed in the Appraisal section of this report.
- 53 However the following points of objection are best addressed at this stage under the following headings:-
- Concern the site is unstable. – This will be a matter for the developer to take into account to ensure that the groundworks undertaken at the site are suitable for the proposed clubhouse construction. This will be something that requires satisfaction through the building regulations process.
 - Concern the site is already being utilised without the benefit of planning permission. – From the site inspection it appears that storage of equipment at the site is being undertaken without the benefit of permission.
 - Concern the site could be used for another purpose if the rowing club fails. – This concern is noted. Conditional control can limit the use of the building to a Rowing Club. Accordingly any change away from the Rowing Club use would be subject to a further application and this would allow public comment.
 - Area will be utilised as a dumping ground. – This concern is noted but is not directly comparable to this application as unauthorised dumping could already occur at the site.

ADDITIONAL STATEMENTS

54

Environment Statement	Not Required
Screening Opinion	ES 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	Submitted

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 this case I consider the main issues to be assessed is the relationship of the proposal with the Greenbelt, design and layout, landscape, residential amenity, roads and access issues, drainage and flooding, natural heritage and bio-diversity, cultural heritage, developer contributions and economic impact.

Principle

- 57 The Green Belt is the cornerstone for the spatial strategy for the Perth Area. TAYplan states that a Green Belt shall be designated to manage long-term growth, preserve the setting, views and special character of Perth and sustain the separate identity of Scone.
- 58 An objective of Green Belt policy is to strictly control the spread of built development, increase the area's use for leisure and recreational purposes, particularly for managed public access, and facilitate the creation of green corridors with improved biodiversity.
- 59 National policy and guidance attaches great importance to the need to establish confidence in the permanence of Green Belts. The boundaries which define the area must be clear and generally follow permanent physical features. To create permanence, the Green Belt allows sufficient land for long-term expansion, possibly in excess of 30 years. The Green Belt is therefore as much about defining the long-term expansion of Perth and surrounding villages, as protecting its landscape setting.
- 60 The proposed rowing club site is within the Green Belt. The LDP through Policy NE5 seeks to encourage recreational opportunities as contained within criterion (c).
- 61 *(c) it constitutes uses which advance the Council's aims of improving public access to the countryside around Perth and are appropriate to the character of the Green Belt, including recreational, educational and outdoor sports development including modest related buildings which are located and designed in such a way as not to detract from the character of the green belt.*
- 62 Taking account of the above the proposal complies with criterion (c) of Policy NE5, the rowing club is an outdoor sports development and the building is modest in scale taking account of operational requirements and site constraints. The design of the building is discussed in greater detail under the Design and Layout heading.

Design and Layout

- 63 Policy PM1A and PM1B confirms that development must contribute positively, should be planned and designed with reference to climate change, mitigation and adaptation.
- 64 The agent has submitted a supporting statement which explains the project ethos and design.

- 65 The proposed club house will be two storeys in height which will incorporate ground floor equipment storage areas. On the first floor there will be club accommodation, meeting, weight and plant rooms as well as changing /bathroom areas. A balcony area is located to the east of the building and this is accessed from the first floor. Fair faced dense concrete masonry will be used in the construction of the ground floor external walls, untreated vertical cedar boarding will be utilised for the external walls of the first floor and balcony balustrade. The roof will consist of profile metal sheeting with PV panels set in three arrays of four incorporated into the plain of the roof between the light tubes on the south elevation. Roller shutter doors will provide access to the boat storage. Windows are aluminum with a mid grey colour coating to the frames, the entrance door will be galvanized steel. The approach taken to the buildings design with regards to scale, massing and detailing of the fenestration is appropriate. However, samples of materials require to be submitted for prior approval, see condition 4.
- 66 Externally there will be fencing to secure the boat rigging area and mid green painted LPG tank. The fencing will consist of 2.0 metre high 'V' mesh panels and matching gates with a green colour coating. The boat rigging, car parking and drop off / turn round surfaces will consist of 40mm Geogrid interlocking ground reinforcement tiles on 150mm compacted sub-base. Infilled with <10mm gravel in car areas with topsoil and grass seed in rigging compound.
- 67 Taking the above into account the approach deployed at the site complies with the Placemaking policies of the LDP and the design and layout criterion contained within the Green Belt Policy NE5.

Landscape

- 68 Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. LDP Policy NE5 requires the proposal to be satisfactorily accommodated within the landscape of the Green Belt. There is also landscape protection associated with Policy ER6.
- 69 The application site is located within the Sidlaw Hills Special Landscape Area (SLA) and includes part of the Carse of Gowrie as well as Moncreiffe Hill to the south of the Tay and Kinnoull Hill on the outskirts of Perth which sits in an elevated position with panoramic views over the application site. This supplementary guidance acknowledges the special qualities of this landscape unit, forces for change and objectives to protect it. While the site will be visible from viewpoints on Kinnoull Hill I do not consider that there will be an adverse landscape or visual impact on this Special Landscape Area Unit given the nature of this proposal. From the Tay Valley floor the impact will be minor given intervening woodland and topography.
- 70 Taking account of the above there is no conflict with LDP Policy NE5 or ER6.

Residential Amenity

- 71 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. I note concerns have been raised regarding the schemes potential impact on residents quality of life.

Construction Noise

- 72 There is the potential at the construction stage for noise to adversely affect residential amenity if not properly controlled, this could be noise from piling works, generators etc. The nearest noise sensitive residential receptor is approximately 230 metres from the site. Environmental Health recommend that the applicant submits a Construction Management Plan prior to the commencement of the construction of building which should include proposals for noise and dust management. Condition 3.

Operational Noise

- 73 There is the potential for noise from the operations of the rowing clubhouse, such as patrons using and leaving the premises, however Environmental Health are of the view that with good management that this should not adversely affect residential amenity. They note that the plans indicate a plant room and recommend that the standard plant noise condition be included on any given consent. Conditions 10 and 11.
- 74 With conditional control applied there is not considered to be a conflict with policy EP8.

Lighting.

- 75 The detailed design brief includes external lighting. It confirms there is requirement for external security lighting and this will be fixed to the north and east elevations of the clubhouse. This lighting will be controlled by sensors so will only be on when there are people in close proximity to the building. Conditional control can ensure lights are fitted or shaded in a way that the actual light sources do not spill beyond the site, see condition 12.

Roads and Access

- 76 It is apparent from the letters of representation that one of the main issues of concern are the access arrangements to the site and the extent of traffic that already utilises the road.
- 77 The concerns regarding the ownership of the road raised in letters of representations and the commentary made by the TRC chairman regarding the up keep of the road is noted. Ultimately matters of ownership, maintenance and

rights to use the road are private civil matters between the parties and this falls out with the assessment of this application.

- 78 Notwithstanding this there is a requirement to ensure that the access arrangements to the site are appropriate and I am required to take cognisance of Policy TA1B.
- 79 It is noted from the site selection criterion that the locational opportunities for the TRC are somewhat restricted. As a result the ability to integrate the scheme with the public transport network is limited taking account of other operational requirements that need to be met. The supporting statement submitted by TRC acknowledges this and confirms that public transport is some 2.5km from the site. From the site visit this would be the bus stops on the Edinburgh Road close to the junction with Rhynd Road. The journey between the site and public transport would predominantly be on foot via the road as the footpath from the Edinburgh Road only extends to Tarsappie.
- 80 TRC do note that along the riverside the site is only 4.5km from the centre of Perth by bicycle or on foot. To promote sustainable transport the scheme allows for the secure storage for at least 20 bicycles within the boathouse. The provision of the bike storage and the changing facilities at the club are likely to increase this form of transport however this will not alleviate the need for trips to be undertaken by motor vehicles.
- 81 The proposal includes off street parking for 8 cars, an off street drop off and turning area. Consultation with Transport Planning has been undertaken and they offered no objection to the application.
- 82 Given the extent of objections on roads access and road safety grounds Transport Planning were asked to review the application again. A copy of the video submitted by one of the objectors was also provided to Transport Planning. Their stance on the scheme remains unaltered, no objection is offered. Accordingly significant weight is attached to this consultation response and on this basis, in so far as roads matters are concerned, the proposed development does not conflict with Policy TA1B.
- 83 Conditional control will nevertheless be applied to ensure that the parking and turning facilities are installed at the site prior to the occupation of the building, see conditions 7 and 8.

Drainage and Flooding

Flood Risk

- 84 Scottish Planning Policy states that land within 1 in 200 year flood risk may be suitable for:
- “some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place”

And goes on to provide further advice as follows:

“Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water-resistant materials and construction should be used where appropriate.”

- 85 The SEPA response confirms that the location of the development will be susceptible to flooding but note that it is essential for water-based recreation (and refer to Scottish Planning Policy paragraph 263). They note the building should be designed and constructed to be operational during floods and not impede water flow. SEPA offer no objection but advise that they expect Perth & Kinross Council to undertake its responsibilities as the Flood Prevention Authority. The PKC Structures & Flooding Team offers no objection.
- 86 The TRC are aware of the potential flooding issue and appropriate precautions have been incorporated into their scheme. This includes the construction of the ground storey in water resistant materials and adopting a flood emergency procedure for the club.
- 87 Taking account of this there is no conflict with LDP Policy EP2: New Development and Flooding or the associated flooding section of the SPP.

Foul Drainage

- 88 The TRC are aware that Scottish Water has sewer infrastructure running through the site and the proposed building is set back 6 metres from the line of the sewer to allow Scottish Water future access.
- 89 Policy EP3B looks for development to connect to public sewerage system. While there is a public sewer running through the site Scottish Water cannot offer a connection due to the large diameter of the sewer. Foul sewage will therefore be dealt with by a private system then discharged after partial soakaway into the river.
- 90 Given the low population equivalent (PE) anticipated for this clubhouse and the proposal is to install a treatment plant and partial soakaway SEPA have no objection to this development on the grounds of foul drainage and the relationship with the River Tay SAC.
- 91 In light of this there is no conflict with LDP Policy EP3B or EP15.

Surface Water Drainage

- 92 SEPA acknowledge the need for surface water to be dealt with via a Sustainable Urban Drainage System (SUDs). The absence of proposals for SUDs may not be significant given the relative small size of the development and that discharge is likely to be into a tidal part of river Tay but this should be clarified by the applicant. From the review of the supporting statement and the material specification there is an intention to deploy SUDs however for the

avoidance of doubt conditional control is recommended to secure this, condition 9.

Natural Heritage and Biodiversity

- 93 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.
- 94 Test 1: *the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*.
- 95 Test 2: *"there is no satisfactory alternative"*.
- 96 Test 3: *"the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*
- 97 In addition Tayplan policy 3 seeks the protection of key assets and River Tay SAC is such an asset. While LDP policy NE1A also seeks to protect the interest of protected species within this watercourse.
- 98 In support of the application the TRC commissioned Gavia Environmental to carry out an Extended Phase One Habitat Survey and a Fresh Water Pearl Mussel Survey has also been submitted.
- 99 The Extended Phase One Habitat Survey recommendations are:-
- Precautionary note on the potential spread of Japanese Knot Weed noted only on adjacent site.
 - Appointment of Ecological Clerk of Works during construction to monitor legal compliance re any debris, runoff or chemicals which might affect the river.
 - Appointment of Ecological Clerk of Works during any construction taking place April-July inclusive, to monitor legal compliance re nest disturbance during the bird breeding season.
- 100 TRC's land lease includes the existing pier and the riverbank between high and low water for the full length of main site. The TRC consider the pier was probably constructed in the early 1900s and was somewhat larger than the remaining structure on the site. The piers outer walls remain visible but the central section between the walls now allows access to the river.

- 101 The TRC need to undertake works to this structure to facilitate access to the river for modern rowing boats, a slipway is proposed comprising of concrete below high tide level and hardcore above the height of the existing side walls. The side walls of the structure are also reduced in height. TRC acknowledge the need to obtain authorisation from Marine Scotland for works below MHWS. They also note that the landowner has asked that TRC replace the present random boulders and other objects which prevent motor vehicles from driving onto the slipway with proper bollards.
- 102 Given there are proposed works within the water environment which forms part of the River Tay SAC consultation with SNH confirms that the proposal is likely to have a significant effect on the salmon and lamprey interests of the SAC through the potential release of sediments and pollutants during construction if suitable mitigation measures are not deployed. SNH note that Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, if the proposal is amended so that the works are done strictly in accordance with a detailed Construction Method Statement (CMS), the likelihood of a significant effect can be avoided, and an appropriate assessment would not be required.
- 103 The biodiversity officer has been consulted on the application and the advice confirms that he has no objection to the development as long as conditional control is applied and mitigation measures deployed to ensure that the action authorised will not be detrimental to protected species.
- 104 Taking account of the tests in the Habitat Regulations and Tayplan Policy 3 and LDP Policy NE1A with conditional control applied and deployed there is no conflict with designated areas, protected species or biodiversity, see conditions 3, 5 and 6.

Cultural Heritage

- 105 The agent acknowledges that the proposed development lies some 130m from the site of a Cistercian Nunnery, which is a Scheduled Ancient Monument (SAM).
- 106 The monument is the remains of a medieval Cistercian nunnery, founded in the early 13th century and abandoned during the Reformation. It consists of the nunnery church visible as the foundations of a rectangular building, along with further structures visible as grass grown walling and spreads of rubble. Two ditches have been recorded as cropmarks to the north and south of the nunnery remains. The monument lies on a raised terrace above the south bank of the River Tay, at about 10m above sea level.
- 107 There is a presumption against development which would have an adverse effect on the integrity of a SAM and its setting, unless there are exceptional circumstances as detailed within Policy HE1A.
- 108 In this case consultation with HES confirms they have no objection to the proposal. From my site visit I do not consider that the development will have a

significant adverse impact on the setting of the SAM given the intervening woodland along the watercourse between the SAM and the proposed development.

- 109 There is also a requirement to take account of Policy HE1B.
- 110 Consultation with PKHT confirms that the proposed development site is in an area considered to have archaeological potential and note in the 1960s, a series of timber uprights were recorded by the Perthshire Society for Natural Sciences from this section of the riverbank during clay extraction. The timbers were interpreted as a landing stage. It is possible, given the site lies to the immediate north of the medieval nunnery at Elcho, and is on a small creek that would have furnished the nunnery with access to the river, that this quayside dated from the medieval period. Alternatively it may have been associated with the 18th century ice house that was situated near the nunnery.
- 111 If permission is granted for the clubhouse and associated infrastructure, it is recommended that a negative suspensive condition for an archaeological investigation is attached to consent to ensure the development does not destroy significant archaeological remains. In the first instance, there is a need to assess the presence / absence of archaeological deposits on the site, their character, condition and significance, and the extent to which the development will impact upon them. This evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation, post-excavation analysis and publication of these deposits.
- 112 If made subject to conditional control the application would comply with Policy HE1B, see condition 2.

Developer Contributions

- 113 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 114 Paragraph 6.8 of the Developer Contributions and Affordable Housing Guidance allows for a reduction or removal of the contribution requirement where the proposal supports specific Council objectives. A financial assessment and a review of the projects objectives have established this project would support Council objectives and is therefore exempt from the contribution requirement. There is no conflict with Policy PM3.

Economic Impact

- 115 There will be a positive economic impact associated the construction phase of the development. There will also be benefits associated with the operational phase of the development as it will increase the leisure offering within Perth and Kinross.

LEGAL AGREEMENTS

116 Not required.

DIRECTION BY SCOTTISH MINISTERS

117 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

118 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.

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

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

Reason - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

- 3 Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

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

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

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

- 6 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.

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

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

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

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

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

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

- 10 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.

- 11 No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.

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

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

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

- 13 The premises shall be used solely for the purposes of a rowing club. The use of the premises for any other purpose, including another purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Council as Planning Authority.

Reason - In order that the Planning Authority may retain control over the future use of the land which is located within the Greenbelt.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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 and should be returned to snn@pkc.gov.uk
- 6 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 Perth and Kinross Council Environmental Health Team advise that noisy construction working should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy working on a Sunday.
- 8 The applicant is advised to review the consultation responses received on the application from Environmental Health, the Bio-Diversity Officer and Scottish Natural Heritage when preparing the Construction Environmental Management Plan.
- 9 Scottish Water Records indicate that there is a 1145mm Concrete Combined sewer running in the north of the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of

this letter. It is your responsibility to accurately locate the position of the pipe for line and depth on site and annotate this information onto your plans. This information should be sent to the Scottish Water Asset Impact Team for review and acceptance using the email address below. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works. The stand-off distance for this sewer is 5 – 6.5 metres (dependent on depth) in every direction on the horizontal plane. No building, private_garden or other obstruction should be located within the stand-off distance of a sewer.
Service.Relocation@scottishwater.co.uk

Background Papers:	13 letters of representation
Contact Officer:	John Russell 01738 475346
Date:	29 March 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.
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